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**APPENDIX TO JOURNAL,  
HOUSE OF ASSEMBLY.**

**SESS. 1839.**

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APPENDIX TO JOURNAL  
OF THE  
**HOUSE OF ASSEMBLY**  
OF  
**UPPER CANADA,**  
IN THE SECOND YEAR OF THE REIGN OF  
QUEEN VICTORIA:

BEING THE  
FOURTH SESSION OF THE THIRTEENTH PROVINCIAL PARLIAMENT.

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SIR ALLAN NAPIER MACNAB, SPEAKER.

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**SESSION 1839.**

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Vol. X.

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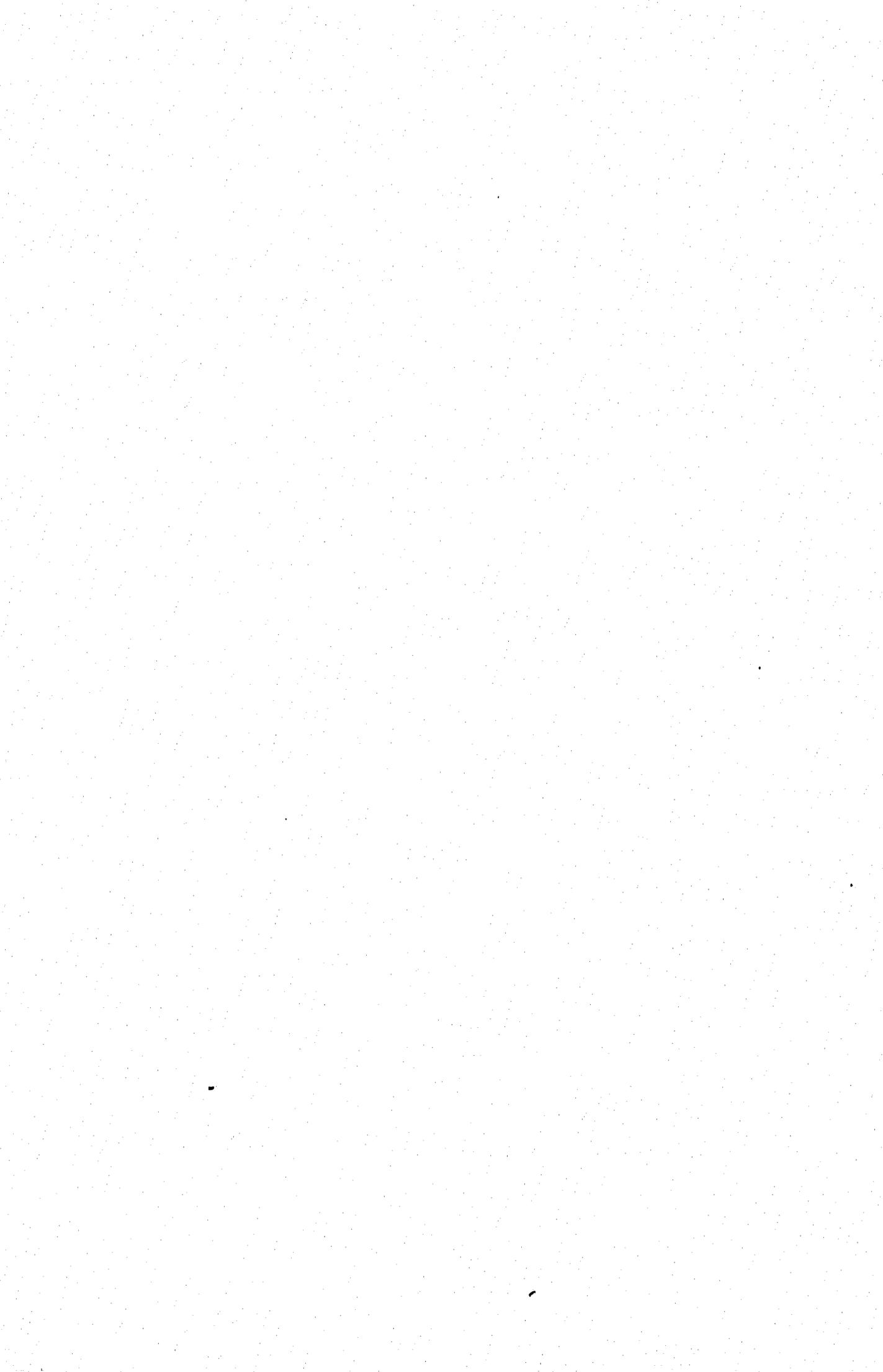
SIR GEORGE ARTHUR, K. C. H.  
LIEUTENANT-GOVERNOR.

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TORONTO:

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

1839.



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NOUGHT SHALL MAKE US RUÉ,  
IF ENGLAND TO ITSELF DO REST BUT TRUE.

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# A NARRATIVE,

BY

SIR FRANCIS B. HEAD, BART.

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"Quamquam animus meminisse horret, luctuque refugit;  
Incipiam."

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MDCCCXXXIX.



## P R E F A C E .

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As I have reason to believe that the most important of my despatches from Upper Canada were, contrary to usual custom, submitted for the decision of the Cabinet, I am perfectly sensible that the publication of this volume must draw upon me the whole force of Government.

The despatches which it contains were almost, without exception, written either during the day, while I was constantly interrupted, or late at night, when I was tired. Several were actually despatched in the rough draft, and such was the pressure of public business, that I had seldom time to revise them.

The general plan of my communications to the Colonial Office was unequivocally to explain the expected result of my proposed measures, which, having been long ago carried into effect, must now be tested by the triple ordeal of the future, present, and past; and, as it has so happened that this volume has been published with extraordinary celerity (it has been printed in a week), I think it cannot be denied that,—as I have no political connexion with any party, as I do not address myself to any party, and as there does not exist in either House of Parliament a single member who can stand up and say that, directly or indirectly, I have in any way solicited his assistance on this or any subject,—I can have but little to support me in an unequal contest but the justness of my cause.

I have neither explanations nor professions to offer. Why do I publish these despatches? Am I actuated by public principle or private feeling? What do I expect to gain by the course I am adopting? Will it be of any service to the country in general, or to our North American colonies in particular?

To all of the above questions one answer will suffice. *Reader, peruse the volume, and then judge for yourself.* Its copyright I have presented to my worthy publisher; and now, as I have long wished to do, submitted to the country the result of my experience in the administration of the government of Upper Canada, I abandon it to find its own level among the mass of Reports and Documents which are already struggling to obtain the consideration of the public.



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## CHAPTER I.

Preliminary History—The Elevation of Mr. M'Kenzie, and the recall, by the Colonial Office, of His Excellency Major General Sir John Colborne.

MR. M'KENZIE, who has caused the effusion of so much British blood and money, was, it is believed, an insignificant pedlar-lad, who, about eighteen years ago, having transferred himself to America, under disreputable circumstances, succeeded in becoming the shop or errand-boy of a notorious Republican at Toronto.

After living for some years in this description of society, he gradually brought himself into notice by the extraordinary talent he displayed in inventing gross falsehoods, and, as his radical associates acutely perceived that such poisonous misrepresentations flowing through the province would by degrees sicken the loyalty of those, who secluded in the backwoods, were completely dependent for political information on the local press, he was strongly encouraged to throw aside his shopman's apron, and to set up a newspaper.

With this detestable object in view, Mr. M'Kenzie's exertions for many years were really almost superhuman. Every hardship, whether of wood, wind, or weather, which the settler encountered in his lonely residence in the forest, was, by some falsehood or other, ingeniously shown to proceed indirectly from Downing-street, or directly from the Government House, or Legislative Council, at Toronto. Every magistrate, militia officer, postmaster, or schoolmaster, who in any way misbehaved himself, either in public or private, was declared to be an especial favourite of the Government; artful comparisons were constantly unfairly made between the condition of the old densely-peopled districts of the United States, and the young settlements of Upper Canada, the difference being of course attributed to the withering influence of monarchical institutions. After these mischievous misrepresentations (which lowered if it were possible, Mr. M'Kenzie in the estimation of every honest, intelligent man) had sufficiently shaken the loyalty of those who, secluded in moral darkness, had unfortunately listened to his tales, he considered that the time had arrived for getting up some vague petition to the Colonial Secretary for the general correction of "grievances." In order to obtain sufficient signatures for this purpose, it is perfectly notorious, throughout Upper Canada, that the most barefaced and impudent deceptions were practised. In various directions agents were employed who, themselves, affixed the names or marks of all who could be induced to acknowledge they had any one thing to complain of: indeed, several worthy individuals were added to the list, who actually believed they had joined in a loyal address. The names and signatures thus collected in batches, on separate pieces of paper, were then all pasted together, and, with scarcely anything but these credentials in his wallet, and with unprincipled impudence as his companion, this low adventurer (by one of those eccentric chances which occasionally characterise the course of an impostor's life) returned to his mother-country, to introduce himself in Downing-street to Her Majesty's Secretary of State for the Colonies, leaving behind him in Upper Canada that kind of character which, with more wit than elegance, has been thus quaintly described by an American writer:—

"He is, without exception, the most notorious liar in all our country. He lies out of every pore in his skin. Whether he be sleeping or waking, on foot or on horseback, talking with his neighbours or writing for a newspaper, a multitudinous swarm of lies, visible, palpable, and tangible, are buzzing and settling about him like flies around a horse in August."

One would have thought that the infamous notoriety of this low-bred, vulgar man would have secured the Governor and Legislature of Upper Canada from his libellous and seditious accusations; but, alas! the very fact of his undertaking a journey of nearly 4000 miles shows pretty clearly that Mr. M'Kenzie shrewdly suspected that the Colonial Office would not be very inimical to his demands.

The reception which Mr. M'Kenzie met with in Downing-street, he has boastingly explained by the following letters, which are only a part of many he has published in Upper Canada, in order triumphantly to demonstrate the accredited importance with which he had been received, notwithstanding the documents, of which he was the advocate, had not passed through the executive government, or before either branch of the Legislature of Upper Canada.

(Copy.)

*Colonial Office, July 26, 1832.*

SIR,

Lord Goderich has desired me to acknowledge the receipt of your papers, and I have the honour to inform you that his Lordship regrets he cannot appoint an earlier day than Friday, the 3rd of August. On that day, however, at two o'clock, he will be glad to see you at this office.

I have the honour to be,

Your most obedient,

Humble Servant,

CHARLES DOUGLAS.

W. L. M'KENZIE, Esquire,  
19, Wakefield-street,  
Brunswick Square.

(Copy of Extract.)

*Downing Street, 8th September, 1832.*

SIR,

I am directed by Lord Goderich to acknowledge the receipt of your letters of the 27th August and 5th September. In answer to these communications, I have to inform you that the other addresses, as well as that from the Niagara district have in the usual manner been laid before his Majesty, and you are at liberty to state this fact to the persons by whom they have been signed, without receiving a separate answer to each.

With respect to the war losses and the state of the representation, although, of course, he can enter into no discussion with any private individual on those subjects, Lord Goderich is willing to receive and to pay such attention as they may seem to require to any further written statements you may think fit to submit to him. If you have anything to offer which can only be verbally communicated, his Lordship will not refuse on his return to town, to afford you such opportunities of addressing him as his other avocations will allow.

(Signed) HOWICK.

To W. L. M'KENZIE, Esquire.

(Copy.)

*Colonial Office, Tuesday, 26th.*

SIR,

I am desired by Lord Goderich to propose to you to call here on Saturday next, at two, instead of tomorrow, at half-past twelve, as the House of Lords meet at one o'clock to send up an address to his Majesty.

I am, Sir,

Your humble servant,

B. J. BALFOUR.

To W. L. M'KENZIE, Esquire,  
&c. &c.

*Colonial Office, November 2, Tuesday.*

SIR,

Lord Goderich has desired me to express to you his regret that the pressure of business should have prevented him seeing you since his return to town. He now begs leave to propose one o'clock on Tuesday next, at this office, for the interview you desire.

I am, Sir,

Your obedient Servant,

B. J. BALFOUR.

W. L. M'KENZIE, Esquire,  
&c. &c.

*Colonial Office, November 5th.*

Lord Goderich presents his compliments to Mr. M'Kenzie. He finds himself obliged to change the proposed hour for interview to-morrow to twelve o'clock instead of one, which he hopes will not be inconvenient to Mr. M'Kenzie.

W. L. M'KENZIE, Esquire.

*Colonial Office, November 6th.*

Lord Goderich is sorry to be again obliged to put Mr. M'Kenzie off. He has now to propose twelve o'clock on Wednesday, instead of twelve to-morrow.

W. L. M'KENZIE, Esquire.

In this country, people will scarcely comprehend why Mr. M'Kenzie should (writing the words "*Esquire*" and "*your most obedient humble servant*" at full length) have published with so much ostentation copies of the above commonplace communications. In a small community, however, considerable importance is attached to any interview with a minister; and in colonial society this distinction is not only, by the vulgar, looked upon as an honour, but, by the most sensible and reflecting, it is justly considered as a political advantage which may be productive of very serious results.

The following memorandum, which Mr. M'Kenzie published in Upper Canada, together with the notes which have been just quoted, sufficiently show the mischievous application that may be made of these improper interviews.

(Copy.)

*Memorandum.*—On Wednesday, the 7th of November, 1832, I had the honour of a very long interview with the Secretary of State; and on the day following the despatch was written, which is an answer, in part, to my representations.

(Signed) W. L. M'KENZIE.

The despatch from the Colonial Minister to His Excellency Sir John Colborne, to which Mr. M'Kenzie here alludes, is one of the most extraordinary public documents ever published in Upper Canada. It begins as follows:

(Copy.)

*Downing-street, Nov. 8, 1832.*

SIR,

During several months past, I have been in occasional communication with Mr. William M'Kenzie upon the subject of the grievances said to exist in Upper Canada, and for redress of which various petitions have been addressed to His Majesty. I propose in this despatch to follow Mr. M'Kenzie through those parts of his statement, respecting the representation of the inhabitants in the House of General Assembly, which appear to me essential to the consideration of the practical questions *he* has undertaken to agitate.

The despatch accordingly obsequiously follows Mr. M'Kenzie through the whole course of his most insulting abuse of the executive, legislative, civil and religious authorities of the colony; and in one instance, merely because Mr. M'Kenzie, an unprincipled, vagrant grievance-monger, had complained "that the law, as interpreted by the Court of King's Bench, entitles the *county* members only to wages," without asking His Excellency Sir John Colborne or the House of Assembly itself for explanation or vindication, the despatch says, "I have no right to interfere with the deliberations of the Council, but I am able to signify to you his Majesty's pleasure that you should not oppose any objection to ANY LAW which may be presented for your acceptance for placing the town and county representations on the same footing in this respect."

Again, because Mr. M'Kenzie had complained that various religious bodies, not choosing to take an oath, were excluded from the elective franchise, the despatch most humbly says, "I shall be happy to introduce a bill into parliament for amending this part of the constitutional Act of 1791, unless there should appear to be some difficulty in that measure which does not occur to me at present."

The influence of the crown appears to have been as successfully attacked by Mr. M'Kenzie as the great constitutional Act of 1791, for, in reply to Mr. M'Kenzie's accusations that "the crown possessed an undue influence in the Provincial Legislature," the despatch says, "If this could be shown, his Majesty would not hesitate to assent to ANY LAW which might be passed for the purpose of limiting the number of persons holding offices at pleasure who should be permitted at one time to sit there."

This uncalled for surrender of the influence of the crown, when compared with succeeding events, forms a most melancholy illustration of the following ominous prophecy, with which it was officially accompanied: "Mr. M'Kenzie," says the despatch to Sir John Colborne, "has concluded his paper by predictions of *bloodshed and civil war*, and a dissolution of the connexion between Upper Canada and this kingdom.

"But against gloomy prophecies of this nature every man conversant with public business must learn to fortify his mind. They have ever been the resource of those who endeavour to extort from the fears of government concessions in favour of which no adequate reasons could be urged."

Nothing could be more applicable to Mr. M'Kenzie than the above remark, and yet, as if to prove how much easier it is to preach wisdom than to practise it, the despatch concludes by saying to his Excellency Sir John Colborne,—

"I have received these documents from Mr. M'Kenzie, not merely as expressing his own opinion, but also as explanatory of the views of those who have deputed him to represent what they call their grievances to his Majesty. To them, the *utmost possible respect* is due.

"Having written this despatch with a view to publicity, you have my authority to make it public in whatever manner you may think most convenient."

Now, instead of appearing at the Colonial Office as a broken-down pedlar and a notorious disturber of the public mind, let us suppose that Mr. M'Kenzie had come from a distant colony to the Horse Guards, to complain against the military officer in command,—can any one believe that Lord Hill would have taken any other notice of the complainant than mildly, but firmly, to have desired him to transmit his communication through his commanding officer?

In case a sailor, or even a naval officer, were to come up to London to abuse his commodore, would not the Admiralty pursue the same course, and ought not our colonial governors and legislators to be supported by the Colonial Office with that common caution which would induce every judge and magistrate, or, indeed, any sensible person, not to deliver, or even to form, an opinion on an *ex parte* statement? Yet, in the case before us, the accusations of a man of broken character and fortune against his Excellency Sir John Colborne, against every constituted authority, and against the feelings of every respectable inhabitant in Upper Canada, were not only listened to by repeated appointments, but replied to "*with the utmost possible respect*" in the elaborate despatch above alluded to.

What were Sir John Colborne's feelings, on unexpectedly receiving this most extraordinary communication, it surely cannot be necessary to divulge, as the sentiments of the other two branches of the Legislature of Upper Canada sufficiently appear from the following published extracts of their admirable, constitutional, and indignant reply to the message in which the Lieutenant Governor transmitted to them a copy of the unfortunate document in question.

TO HIS EXCELLENCY SIR JOHN COLBORNE,

&c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

We, his Majesty's dutiful and loyal subjects, the legislative council of Upper Canada, in provincial parliament assembled, beg leave to express our thanks to your Excellency for laying before us an original despatch, written to your Excellency by the Right Hon. the Secretary of State for the Colonies, on the 8th of November last, containing his Lordship's observations at great length upon a variety of statements made to him by Mr. W. L. M'Kenzie, an inhabitant of this town.

The statements upon which these comments have been framed have also been laid before us by your Excellency; but, without entering into any particular consideration of their

contents, with which the council had little desire to become acquainted, enough appears in the tenor of his Lordship's observations to make it manifest that those statements have been made with a very unusual disregard of truth, and in a spirit of wanton and intemperate hostility to the legislative and executive authorities in this province.

We cannot say that it may not possibly give satisfaction to some persons in this province to observe the condescending and respectful manner in which representations of so peculiar a description, proceeding from an individual, have been received and replied to, notwithstanding it was evident they were outrageously insulting to all the constituted authorities of this colony, and scarcely less so to the people at large, in imputing to them sentiments and feelings by which they never have been, and we are convinced never will be, actuated. It is not in the nature of things, however, that the legislative council, or that any portion of the people in this province, of sound hearts and understandings, having the truth under their view, can regard such statements as compose Mr. McKenzie's voluminous correspondence with his Majesty's Secretary of State in any other manner than with *the most unqualified contempt*—a contempt which, upon every principle on which character is acquired or lost, we think it must be more conducive to the public interests and honour, and to all the ends of good government, to avow than disclaim. So far, therefore, as the despatch of his Majesty's Secretary of State is to be considered as a reply to those statements, or as a commentary upon information derived from the same source, we cannot regard it as calling for the serious attention of the legislative council.

We appeal, however, to the intimate knowledge of this colony which your Excellency has acquired during a residence of four years, for a confirmation of our remark, that, upon several of the questions which in this despatch are most elaborately discussed, no dissatisfaction or difficulty prevails, or ever has prevailed; that no person living here ever heard or imagined before that they were seriously talked of or thought of as grievances; and that the minds of the people are so far from being disquieted by them, that it is probable not a word would be heard upon them in travelling from one extremity of the province to the other, and in mingling with its industrious population through every portion of it.

It has been painful to the legislative council to see that, in a discussion founded upon these documents, the office of Lieutenant-Governor of this province, and the names of some of the most responsible of the King's servants, are even hypothetically connected with imputations which no one can easily tolerate to find connected with his name.

(Signed) JOHN B. ROBINSON,  
SPEAKER.

Legislative Council Chamber,  
2nd day of February, 1833.

★ TO HIS EXCELLENCY SIR JOHN COLBORNE,  
&c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY :

We, his Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, return our thanks for your Excellency's message of the twelfth day of January last, transmitting a despatch of the Right Hon. the Secretary of State for the Colonies, in answer to certain letters and documents addressed to his Lordship for the purpose of proving that the people of this happy and prosperous colony are oppressed and burthened with grievances, and have become so discontented that there is danger of revolt and bloodshed, unless these alleged burthens and grievances are removed and redressed.

We most readily concede that the noble Secretary of State was actuated by the best motives in framing the despatch in question; but we cannot refrain from expressing our great regret that it did not occur to his Lordship that allegations thus deeply affecting the character of his Majesty's subjects of Upper Canada rested on no better testimony than that of an individual who had been twice expelled this House, and who, in consequence of his having fabricated and reiterated libels of the grossest description, had been declared unfit and unworthy a seat in the Assembly during the present parliament. If this fact had occurred to his Lordship, it is reasonable to suppose that he would not have felt himself at liberty to

recognise the author of this additional calumny on the people of this province as the agent, or as speaking the sentiments, of any portion of the loyal inhabitants of the province of Upper Canada, and would therefore have considered it utterly unnecessary to enter into so elaborate an examination or refutation of anything advanced by him.

(Signed)

ARCHIBALD M'LEAN,  
SPEAKER.

*Commons House of Assmblly,*  
9th day of February, 1833.

One would have thought that the manly indignation displayed in these high-spirited, loyal remonstrances from both branches of the Canadian Legislature would have induced the Colonial Office to have drawn in for ever the horns with which even then it was feeling its way towards democracy: however, Mr. M'Kenzie had still access to the department, and, as her Majesty's Attorney and Solicitor generals of Upper Canada had joined in ignominiously expelling him from the House of Assembly, he determined to endeavour to display the almost royal influence he possessed, by making it appear that he had induced the Colonial Minister to dismiss both these officers from his Majesty's service. Accordingly, with this object in view, he has published in Upper Canada the following note and memorandum:—

(Copy.)

Lord Howick presents his compliments to Mr. M'Kenzie, and will be happy to see him, if he will be good enough to call on him, Monday, at twelve o'clock.

*Colonial Office, 7th March, 1833.*

*Memorandum.*—This note was addressed to me on the occasion on which the Colonial Office resolved to change the Attorney and Solicitor generals of Upper Canada, in answer to my representations as to their conduct.

(Signed) W. L. M'KENZIE.

Accordingly, within one day of the date of Lord Howick's note, a despatch (6th March, 1833, and published by Mr. M'Kenzie) was addressed to Sir John Colborne, which, after referring to the part which the two crown officers had taken in joining in the votes for the expulsion of Mr. M'Kenzie, concluded by saying, "I have received his Majesty's commands to inform you that he regrets that he can no longer avail himself of their services, and that, from the time of your receiving this despatch, they are to be relieved from the duties imposed upon them in their respective offices."

At the time this despatch was written it was known to every loyal man in the North American colonies that Mr. M'Kenzie was secretly, in his heart, the same rebel and the same traitor which experience has since proved him to be; and, although it might have been deemed impolitic in the crown officers to avow their natural hostility to such a being, yet the bare fact of the Colonial Office publicly expelling them with ignominy at the very moment when it was known that Mr. M'Kenzie was revelling in Downing-street, reading confidential communications which ought never to have been submitted to him, had the effect of disheartening the British, and of encouraging the republicans to believe most confidently that the Colonial Office was with them, and that, with that resistless engine to assist them, their dark nameless object must eventually succeed.

On Mr. M'Kenzie's return from England he was accordingly hailed by the republicans, or anti-British, as their "conquering hero," and, supported as he had been in Downing-street, it was not surprising that he succeeded in regaining a seat in the House of Assembly, where he was enabled to ejaculate falsehoods almost faster than his own infamous newspaper and the republican press could manage to print them.

The loyal being dispirited, it was not surprising that at the next election the republicans should be successful. Accordingly, at the meeting of the session in January, 1835, a large majority of republican members (13 of whom actually were Americans) was obtained. Mr. Bidwell, an avowed enemy to monarchical institutions, and an incurable American in his mind, manner, and utterance, was elected Speaker; and, as Mr. M'Kenzie's grievances had proved so fruitful and so successful to the radical cause, it was determined to sicken the loyalists by a second dose, and, accordingly, before the session was a fortnight old, a grievance committee was appointed as follows:—

## 1. W. L. M'Kenzie,

For whose apprehension for treason, murder, arson, and highway robbery a reward of £1,000 is now offered.

## 2. T. D. Morrison,

Since tried for treason, and has suddenly quitted the province.

## 3. David Gibson,

One of M'Kenzie's principal officers in the battle of Gallows Hill, on which day, having absconded, he is now out-lawed as a traitor, a reward of £500 having been offered for his apprehension.

## 4. Charles Waters,

A notorious republican.

Although the transparent veil, which covered rather than concealed the character of this committee, had not as yet rebelliously been cast aside, still it was just as evident in our North American colonies *then* as it is *now*, that the whole and sole objects for which these republicans were striving were—

1. Separation of the Canadas from the mother-country.
2. The robbery and murder of the loyal inhabitants.
3. The attainment of that *general letter of licence* which is the natural effect, in a young, thinly peopled country, of a sudden transition to democracy.

It was perfectly well known to every man of character in Upper Canada that, because the report of this Grievance Committee would be written by its chairman, Mr. M'Kenzie, it could possibly not, in the nature of things, contain anything but a confused mass of falsehoods and misrepresentations, forming the basis of new demands upon the Colonial Office, that the power of the Lieutenant-Governor should be weakened—that his Executive Council should be made "responsible to the people," and that the Legislative Council, which corresponds with our House of Lords, should also be elected by "the people."

All this being clearly foreseen, it became necessary for Mr. M'Kenzie and his colleagues, in delivering themselves of their report, to have recourse to a considerable degree of stratagem. Accordingly, a very few days before the close of the session, Mr. M'Kenzie, at midnight, brought up in the House of Assembly, when it was thinly attended, this report of the Grievance Committee, which, **WITHOUT BEING READ**, was merely received and laid on the table. *It was not adopted*, but, on its being artfully proposed that 2000 copies of it should be printed in "*pamphlet form*" (thereby giving the house to understand that this report, whatever it might contain, was after all a mere *pamphlet*), even this was opposed and eventually carried only by a majority of eight.

On the following morning, and on the two succeeding days, several members inquired for this Grievance Report, but for three days it could not anywhere be found, until it was again produced by Mr. M'Kenzie himself, who was obliged to confess he had taken it home with him; and it is now well known that he did so for the purpose of surreptitiously inserting, previous to its being printed, a quantity of additional matter; and with this base transaction the session closed.

At the end of May the report of the Committee was printed, and, when it made its appearance, instead of being in "*pamphlet form*," it turned out to be a large octavo grievance volume, in boards, containing 553 closely-printed pages; and it has been calculated (I believe accurately) that there exist in this book more than three times as many gross falsehoods as pages!

As every respectable inhabitant in the colony knew that nothing but wilful misrepresentations could proceed from the pen of Mr. M'Kenzie, the insulting libels which this report contained on the Executive Government, the Executive Council, the Legislative Council, and on every thing that is venerated in our social fabric, were treated with indifference and contempt, and by no one more so than by His Excellency Sir John Colborne, who at once forwarded the infamous volume to the Colonial Office, with a few short observations, pointing out the glaring "falsehoods" it contained.

On the arrival in Downing-street of this huge book of grievances, declared by the Lieutenant-Governor to be full of "falsehoods," which had not appeared before or even been alluded to by the Legislative or Executive Councils, and which had neither been read nor adopted by the House of the representatives of the people of Upper Canada, one would have thought that the Colonial Office would have recollected the punishment under which it had lately smarted—first, by the stern, manly rebuke it had received from both Houses of the Legislature, for having, without consulting them, recommended legislative proceedings on Mr. M'Kenzie's alleged grievances—and, secondly, by the humiliating necessity to which it had been reduced, of publicly restoring to office the two crown officers who (Mr. M'Kenzie has stated) were dismissed in consequence of *his* representation.

One would have thought that, as "a burnt child dreads the fire," such fatal experience would have taught the Colonial Office to shudder at the very name of Mr. M'Kenzie—that it would have taught the Office to place a just confidence in the Lieutenant-Governor of the colony, and never again by listening to ex-parte unofficial statements, to subvert all rule and government, by giving the Governor and Legislature the go-by. But the policy of the Colonial Office was immovable—its course unalterable—its malady incurable; and, though it was perfectly aware of the struggle that was taking place on the continent of America between monarchy and democracy, it deliberately threw its immense influence into the wrong scale!

Accordingly, instead of disregarding this unadopted, and even unread, report of a party who have since shown they were a nest of traitors; instead of supporting the Executive Government, which had been infamously reviled, they came to the determination, not only to recall His Excellency Sir John Colborne from his post, principally because he had treated this report with silent contempt, but, as if to gild the fame, or rather the infamy of Mr. M'Kenzie, they resolved to submit for the King's approval a series of drastic remedies for almost all the fictitious disorders which the wicked report of Mr. M'Kenzie had detailed. That brave and gallant veteran officer Sir John Colborne (whom though a slight difference exists between us, I both respect and regard) was accordingly officially apprized that he would immediately be removed—remedial concessions were framed—the loyal population were again disheartened—the republicans again improperly boasted that the Home Government was with them;—and thus ends the first chapter of the political accidents it has become my melancholy fortune to relate.

## CHAPTER II.

The History of my Appointment to the Government of Upper Canada in November, 1835.

It had blown almost a hurricane from the S. S. W.—the sheep in Romney Marsh had huddled together in groups—the cattle, afraid to feed, were still standing with their tails to the storm—I had been all day immured in New Romney with the board of guardians of the Marsh Union; and though, several times my horse had been nearly blown off the road, I had managed to return to my lodging at Cranbrook; and, with my head full of the unions, parishes, magistrates, guardians, relieving officers, and paupers of the county of Kent, like Abon Hassan, I had retired to rest, and for several hours had been fast asleep, when, about midnight, I was suddenly awakened by the servant of my lodging, who, with a letter in one hand, and in the other a tallow candle, illumining an honest countenance, not altogether free from alarm, hurriedly informed me, "*That a King's Officer had come after me!*"

What could possibly be the matter in the workhouse of this busy world I could not clearly conceive; however, sitting up in my bed, I opened the letter, which, to my utter astonishment, was from the Secretary of State for the Colonies, expressing a wish that I should accept the government of Upper Canada; and that, if possible, I would call upon him with my answer, at half-past eight the following morning, as at nine o'clock he was to set out for Brighton, to see the King.

As I was totally unconnected with every member of the Government, and had never had the honour even of seeing Lord Glenelg in my life, I was altogether at a loss to conceive why this appointment should have been offered to me. However, as it appeared there was no time to be lost, I immediately got up, and, returning to London in the chaise of the King's messenger who had brought me the communication, I reached my own house at Kensington at six o'clock, and having consulted with my family, whose opinions on the subject of the appointment I found completely coincided with my own, I waited upon Lord Glenelg at his residence, at the hour appointed (half-past eight,) when I most respectfully, and very gratefully, declined the appointment.

To this determination Lord Glenelg very obligingly replied, by repeating to me his wish to be enabled to submit my name to the King for so important and difficult a trust: he begged me to reconsider the subject; and, in order that I might be enabled to do so, he requested me to go and converse with his under-secretary, Mr. Stephen, who, his Lordship said would give me every information on the subject.

Nothing could be more uncongenial to my habits, disposition, and opinions than the station that was offered to me: while on the other hand, as regarded my appointment in the poor-law commission, never had I been engaged in a service the duties of which had so completely engrossed my mind. Rightly or wrongly, it now matters not, I fancied that, against prejudice and clamour, I should eventually succeed in the noblest, and to my mind the most interesting of all services, that of reviving the character and condition of the English labourer; and as, notwithstanding the unpopularity of the new Act, I had, thanks to the magistrates, yeomanry, and farmers of the county of Kent, carried it into effect by acclamation, the pleasure as well as interest of the task was daily increasing.

If the poor-law commissioners had expressed the slightest wish to remove me from Kent to any station of greater difficulty, or even of danger, it would of course have been my especial duty not to have declined; but as the Colonial Office had not the slightest claim upon me, and as I was really grossly ignorant of everything that in any way related to the government of our colonies, I continued, so far as my own wishes, and even interests were concerned, to adhere to my opinion.

Still, however, I did not like to persist in refusing my humble services to the King's Government, after they had been twice required of me; and accordingly, walking towards Downing-street, under this confliction of feelings, it was with considerable reluctance that I entered the door of the Colonial Office.

In obedience to a principle which I need not repeat, I at last without any further reference to my family, expressed to Mr. Stephen that I would undertake the duty; and accordingly a letter was, without delay despatched to Brighton to Lord Glenelg, who, on receiving it, immediately submitted to the King my name, of which his Majesty was graciously pleased to approve.

I must now mention a few details which, though not very interesting to relate, had perhaps better not be withheld from the public.

In my interview with Mr. Stephen I learnt that, from motives of economy, which, in a moment of so much alleged danger, I could not clearly comprehend, there would be a difficulty in continuing to me an aid-de-camp, and that, not only was I to receive £500 a-year less salary than my predecessor, but that, instead of his military remuneration, which amounted, I understood, to nearly £1000 a-year, I was to forfeit to the Government my half-pay as major in the army.

With respect to these arrangements, I at once very distinctly observed to Mr. Stephen that, although it was, of course, utterly impossible for me even to imagine what would be the official expenses to which I should be subjected, yet that, as so many governors, one after another, were supposed to have failed in their missions, and as the difficulties which had overcome them were declared to have increased rather than to have diminished, I considered it was unreasonable, as well as imprudent, in the Government to ask me to encounter them with diminished means. I told Mr. Stephen that to go without an aid-de-camp to a disturbed colony, where the Governor had always been seen to have one, would in my opinion be impolitic; and I added that, as I was altogether below my predecessors (Sir Peregrine Maitland and Sir John Colborne) in military rank, and that as I was to be divested of the command of the troops, I thought the civil elevation of a baronetcy ought to be conferred upon me.

In short, my argument ran upon the theory that I thought I ought not to go into action without as many shot in my locker, and as much support, as my predecessors had had. I declared I wanted no more.

In reply, Mr. Stephen admitted the justness of my theory. He told me that I ought to have an aid-de-camp—that he thought I should be justified in insisting that my official expenses, as Lord Gosford's had been, should be defrayed—that if a batch of baronets were to be created there would be no difficulty; but there were so many applications for the distinction, that he thought Lord Melbourne might feel he would create jealousy by a single appointment.

The following day I did not see Lord Glenelg; but, as I had been apprized that, in order that the King's promise to the Legislature of Upper Canada, to give his answer in January, should not be broken, it would be necessary I should sail in a very few days, I thought it advisable that, before I was gazetted, I should repeat in writing the requests I had made to Mr. Stephen. I accordingly did this, and myself delivered the communication to Mr. Stephen, who however advised me not to force it officially upon Lord Glenelg, but to leave him perhaps to speak to his Lordship on the subject.

I had, I think, only one short interview with Lord Glenelg before I went to the King, at which, though my attention was of course occupied with higher subjects, I very shortly submitted to his Lordship (in presence, if I recollect right, of Sir George Grey) the propriety of my being raised as nearly as possible to the same level as my predecessor, to which general theory Lord Glenelg with his usual kindness of manner replied, "There is much truth in what you say."

On my arrival at Brighton, in order to be presented to the King, I explained the difficulty which had been raised about my aid-de-camp, to which it was replied, "You really ought not to go out without one!"

Everybody thus seemed to agree with my theory, and yet nothing was settled. At last Mr. Stephen took me to Lord Howick, and after considerable trouble I was authorised to appoint Lieut. Halkett, of the Coldstream Guards, as my aid-de-camp.

As my time was very short, my attention was much engrossed in reading over a voluminous correspondence which was placed before me in the Colonial Office. I had to wind up, or rather to cut, the thread of my business with the Poor-Law Commission, and had also my private affairs to settle; accordingly the day of my departure arrived without any terms with

the Government having been satisfactorily settled. I had been subjected to considerable losses by being called upon so suddenly to break up my establishment; and for temporary outfit I had been thus subjected to expenses exceeding £500.

In order that the King's promise to the Legislature of Upper Canada should be fulfilled, instead of being sent, as had been customary, in a King's ship, I was desired to proceed with my suite, which consisted of my aid-de-camp, my civil secretary, &c., by the packet to New York, from whence I was to transport them, as well as my baggage, in the depth of winter, through the United States to Canada; and, in order to indemnify me for all these losses, outfit, and expenses, I was offered on the morning of my departure £300, of which, I was told, it would be necessary to retain £230 for the fees of my commission.

With my suite I immediately set off for Liverpool, and I was on board the New York packet, which was actually moving out of the harbour, when an official letter was delivered to me by post, cancelling the appointment of my aid-de-camp!

There was of course no time to remonstrate: however, as Lieut. Halkett, in order to join me, had obtained from the commanding officer of his regiment a year's leave of absence, I begged he would employ it by accompanying me to Toronto as my guest, which he accordingly did.

My arrival in Upper Canada will form the subject of the next chapter. I will therefore merely here state that, in the very few words which passed between Sir John Colborne and myself on the subject of official expenses, Sir John mentioned to me, in general terms, that these expenses had, during the ten years he had administered the government, exceeded his salary of Governor; and I had scarcely thus learned that the theory I had asserted in the Colonial Office was a practical fact, when I found that, even before I was sworn in, I was debtor to Sir John Colborne £1050 for stoves, kitchen apparatus, furniture of public rooms, &c., and that I should be required to pay another £1000 for horses, carriages, sleighs, linen, liveries, additional furniture, &c.

Considering that our valuable North American colonies were supposed almost by everybody in England, and especially by the Government, to be on the point of separating themselves from the parent state, I will merely ask, was it even politic in the King's Government to despatch me on so forlorn a hope, not only without sufficient means, but, morally speaking, as destitute of ammunition as General Whitelock's men were, when, without flints or fixed bayonets, they were wilfully marched towards inevitable defeat?

Whatever may be the opinion of the public on this subject, I shall always believe that, had I, inexperienced and unsupported, fallen as soon as I reached my post, his Majesty's Government would have been liable to impeachment for the loss of our North American colonies. Nevertheless, I really do them the justice to believe that they were so intoxicated by the insane theory of conciliating democracy, that they actually believed the people of Upper Canada would throw up their hats and be delighted at the vulgarity of seeing the representative of their sovereign arrive among them as an actor of all work, without dignity of station, demeanour, or conduct: in short, like a republican governor, who, from his cradle has been brought up to reckon "that all men are born equal"—that the fabric of human society has neither top nor bottom—that the protection of property of all description belongs to the multitude, and that the will of the mob is the real "law of the land."

## CHAPTER III.

My arrival at Toronto—Strange impression concerning me—The conduct of the Loyalists—and of the Republicans—Copy of letter from Mr. Joseph Hume to Mr. M'Kenzie, found among Monsieur Papineau's baggage—My communication to His Majesty's Government.

THERE would be no end to this chapter were I to describe the simplicity of mind, ill-naturedly called ignorance, with which I approached the city of Toronto.

With Mr. M'Kenzie's heavy book of lamentations in my portmanteau, and with my remedial instructions in my writing-case, I considered myself as a political physician, who, whether regularly educated or not, was about to effect a surprising cure: for, as I never doubted for a moment either the existence of the 553 pages of grievances, nor that I would mercilessly destroy them root and branch, I felt perfectly confident that I should very soon be able proudly to report that the grievances of Upper Canada were defunct—in fact, that I had veni-ed, vidi-ed, and vici-ed them.

As, however, I was no more connected with human politics than the horses that were drawing me—as I had never joined any political party, had never attended a political discussion, and had never even voted at an election, or taken any part in one—it was with no little surprise that, as I drove into Toronto, I observed the walls placarded in large letters which designated me as

“SIR FRANCIS HEAD, A TRIED REFORMER.”

I could soon see that the loyalists looked upon me in this light, and, accordingly, on the very first appointment, that of Surveyor-General, which they themselves forced me to make, they almost one and all joined in a very improper petition to the King, which I am sure they have all since deeply regretted.

Exposed as I knew I must be to the political storm, it was to me a matter of the most perfect indifference from which quarter of the compass it proceeded. “*I have the grievances of Upper Canada,*” I said to myself, “*and I have their remedies;*” and, whether the Tories liked the medicine or whether they did not, I cared not a single straw.

Among those who in private audience presented themselves to me was Mr. Bidwell, the Speaker of the House of Assembly.

To this gentleman, who was the leader of the republicans, I expressed the same language which I had addressed to the leaders of the opposite party. I told him plainly that I was an inexperienced man, but that I would deal honestly towards the country; and, being resolutely determined to correct the grievances of the province, I at once took up the book which contained them, and invited Mr. Bidwell to converse with me freely on the subject.

To my utter astonishment, he told me that there were grievances not at all detailed in that book, which “the people” had long endured and were still enduring with great patience; that there was no desire to rebel, but that a morbid feeling of dissatisfaction was daily increasing—that increase it *would*, and that, in fact, if it had not been distinctly stated that I was the bearer of new instructions, those with whom he was associated had come to the determination never to meet in provincial parliament again. “*What, do you mean, Sir,*” said I, “*that this book of grievances, which I have been especially sent to correct, does not contain the complaints of the province?*” Mr. Bidwell repeated his former answer, and, from that day to the hour of his leaving the country, never could I get him to look at the book of grievances, but whenever I referred to it he invariably tried to decoy me to some other Will-o'-the-wisp complaint, which in like manner would have flown away before me had I attempted to approach it.

When Mr. M'Kenzie, bringing with him a letter of introduction from Mr. Hume, called upon me, I thought that of course HE would be too happy to discuss with me the contents of his own book, but his mind seemed to nauseate its subjects even more than Mr. Bidwell's. Afraid to look me in the face, he sat, with his feet not reaching the ground, and with his countenance averted from me, at an angle of about 70 degrees; while, with the eccentricity, the volubility, and indeed the appearance of a madman, the tiny creature raved in all directions about grievances here, and grievances there, which the Committee, he said, had not ventured to enumerate.

"Sir," I exclaimed, "*Let us cure what we have got here first!*" pointing to the book before me. But no, nothing that I could say would induce this pedler to face his own report; and I soon found that the book had the same effect upon *all* the republican members, and that, like the repellent end of a magnet, I had only to present it to the radicals to drive them from the very object which His Majesty's Government expected would have possessed attraction.

Although I had arrived in total darkness, the light of truth at once now bursting upon my mind, I perceived most clearly that the republicans had over-reached themselves; or, in still plainer terms, that they had killed the goose which had been laying them golden eggs. The following Guy-Faux letter from Mr. Joseph Hume, M. P., to Mr. M'Kenzie, points out the cautious, cunning, bit-by-bit course of "reform," which, in order to attain their treasonable object, the republicans in our colonies *ought* to have adopted, instead of dangerously asking for too much at a time, or of ever rashly committing the sum total of their grievances to paper.

This letter, which was taken among Mr. Papineau's baggage after he had absconded, was endorsed in the traitor's own hand-writing as follows :

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"Jos. Hume. Addressed to W. L. M'Kenzie, advice respecting the policy to be pursued by him."

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"To William Lyon M'Kenzie, of Toronto."

"London, December 5th, 1835."

"MY DEAR SIR,

"You will learn, with as much pleasure as surprise, of the recall of your present Lieutenant-Governor, and of the appointment of Sir Francis Head to succeed him. Of the causes which produced this very fortunate change I will not now dilate, but congratulate you and the people of the province of the choice made of Sir Francis.

"Sir Francis is known as the author of 'Observations on South America,' whither he went on some mining expedition, and as the author of the 'Bubbles of the Brunns.' He has been employed as poor-law commissioner in Kent, and his conduct and principles have been much approved of.

"He has been selected as a civilian, as I hope it is now the determination to send civilians as governors, instead of the military men, as heretofore. Sir Francis has, therefore, I believe, sold out of the army. I send you a letter of introduction to Sir Francis, to whom I have given\* the 1st and 7th Report of your Committee of Grievances, that he may read and study them on his voyage to Canada; I gave him some of your late letters to me to read, so that *he* might know the grievances you have to complain of, and arrive in some degree acquainted with your province. If I had your other reports, I should have given him a copy. I gave my first copy to Sir George Grey, Under Secretary, and Mr. Chapman has replaced that one by those you sent him. If these had been in time, I should have met Sir Francis Head, and have explained to him my view of your situation, but I have written to him shortly on these subjects. I enclose you a letter to him, and send you a copy of that letter, that you may see what I have said to him.

"My anxiety is, that you and all the reformers should receive Sir Francis in the best possible manner, and do everything consistent with principle to meet his views and wishes. We think Sir Francis will do what is possible to conciliate and settle matters, and you must make allowance for the instructions he may have from Downing Street, where I do not think they have yet come to the resolution of doing to the colonists what they are doing, or striving to do, for the people of the United Kingdom.

"When I tell you that to us, who are on the spot, and watching every movement of ministers, there appears to be a reluctance to make reforms efficient for the objects contemplated, and that we have still the battle to fight for extended suffrage—for protection for our electors in voting—for equal civil rights to all classes of religious opinions—for reform in our courts of law, &c., you must not be surprised if the ministers are not prepared to yield

\* Mr. Hume sent these reports and letters to me. He wrote me a note proposing an interview, which I politely declined, and, after having read his papers, returned them by a messenger.—F. B. H.

you an elective Legislative Assembly, which is one chief object of your demands. You must have patience, and take as much as you can get quietly. I approve much of the spirit of the speech of Lord Gosford to the Assembly of Lower Canada, and trust that Sir Francis Head will do as much for you. In that case, and you will be right to demand equal justice, I would have you moderate your demands for the Legislative Council, and get all the other rights fairly established. If I could have influence with Mr. Papineau and his associates, I would counsel him to accept *cheerfully* the proffered concessions by the Government, and give a fair trial to the Government under the new and improved system. You must bear in mind that the conduct of the House of Lords in the last session has raised in the minds of the reformers here a conviction, as strong as it can be either in Upper or Lower Canada, that the House of Lords should be elective and *responsible*, and I have given notice for an inquiry, with that view, in the ensuing session. We do not expect to carry that measure, as Lord John Russell has, in public speeches, declared his intention to resist—to resist any interference with the House of Lords and their privileges. But we shall discuss the nature and constitution and power of that House, and *take, in the mean time, all the concessions we can*, to complete the Reform Bill, and other measures now in progress. We do this to get quietly what can be *used afterwards for getting more*, if that shall after trial be necessary. Your demands respecting the Legislative Council are exactly the same in principle as ours respecting the Lords. Responsibility to the people in both countries I deem essential for good government, and for the power and satisfaction of the people. But I must consider the resistance to that concession, and wait the proper time for urging the demand, so as not to interfere with other reform going on.

“*Our object, therefore, is your object*; and I request you to use your influence to prevent that question, if it should not be yielded by your Governor, from causing strife or ill-will between the Reformers and the Government. I observe that Lord Gosford has left the Legislative Council, as to its election by the people, out of his speech; but he has promised to improve it by leaving out all those dependent functionaries, and you should try to get on with that, the best you can, for some time. Whenever we succeed in England, you will have no difficulty in Canada in obtaining an improved Legislative Council, and I hope you will keep that in view.

“I wish you would convey to Mr. Papineau, in Lower Canada, this opinion and advice, as the one which all the best friends of Canada in this country would offer, and let them consolidate and mature what his Lordship has offered to give them. My friend Mr. Roebuck, and some others here, *are too sanguine*, and disposed to demand *too much*, and in a manner likely to do harm to the party here; and I should, therefore, be delighted to see a tone of moderation and conciliation assumed by the popular party in both countries, in answer to the overtures of the present Whig Government. You will bear in mind that the Liberal party here have the court, the aristocracy, and the church all against them, and that it is sound policy in the Radicals not to urge demands from the Whigs which shall, in any way, give ground for the King to throw off the Whigs and to take the Tories to power. Every day the Whigs remain in power, the power of the people is increasing, and the power of the Tories and the church is decreasing; I therefore entreat you to prevail upon the Reformers in both Canadas to act with moderation; and, whilst they continue to state what their ultimate and just demands are, receive with *conciliation* what they can get towards the amelioration of your existing grievances.

“If the Reformers, from the Ultra-Radical to the milk-and-water Tory-Whig, had not acted on these principles in the last session, the Tories would have remained in power, and we should not have got Municipal Reform and other reform, as now going on.

“You may take my advice, who have never flinched from giving an honest advice to the Canadians, that the healing of their differences in the Canadas, by accepting the concessions offered, will please the Ministers here, and give satisfaction to the King, who is understood to take a warm interest in your affairs. *Take what you can get*—petition for the rest; but use cool language, and act with moderation in every way. You may trust to us here, that every accession of right and power, by the people of the United Kingdom, will soon be returned to the Canadians. I shall be pleased to hear from you from time to time, and, with best wishes for your success,

“I remain,

Yours obediently,

(Signed)

“JOSEPH HUME.”

"P. S.—The Tories here have been boasting much of their success in the late registration of votes, but I believe without truth. I believe Reformers are stronger than ever all over the country, and that, with the aid of the Municipal Councils, the majority for Reform in the House of Commons, in the next election, will be 150 at the least. The Tories are boasting of an early dissolution, and that Sir Robert Peel will again be in office soon; but, as the present Ministry will not resign, I do not think the King will try another *coup-d'état*, as he did in November last year.

"From all this you will conclude that the Whigs will remain, and, as *they cannot stand without the Radicals*, the Ministers must be doing a little to please them, and thus the rights of the people will be gradually secured.

"J. H."

Having endeavoured to explain the position in which I found myself, after my first fortnight's experience in provincial government, I will now lay before my readers a despatch which was written within a week of my arrival at Toronto.

*Government House, Feb. 5, 1836.*

MY LORD,

In my despatch, No. 2, I informed your Lordship that I arrived at Toronto on the 23rd ult. I had previously engaged apartments, for myself and the three gentlemen who accompanied me, at the principal hotel in this city, but on my arrival a letter from Sir John Colborne was immediately delivered to me, by his aid-de-camp, informing me that rooms were prepared for me at Government-House. Requiring rest and quietness, I at first declined the invitation; but, finding that party differences were running very high, and being desirous to show that I had at least arrived with unbiassed feelings, I thought it better to accept than to decline the attention that was offered to me, and I accordingly went to Government-House on Saturday.

On Monday I was sworn in as Lieutenant-Governor of this province, and the following morning Sir John Colborne and his family left Toronto for Montreal, accompanied, for a few miles, by a vast concourse of people, who, I was happy to see, vied with each other in testifying the sense they entertained of his amiable character and high moral worth.

On Sir John Colborne's departure I endeavoured to make myself acquainted with the outline of public feeling in the province, by conversing calmly with the men of most ability of all parties. I had several interviews with the chief-justice and the officers of the crown, two long conversations with Mr. M'Kenzie, member for York, two interviews with Mr. Bidwell, the Speaker of the House of Assembly, and with others.

As far as I was capable of judging, it appeared to me that, in general terms, a good feeling pervaded a majority of the people of this province, who, intently occupied in their various locations, are naturally desirous to be tranquil, and equally disposed to be loyal.

That party feeling, however, and struggle for office, which have existed so strongly in the mother-country, have produced similar excitements in this province; added to which, strong republican principles have leaked into the country from the United States. These various elements have long been conflicting together in the House of Assembly, which, I firmly believe, misrepresents the general feeling and interests of the inhabitants, who, as I have before said, ardently desire peace, tranquillity, and a continuance of exemption from taxation. But, from the peculiar state of this infant society, all that is good and estimable remains at the bottom, while the surface is agitated by factious discussions.

In England this evil would soon be corrected by the ebullition of a free press; but the greatest difficulty which seems to present itself is, that the press is here conducted by editors who, on all sides, not only misrepresent, but shamelessly falsify, all public events. In Toronto, this unprincipled mode of warfare is so well understood, that it produces but little evil; but the dissemination of falsehood throughout the remote districts of the province, as well as in Lower Canada, creates a moral contagion which it is almost impossible to arrest.

As far as I have been able to judge, I should say that the republican party are implacable; that no concession whatever would satisfy them, their self-interested object being to possess themselves of the government of this province, for the sake of lucre and emolument.

Under these circumstances, I considered that the great danger I had to avoid was the slightest attempt to conciliate any party; that the only course for me to adopt was to act fear-

lessly, undisguisedly, and straightforwardly, for the interests of the country, to throw myself on the good sense and good feeling of the people, and abide a result, which, I firmly believe, will eventually be triumphant.

Having resolved on this course, I verbally explained it to Mr. Bidwell, the Speaker of the House of Assembly, a gentleman of unimpeachable moral character, but of strong republican principles; to Mr. M'Kenzie, one of the members for York; to the various heads of parties; and to the members of the Executive Government; and, on the 27th ultimo, I delivered to the two houses of the Legislature the following speech:—

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,

As the Lieutenant-Governor of this province, I am commanded by the King to lay before you the answer his Majesty has been pleased to give to the several addresses and representations which proceeded from the two branches of the Legislature during your last session.

This communication I shall submit to you in a Message, which will at once inform you of the difficult and most important duties about to devolve upon me, as well as upon yourselves.

As regards myself, I have nothing either to promise or profess, but I trust I shall not call in vain upon you to give me that loyal, constitutional, unbiassed, and fearless assistance which your King expects, and which the rising interests of your country require.

The newspapers I have forwarded contain the Addresses I received from the Legislative Council, and from the House of Assembly, to which addresses I replied as follows:—

Honourable Gentlemen of the Legislative Council,

It is with much satisfaction that I receive your congratulations upon my assumption of the government of this important province, and I cordially participate in the sentiments of gratitude you express for the paternal solicitude of our most gracious Sovereign.

Mr. Speaker, and Gentlemen of the House of Assembly,

I thank you for the address I have just had the pleasure to receive from you. I appreciate the liberality with which you welcome my arrival among you. I am gratified to learn that you sincerely desire cordially to co-operate with me in the arduous duties which, by command of our revered Sovereign, we are about impartially to perform; and I look with confidence towards the future for the continuance of your loyal support.

A great difficulty now arose in my mind, namely, whether my message should consist of my instructions and appendix, as I received them, or whether I should condense them.

I at first attempted the latter course, but, in carrying it into effect, I found the subjects so important, the remedies to be applied requiring so unavoidably the explanatory arguments upon which they had been prescribed, that I felt it was almost impossible for me to undertake correctly to translate them into other words. I also considered, that as unexpected difficulties had lately arisen in Lower Canada, and as the press was at that moment decrying "the trembling Government of Great Britain," any concession proceeding from me might appear as if extorted by the threats of the moment: whereas, I felt that if my instructions were given to both Houses exactly as I received them, their date would clearly show that they had no reference whatever to the tumultuous proceedings of the day.

I had also reason to believe that the House of Assembly would not be satisfied with anything short of the precise words of his Majesty's Government, inasmuch as Sir John Colborne had formally announced to them, that on my arrival the King's answer to the addresses and communications from both houses of the Provincial Legislature would be officially announced to them. I felt confident that they would receive with the greatest suspicion and dissatisfaction any alteration made by me, and that although I might certainly assert the prerogative of refusing to accede to their wishes, yet that such a course would belie the straightforward policy which I had declared I would adopt, and at once involve me in an ignominious dispute, amounting after all, to nothing less than a quibble, because as I was actually ordered by your Lordship to give them *the substance of my instructions*, they might fairly argue that the substance and the reality were and ought to be identical.

It is true that by giving to them the Appendix which is an extract of Lord Gosford's instructions, I felt that I might possibly embarrass his Lordship and the Commissioner of Inquiry; but after giving the subject the best reflection I was able, I considered that the point

of all others on which the House of Assembly were most anxious to receive his Majesty's determination, namely, the alteration, if any, in the Legislative Council, was only mentioned in my instructions by a reference to the said Appendix, and that the manner in which it was there treated was by arguments (which I could not presume to withhold) avowedly declared to be applicable to both the Canadas.

I also remembered, that in the draft of the instructions and Appendix originally given to me by your Lordship, I was ordered to give the "copy" of them to the provincial Legislature, and that when the word "substance" was substituted for the word "copy,"\* your Lordship will remember it was explained to me in England, that the alteration was merely made because it had been considered undignified that it should appear, I was ordered to do so, your Lordship observing to me, "*But remember, the more you give them of it the better.*"

I have not hesitated to make this explanation to your Lordship of the course I determined to adopt, because, as regards Lord Gosford, I am not without the apprehensions I have stated.

For the reasons above stated, I accordingly forwarded a copy of my Instructions and Appendix to each house of Parliament, in the form of a message, headed as follows:—

*Government House, 13th January, 1836.*

"The Lieutenant-Governor transmits to the Legislative Council (House of Assembly) the communication alluded to in his speech to the two Houses of the Legislature, on the 27th instant.

"The Lieutenant-Governor was commanded by his Majesty to communicate the substance of his instructions to both Houses of the Provincial Parliament, but considering it would be more satisfactory to them to receive the whole, he accordingly transmits it herewith."

I am well informed that the Legislative Council were highly satisfied with the above message, and a deputation waited upon me with an address expressive of these sentiments.

The House of Assembly has not yet pronounced its opinion on the subject, but has merely ordered 2000 copies of the message to be printed. A most violent discussion will of course take place, and the result will pretty clearly determine the relative strength of the placable and implacable parties in that House.

Whatever may be the result, I shall steadily and straightly proceed in the course of policy I have adopted: I shall neither avoid nor rest upon any party, but after attentively listening to all opinions, I will, to the best of my judgment, do what is honest and right, firmly believing that the stability of the throne, the interests of this province, and the confidence of the people can now only be secured by such a course.

I have the honour to be,

My Lord,

Your Lordship's most obedient servant,

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

As I had anticipated, the production of my Instructions embarrassed Lord Gosford in the policy by which he was endeavouring to obtain his supplies. The Colonial Office joined in the general disapprobation which, in London, was expressed at my conduct, although the Office knew, as well as one who is still living knows, that in my Instructions, as they were originally shown to the King, I was ordered to give "the copy," and that it was *his Majesty himself* who made the alteration, which was explained away to me by Lord Glenelg, as I reminded his Lordship in the preceding despatch.

\* This alteration was made by the King himself, who deemed it *infra dig.* that the Assembly of Upper Canada should read that I was ordered to give them a copy of my instructions. His Majesty thought it better that the quantum of the communication of my instructions should at least appear to be left to my discretion.

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## CHAPTER IV.

The Republicans are mortified—My Opinions and Policy expressed to the Colonial Office—Am called upon to increase the Executive Council—Ominous Circumstances attending these Appointments—The Republicans prepare to advance.

ALTHOUGH the well-known blue-bound grievance book, which I constantly kept on my table, acted as a talisman in driving from me the republican party, who apparently could speak no language but that of indefinite complaint, yet I clearly foresaw that they would not long submit to be thus easily defeated. Although nothing but polite expressions had passed between us, it was perfectly evident to me, that the Republicans were sorely mortified at being, on all occasions, "brought to book," and that as their case had thus become desperate, they were not merely waiting, but were eagerly *seeking*, for an opportunity to pick any quarrel with me, that would enable them to join with Mr. Papineau and the House of Assembly of Lower Canada in open rebellion. Accordingly, though the main body of their forces continued stationary, it will appear from the following despatch, that, before I had been three weeks in the Province, their skirmishers began to advance.

No. 5.

GOVERNMENT-HOUSE,  
Toronto, February 15th, 1836.

MY LORD,

I have the honour to enclose to your Lordship an address which I have received from the House of Assembly.

Your Lordship will perceive that it was moved by Mr. M'Kenzie, with the object publicly to extract from me my opinions on various subjects, which have long been violently agitated in the House by himself and others, and that in order to give unusual publicity to the address, 2000 copies have been ordered by the House to be printed; besides which, it has been copied and published in most of the newspapers.

I accordingly submit to your Lordship my answer to this address, which you will perceive is written to meet the object to which I well know it is intended to be applied, namely, to be circulated throughout the Canadas.

I can assure your Lordship that I have had very satisfactory and amicable conversations with a number of individuals of all parties; and the more I reflect upon what I have heard and observed, the more convinced I am that the population of Upper Canada will eventually rally round this government, if it firmly and decidedly declares that it is determined *to maintain the constitution inviolate*, but to correct, cautiously, yet effectually, all real grievances.

As long as people in the remote districts are allowed to believe that the government of this province feels itself insecure, so long will they be disposed to attach themselves to whatever they are led to conceive has stability and strength; but if their own interests be appealed to, if they find that we are anxious to infuse among them capital and population, both of which they ardently desire, and that nothing but dissension prevents it, they will, I firmly believe, very quickly correct for themselves the greatest of all their grievances, namely, a factious opposition to the British Government.

Since my arrival here my attention has been much occupied in searching for two or three individuals fit to be added to the Executive Councils, which will probably be the subject of my next despatch.

I have the honour to be,

My Lord,

Your Lordship's most obedient servant,

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

The Constitutionalists, or Tories (as they were called by the Republicans), who immediately after my arrival had made *one* bad move, now as thoughtlessly made another, which for a moment threatened alarming consequences.

An active member of my Executive Council brought before my consideration, in the most formal manner possible, certain reasons for my increasing that body, which, though obvious and unanswerable, I should have been most happy to have overlooked, until I had had time enough to become better acquainted with the province. Under such an excuse, however, I did not feel disposed to shield myself, and as this grievance at least was admitted, I determined I would not be seen openly to refuse to correct it, but the embarrassing question at once arose, *from which party should the increase be made?* I did not choose to join the Republicans: the Tories, who, fearing I was their enemy, had thought proper to join in petitioning the King against the very first act of my administration, were still almost in a body standing aloof from me. I did not, therefore, feel it right to advance towards *them*; and, being thus obliged to be independent, I determined that the addition to my council should be made from the middle party, instead of from either of the two extremes. Accordingly, explaining my object, I collected all the most respectable opinions I could, putting down every name that was recommended to me, and finding that the name of a Mr. Robert Baldwin (a gentleman I had never seen) was repeated on my list infinitely oftener than any other, I sent for this individual (as will appear by the following despatch), and throwing myself upon his advice for the addition of two other names, I was led by him to select Dr. Rolph, who has since proved, next to Mr. M'Kenzie, the most wicked of the traitors.

The Constitutionalists, or Tories, were both chagrined and alarmed at Dr. Rolph's appointment, but if they had not joined against me on my arrival, and if one of their party had not most inconsiderately forced upon me this increase of the council, neither Dr. Rolph nor even Mr. Robert Baldwin would ever have been appointed by me.

The following despatch will explain the ominous circumstances which attended these appointments.

No. 9.

GOVERNMENT-HOUSE,  
Toronto, Feb. 22, 1836.

MY LORD,

A few days after my arrival here I received a communication from the Executive Council, submitting to me the necessity of increasing their number, which, from being composed of three individuals, would (in case of the illness of any of the members) be unable to form a quorum. I was also informed by them, that as Mr. Peter Robinson, besides being Commissioner of Crown Lands, was also an Executive Councillor, he had the invidious duty imposed on him of auditing his own accounts.

This important subject, as I stated to your Lordship in my despatch, No. 5, has occupied my attention for some time: for in so small a community as that of Toronto and its neighbourhood, to select three individuals suited to the office was no easy task.

After making every inquiry in my power, I became of opinion, that Mr. Robert Baldwin, advocate, a gentleman already recommended to your Lordship by Sir John Colbourne for a seat in the Legislative Council, was the first individual I should select, being highly respected for his moral character, being moderate in his politics, and possessing the esteem and confidence of all parties.

Having come to this conclusion, I deemed it prudent to consult the Chief Justice, who is speaker of the Legislative Council; Mr. Bidwell, the speaker of the House of Assembly; and the members of the Executive Council; and as all these gentlemen unreservedly approved of his selection to the office,\* I sent for Mr. R. Baldwin, and proposed to him to accept the same, with the addition of Mr. —, who had already been recommended by my predecessor, and Dr. Rolph, who had also been recommended by Lord Goderich as Solicitor General of this province.

\* They recommended him only as a middle man.

I had several interviews with Mr. Baldwin, of many hours' duration; I allowed him to consult Mr. Bidwell, Dr. Rolph, and his other friends, on the subject; and the result of his deliberations was, his positively declining to take the office, unless I enabled him to carry with him the support of the House of Assembly, which he stated could not be effected unless I should consent to *dismiss the three existing councillors*.

With this demand I resolutely refused to comply, on the grounds that I had other interests besides those of the House of Assembly to consider; that the Commons already possessed its own legitimate power; that to impart to it in addition an exclusive influence in my Council would be unconstitutional and unjust; besides which, it would at once connect with party feelings the representative of His Majesty, who ought to stand unbiassed, and aloof from all such considerations.

Mr. Baldwin maintained his demands, and I accordingly parted with him, declaring that nothing should induce me to dismiss from the council three gentlemen who had given me no cause for complaint; that, if necessary, I would rather throw myself on the good sense of this country, as well as of the world, and abide the result, whatever it might be.

On Mr. R. Baldwin leaving me, I sent for his father, Dr. Baldwin, who, although rather more ultra in his theory of reform, is a gentleman of very large property, who is respected for his moral character, and who had also been recommended by my predecessor for a seat in the Legislative Council. On consulting with Dr. Baldwin, and on proposing to him that he, Dr. Rolph, and Mr. —, should join the Executive Council, he insisted on the same demands as Mr. R. Baldwin, and we accordingly parted.

I felt so confident the terms required of me were unjust, and that to all reasonable men they would appear so, that I had fully determined on the course I would adopt. However, this alternative was rendered unnecessary, by an intimation I received that Mr. R. Baldwin felt disposed to reconsider my proposal; and accordingly, the following day, he called upon me to agree to join the council, without the dismissal of the three existing councillors.

I accordingly appointed an hour to receive Mr. R. Baldwin, Dr. Rolph, and Mr. —, and in their presence I addressed the following note to Mr. Baldwin, a copy of which it was agreed should be given by him to Mr. — and Dr. Rolph.

GOVERNMENT-HOUSE,  
February 19, 1836.

DEAR SIR,

I have great pleasure in learning that you, Dr. Rolph, and Mr. —, accept the invitation I made to you, by joining the Executive Council.

The confidence I shall repose in you will be implicit; and as I have no preliminary conditions either to accede to, or require from you, I shall rely on your giving me your unbiassed opinion on all subjects *respecting which I may feel it advisable to require it*.

I remain, dear Sir,

Yours faithfully,

F. B. HEAD.

R. Baldwin, Esq.

After my interviews with these gentlemen, who were yesterday sworn into office, and gazetted, as "members of the Executive Council, until the King's pleasure be known," I sent for Mr. Bidwell, and asked him whether he conceived that the House of Assembly would feel satisfied with the addition I had made to the Executive Council.

Mr. Bidwell told me that he thought these appointments would give general satisfaction; that he was of opinion the House of Assembly had confidence in these gentlemen, as well as in myself, and that it would be his desire, as well as those, he believed, with whom he co-operated, to give me their assistance, and in no way to offer me any factious opposition. He observed, however, that there were *several grievances, which your Lordship's instructions to me had overlooked*, and that he expected these would shortly be brought before my attention.

I must add, that Mr. Bidwell's communications with me have been satisfactory, and that I have no cause whatever to complain of him, although I have not hesitated invariably to apprise him that with his political opinions I do not concur.

Having now informed your Lordship of the individuals I have added to the Executive Council, with the circumstances which have preceded their appointments (which, I trust, may be confirmed), it only remains for me to state, that although tranquillity in this province is, I now conceive, momentarily established, I do not expect that the present House of Assembly will long discontinue their agitations.

It shall be my duty, however, to afford them no reasonable cause for complaint. To their addresses, as well as to their opinions, I will give every possible attention, and will afford them ready assistance to correct all real grievances; but I am so convinced that every improper concession will not only strengthen their demands, but weaken my influence in the province, that I shall continue to resist, as I have hitherto done, any demand that may at all tend to undermine the happy constitution of the province, as I believe that this policy will eventually secure to the Lieutenant-Governor of Upper Canada (whoever he may be) the confidence and the support of the community.

I have the honour to be,

My Lord,

Your Lordship's most obedient servant,

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

P. S. I submit to your Lordship copies of two addresses I received last week from the House of Assembly, with my answers, which explain the reasons for which I declined to comply with their requests.

Without troubling the reader with these two querulous addresses, my answers to them will sufficiently explain that they were small clouds clearly indicating an approaching storm.

(Copy of answer, No. 1.)

"GENTLEMEN,

"I much regret that I cannot, without authority from the Secretary of State, comply with the request contained in your address.

"The numerous copies of despatches, &c., which accompanied my message to the House of Assembly, of the 15th instant, will, I trust, satisfy the House of my desire to lay before it as much of the correspondence between my predecessor and His Majesty's Government, as with any propriety I could be expected to divulge.

"I have already given to the House, according to its request, the names of individuals whose recommendation for seats in the Legislative Council has not yet even received the sanction of His Majesty's Government.

"The only part of His Excellency Sir John Colborne's despatch of the 16th September, 1835, which I have deliberately withheld, is that in which he confidentially expresses to His Majesty's Government his high estimation of the character of the individuals he proposes; and although in the particular case alluded to, no objection whatever exists to the publication of his opinions, yet I conceive it would establish a bad precedent, were I to consent to make public, descriptions which must unavoidably always be personal, and which might occasionally be painful to the individuals, and consequently unjust towards them to disclose."

(Copy of answer No. 2.)

"GENTLEMEN,

"It is with great reluctance I feel it necessary to state, that, without authority from the Secretary of State, I am unwilling to submit to the House of Assembly 'the documents and other evidence in the possession of the Government or its Officer, relative to the Huron reserve, or to the proceedings of the Government had thereon, as would enable the House to ascertain whether its interference on behalf of the Wyandot Indians is required.'

“My objections on this subject are those of policy rather than of law; and without denying the constitutional right of either of the two Houses of the Legislature to inquire into any subject in which they may consider the public interests to be involved, I am of opinion that the disclosure of ‘documents and evidence’ alluded to would be attended with evil consequences to those whom it is intended to benefit, by rendering the Indians doubtful of the all-sufficient and paternal protection of His Majesty, on which they have hitherto solely relied.

“Without reverting to the anomalous history of the aborigines of this land, I will merely observe, that, in Upper Canada, the Indians have hitherto been under the exclusive care of His Majesty, the territories they inhabit being tracts of Crown lands devoted to their sole use as ‘His allies.’

“Over these lands His Majesty has never exercised his paramount right, except at their request, and for their manifest advantage. Within their own communities, they have hitherto governed themselves by their own unwritten laws and customs; their lands and property have never been subject to tax or assessment, or themselves liable to personal service.

“As they are not subject to such liabilities, neither do they yet possess the political privileges of His Majesty’s subjects generally.

“The superintendents, missionaries, schoolmasters and others, who reside among them for their protection and civilization, are appointed and paid by the King; to his representative all appeals have until now been made, and with him has all responsibility rested. In every respect they appear to be most constitutionally within the jurisdiction and prerogative of the Crown; and as I declare myself not only ready, but desirous to attend to any complaint they may offer me, I consider it would be highly impolitic (especially for the object of redressing a trifling grievance) to sanction the adoption of a new course for their internal government.

“To this general view of the subject, I have only to add, that as regards the particular memorial submitted to the House of Assembly, by Thomas Splitlog, Thomas Clerk, and six others, of the Huron or Wyandot nation, a counter-petition, signed by eleven individuals of similar tribe and rank, has been presented to the House of Assembly, stating, ‘we have the fullest confidence in the justice and fatherly protection of our beloved Sovereign and his representative the Lieutenant-Governor.’”

## CHAPTER V.

THE Prerogative of the Crown assailed by the Executive Council—The House of Assembly furiously join in the Attack—Remonstrance useless—They stop the Supplies—Insult me in a Petition to the King, and to the House of Commons—I appeal to His Majesty’s Government for Support—Solemnly warn the Government of their Policy—Withhold Assent to the Money-Bills—Decline to grant the Contingencies, and dissolve the Assembly—Explain to His Majesty’s Government why I cannot agree with the Commissioners of Inquiry, and tender my Resignation—Result of the Elections—Dr. Daucombe and Mr. Hume declare to Lord Melbourne that I have fabricated Votes—Earnest Recommendation to His Majesty’s Government not to surrender the casual and territorial Revenues of the Crown.

THE reader is now about to enter upon the most violent, and certainly the most eventful, moral struggle that has ever taken place in our North American colonies; and as I have no hesitation in confessing, that, by retreating before the Republicans, the contest could have been avoided, I beg particular attention to the subject.

The subtle, persuasive eloquence of Dr. Rolph, whose reasonable principles were, by several intelligent people, justly estimated, induced many to believe that from the moment he became a member of my Executive Council I was lost. However, I entertained not the slightest apprehension on the subject, for so long as the Council afforded me constitutional advice, I knew I should be too thankful to give it immediate consideration; and, on the other hand, standing as I did (to say the least) totally without support from any party, I felt confident that if the Council should attempt to force upon me unconstitutional proposals, it would be out of their power to deprive me of that invincible moral power which always rushes to the vindication of a just cause.

With the members of the Council, however, Dr. Rolph, who I soon learned was the bosom friend and confidant of Mr. Speaker Bidwell, did not plead in vain.

Aware that in the House of Assembly there stood in array an irresistible majority in favour of the republican principle of making the Lieutenant-Governor's Executive or Privy Council "responsible to the people," the necessity of my making this concession appeared to be inevitable; and calculating therefore that, situated as I was, I would not venture to refuse, they at last agreed together to address to me a written requisition to this effect.

When I received this unexpected document which was regularly signed by all the six members of the Council, I saw no reason to be alarmed at it. That I was sentenced to contend on the soil of America with Democracy, and that if I did not overpower it, it would overpower me, were solemn facts, which for some weeks had been perfectly evident to my mind; but by far the most difficult problem I had to solve was, *where* I ought to make my stand. To involve myself in a struggle with the House of Assembly, about any one trifling concession, would, I knew, have brought the Home Government down upon me with all its power; the province might also with some apparent reason have complained; and thus, bit by bit, and inch by inch, I felt I might be driven to abandon constitutional ground, which, once lost, could never be reclaimed. It was therefore, I repeat, with but little apprehension that I found my Council (who I knew would be immediately backed by the House of Assembly) had called upon me at once to surrender to a democratic principle of government, which I felt, so long as the British flag waved in America, could never be admitted. I accordingly declined to accede to the demands of my Council, who, taken quite aback by my refusal, were no sooner politely bowed out of my service, than I received from the House of Assembly the following address, to which I gave the reply which follows it:—

"HOUSE OF ASSEMBLY.

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

"MAY IT PLEASE YOUR EXCELLENCY,

"We his Majesty's dutiful and loyal subjects, the Commons of Upper Canada in provincial Parliament assembled, humbly beg leave to inform your Excellency, that this House, considering the appointment of a responsible Executive Council, to advise your Excellency on the affairs of the province, to be one of the most happy and wise features in the Constitution, and essential to the form of our government, and one of the strongest securities for a just and equitable administration, and eminently calculated to ensure the full enjoyment of our civil and religious rights and privileges, have lately learned, with no small degree of anxiety, that the Executive Council so recently formed for the purpose above stated (as we presume), consisting of six members, did, on Saturday the 12th instant, unanimously tender to your Excellency their resignations, and that your Excellency was pleased to accept the same; and humbly request your Excellency to inform this House, without delay, whether such are the facts, and also to communicate to this House full information relative to the cause of disagreement between your Excellency and your said late Executive Council, as far as lies in your Excellency's power to make known; as also to furnish this House with copies of all communications between your Excellency and your said late Council, or any of them, on the subject of such disagreement and subsequent tender of resignation."

(Signed)

M. S. BIDWELL,

SPEAKER.

*Commons' House of Assembly,*  
March 14th, 1836.

#### HIS EXCELLENCY'S REPLY.

"GENTLEMEN,

"Nothing can appear more reasonable to my mind than the surprise and anxiety which the House of Assembly express to me at the intelligence they have received of the sudden resignation of the six members of the Executive Council; for with both these feelings I was myself deeply impressed, when firmly relying on the advice, assistance, and cordial co-operation of my Council, I unexpectedly received from them the embarrassing document which, with my reply thereto, I now, at the request of the House of Assembly, willingly present to you. With every desire to consult my Council, I was preparing for their consideration impor-

tant remedial measures, which I conceived would be advisable to adopt; and had they but afforded me those few moments for reflection, which, from my sudden arrival among you, I fancied I might fairly have claimed as my due, the question, which so unnecessarily they have agitated, would have proved practically useless.

“Had they chosen to have verbally submitted to me in Council, that the responsibility, and consequently the power and patronage of the Lieutenant-Governor ought henceforward to be transferred from him to them—had they even, in the usual form of a written petition, recommended to my attention as a new theory, that the Council, instead of the Governor, was to be responsible to the people—I should have raised no objection whatever to the proceeding, however in opinion I might have opposed it; but when they simultaneously declared, not that such ought to be, but that such actually was the law of the land, and concluded their statement by praying that a Council sworn in secrecy to assist me might be permitted, in case I disapproved of their opinion, to communicate with the public, I felt it my duty, calmly, and with due courtesy, to inform them, that they could not retain such principles together with my confidence, and to this opinion I continue stedfastly to adhere.

“I feel confident that the House of Assembly will be sensible that the power intrusted to me by our Gracious Sovereign is a subject of painful anxiety;—that from the patronage of this province I can derive no advantage; and that I can have no object in retaining undivided responsibility, except that which proceeds from a just desire to be constitutionally answerable to his Majesty in case I should neglect the interests of his subjects in this province. With these sentiments I transmit to the House of Assembly the documents they have requested, feeling confident that I can give them no surer proof of my desire to preserve *their* privileges inviolate, than by proving to them that I am equally determined to maintain the rights and prerogatives *of the Crown*, one of the most prominent of which is, that which I have just assumed, of naming those Councillors in whom I conscientiously believe I can confide.

“For *their* acts I deliberately declare myself responsible; but they are not responsible for *mine*, and cannot be, because, being sworn to silence, they are deprived by this fact, as well as by the Constitution, of all power to defend themselves.”

The foregoing documents I forwarded to the Colonial Office with the following despatch.

No. 15.

Toronto, March 22nd, 1836.

MY LORD,

I have the honour to inform your Lordship that on Saturday, 12th instant, the six members of the Executive Council suddenly and simultaneously resigned—that a majority of twenty-seven against twenty-one of the House of Assembly very resolutely espoused their cause—that all business in the House was suspended until my answer to their address was received—that a public meeting has been called on the subject, at Toronto—that similar meetings will probably take place throughout the country—and that the whole province is, and for a short time will be, in a state of very great excitement.

All this will, I firmly believe, be productive of the most beneficial political results, and I now proceed to submit to your Lordship a plain statement of the whole affair.

In my despatch No. 9, I stated to your Lordship that almost immediately after my arrival here, the old Executive Council represented to me the necessity of increasing the number which was not only barely sufficient to form a quorum, and, consequently, in case of the illness of any one member would be powerless, but that the Commissioner of Crown Lands, from being one of the members, was obliged to audit his own accounts.

In my despatch alluded to, which I beg your Lordship will be pleased to re-peruse, I detailed the difficulty I had had in adding three new members to the Council, and the attempt which had been made to insist on my forcing the unpopular old members to retire.

As soon as this addition to the Council was gazetted, which happened less than a month ago, a universal joy and satisfaction was expressed by the radical party, and I received addresses from various places, expressing in very strong terms approbation of the addition I had made to the Council, and praying that the old members might be dismissed.

In receiving these addresses I could not but remark, that not only were many of them expressed in exactly the same terms, as if written by one person, but that several were presented to me by the same two members of the Assembly; and from other ominous circumstances I became fully convinced that an attempt somewhere or other was making to promulgate an error which has long been artfully inculcated in this province—namely, that the Executive Council were responsible to the people for the acts of the Lieutenant Governor.

The object of this smooth-faced, insidious doctrine was at first to obtain for the Council merely *responsibility*, and, when that point was conceded, immediately to demand from the Crown the power and patronage which has hitherto been invested in the Lieutenant Governor.

As the addresses proceeded from places of no importance, I replied to the personal congratulations on my arrival, with which they commenced, without taking any notice at all of the objectionable clauses, at the same time I was perfectly alive to the very great danger that was brooding; and expecting that it would sooner or later be brought before my notice by an address from the House of Assembly, I determined that, the moment it assumed a tangible form, I would at once stand against it.

While I was in this suspense, the attack was made upon me from a quarter from which I certainly did not expect it; namely, from the Executive Council itself, which, in a document signed by them all, declared that the popular doctrine was the law of the land, that the old practice had been unconstitutional; and that in case I was of a different opinion, my council, sworn to secrecy, humbly prayed that it might be permitted to communicate with the people.

I need hardly observe, that by this address the old, unpopular Councillors\* at once impeached the conduct and practice of their whole lives. However, on the receipt of the document, I immediately informed the Council that they could not retain such principles and my confidence, and that they must consequently abandon either the one or the other.

This reply was what they did not expect; for the new members, elated by the success of the intrigues which had been adopted, had fancied themselves to be so strongly supported by the people, that they did not conceive I would venture to do anything but accede to their threat.

As soon as the Council received my reply, four of the members, namely, \* \* \* \* \* at once surrendered at discretion, offering to recant all they had written, and assuring me they had since the receipt of my answer again changed their minds: however, the other two held out; and I, therefore, declared that the document by which I had been attacked could only be cancelled by the same Council from which it had proceeded, and that unless it was retracted as formally as it had been made, I must adhere to the reply I had given to it.

I had two reasons for maintaining this course: first, because had I dismissed only the two popular candidates without explaining the cause, I should have incurred the greatest unpopularity, and should have been hampered by the continuance in office of the other four: secondly, because, for the reasons above stated, being persuaded that sooner or later it would be necessary I should stand against a doctrine which was rapidly tending to upset the prerogative of the Crown, I deemed it advisable to do so before it got too strong for me, particularly as I never could hope to attain a more advantageous position for the contest than that afforded me by the ill-written document of my own Council.

Having now very briefly explained the outline of the affair, I beg to refer your Lordship to the four following printed papers which will fully explain it in detail.

1. A copy of the address I received from the House of Assembly.
2. My reply thereto, enclosing;
3. The communication I had received from the Executive Council, and
4. My reply thereto.

Having submitted to your Lordship the foregoing documents I beg leave to repeat, as my humble opinion, that the greatest possible benefit will be derived from the dispute I am having with this province: for if truth be invincible, it will follow that the effort which is making to oppose me must eventually be discomfited, and among the description of people which I have to deal with, such a result will be highly important.

\* The Honourable Colonel Wells is the only surviving member of these old councillors—a more loyal man does not exist in Upper Canada; so indeed was the late Honourable P. Robinson.

On the other hand, should I be defeated, I trust your Lordship will never regret that I did not hesitate to maintain the rights and prerogatives of the Crown.

I also enclose herewith to your Lordship, an address I have received from the Mayor, Aldermen, and Commonalty of the City of Toronto, with my reply thereto.

I have the honour to be,

My Lord,

Your Lordship's obedient servant,

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

As soon as the Constitutionists were convinced by the principles I was maintaining, that notwithstanding Mr. Hume's pestilential letter of recommendation in favour of Mr. M'Kenzie (who had openly boasted of it), and notwithstanding the suspicious appointment of Dr. Rolph to my Council, I was not, as had been generally supposed, a democrat, they most loyally, one and all, joined me to a man. Moral war was thus (as it long ago ought to have been by his Majesty's Government) openly proclaimed between the Constitutionists and the Republicans; or, in other words, between those who were for British institutions, against those who were for soiling the empire by the introduction of democracy; and I need hardly add, that the approaching struggle was most anxiously looked upon by the other North American Colonies as one on which their own political destinies depended.

I was, of course, too much occupied to be able to write to the Colonial Office at very great length: however, on the 6th of April, 1836, I forwarded a despatch which, commencing with detailing events which having already been submitted to the reader, it would be tedious to recapitulate, proceeded as follows:—

EXTRACT.

Many of the addresses I received on this subject had evidently proceeded from the same pen, and had the influence, which was thus exerted, continued to be secret, it might shortly have produced such powerful effects, that I might have found it almost impossible to have opposed it; but, very fortunately, the power exerted against me was too eager for its object, and the battery was unmasked before the enemy was sufficiently organized to man it.

My Executive Councillors themselves suddenly claimed the responsibility which had hitherto rested with the Lieutenant-Governor; and on my requiring them to resign, an excitement suddenly burst forth in the House of Assembly beyond all description.

The republican party fancying that their object was attained, and that I was caught in the net which had been so insidiously drawn around me, were exasperated at seeing me suddenly extricate myself from it, and the House addressing me on the subject, instantly suspended all business until it had received my reply.

The whole correspondence on the subject, some of which has already been forwarded to your Lordship, I here annex in a printed form: it contains—

- "1. The address of the House of Assembly.
- "2. My reply thereto.
- "3. The communication addressed to me by the Executive Council.
- "4. My reply thereto.
- "5. An address from the mayor and common council of the City of Toronto.
- "6. My reply.
- "7. An address, signed by the mayor, from a public meeting held in the city hall.
- "8. My reply.
- "9. An address from the House of Assembly.
- "10. My reply."

I trust that the tone of my answers to the above communications will sufficiently prove to your Lordship how desirous I was to offer all possible explanation, and to do everything in my power to govern, and to be governed, by truth and reason.

At the time I conducted this correspondence, I was perfectly sensible that I was friendless; for the republican party had proved themselves to be implacable, and the constitutional party I had refused to join: however, seeing that the moment had now arrived for resolutely assuming my position, I awaited the result of the conflict with a perfect confidence, solely proceeding from the justice of my cause.

The success of these measures has, I can faithfully assure your Lordship, equalled my most sanguine expectations.

Every newspaper in the Upper as well as in the Lower Province, excepting Mr. M'Kenzie's *Advocate* and one other, has in the most unequivocal terms supported me in the doctrine I have maintained; the constitutional party have joined me to a man, and in the numerous addresses I have received are the names of many influential individuals who have hitherto been opposing the Government. Indeed, I can truly declare, that the intelligent classes of every denomination are rallying around me in a manner which fully corroborates the statement I first made to you on arriving in this province, namely, "that all that is good and estimable remains at the bottom, while the surface is agitated by factious discussions."

A very striking example of this fact occurred on Saturday last.

As soon as the late Executive Council resigned, Mr. M'Kenzie and his party, at an immense expense, forwarded to every part of the province printed copies of the annexed circular, almost all of which were franked by members of the Assembly. This document, as your Lordship will observe, ended by a printed petition to the House of Assembly, which only required the insertion of the name of the township and of the subscribers.

As soon as this firebrand was supposed to have caused sufficient excitement, the four members of the Metropolitan County of York, namely,\* Mr. M'Kenzie, Dr. Morrison, Mr. Gibson and Mr. M'Intosh, issued another notice (which I also annex) dated "House of Assembly," and calling a public meeting to be held ten miles from Toronto on Saturday last.

As this county has been supposed to be under the complete influence of Mr. M'Kenzie, and its other members, it was agreed upon by the constitutional party, that, as they might be overpowered by numbers, they would not attend, and accordingly it was expected that the Radicals would completely carry the day: however, the reply I had written to the industrious classes of Toronto had been much read, and accordingly, when the meeting assembled on Saturday an unexpected result took place.

Mr. M'Kenzie totally failed in gaining attention; another member, Dr. Morrison, who is mayor of Toronto, was collared and severely shaken, and the whole affair was so completely stifled by the indignation of the people, that the meeting was dissolved without the passing of a single resolution.

Mr. M'Kenzie and his party afterwards assembled, and then went through the form of carrying their ready-concocted resolutions.

The effect which this unexpected defeat will produce throughout the province will, I am perfectly convinced, eventually break up the radical faction; and as soon as I have an opportunity of visiting, as I propose to do if I remain here, every county in this province, and of meeting and conversing with the inhabitants, I feel quite confident that a burst of loyalty will resound from one end of the province to the other, for a more honest, well-meaning yeomanry and peasantry cannot exist than his Majesty's subjects in this noble province.

It is out of my power to describe to your Lordship, without the appearance of exaggeration, the joy and gladness expressed to me by all parties at the constitutional resistance I have made; but I will not conceal from your Lordship that there is one question in almost everybody's mouth, namely, "*Will the Lieutenant-Governor be supported by the Home Government?*" "HE NEVER WILL!" say the Radicals; "*We fear he will not!*" say the Constitutionists.

Your Lordship has to settle this question, and in my humble opinion upon your decision rests our possession of the Canadas.

I have the honour to be,

My Lord,

Your Lordship's most obedient servant,

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

\* Of these four individuals, three have since either been tried for treason, or have absconded.

The war which raged against the Executive Government of Upper Canada, in the House of Assembly, could only be explained by a publication of the violent speeches of the Republicans, which are much too long to be here inserted. Suffice it to say, that the republican majority adopted an address to the King, signed *Marshall S. Bidwell, Speaker*, in which his late Majesty's attention was called to a report which the House of Assembly had adopted, in which it was declared that my "ear was credulous," my "mind poisoned," my "feelings bitter"—that I was "despotic, tyrannical, unjust, deceitful," that my conduct had been "derogatory to the honour of the King," "demoralizing to the community," and that I had treated the people of the province as being "little better than a country of rogues and fools." Not satisfied with this attack upon my character, the House adopted a long memorial to the House of Commons, signed *Marshall S. Bidwell, Speaker*, in which not only was the same offensive report submitted, but it was further stated in the memorial as follows:—

"It is with pain, disappointment, and humiliation we notice the reiterated declaration of his Excellency to conduct our affairs without the advice of the Executive Council according to his own will and pleasure, which his public acts have already proved to be arbitrary and vindictive. And this view of his sole ministerial power and authority, with a nominal responsibility to Downing-street, he has sustained before the public by mis-statements and misrepresentations so palpably opposed to candour and truth, as to destroy all hopes of further justice from his government. \* \* \* \* \* For other instances of his deviation from candour and truth, &c., we refer to the appended documents.

(Signed)

"MARSHALL S. BIDWELL,  
"SPEAKER."

As this Mr. Bidwell was the well-known leader of his party, as he was generally supposed to have been the framer of the address against me to the King, and as he was at all events the official organ of a House of Assembly which had heaped upon me such unparelled abuse, the reader will hereafter learn with no little surprise, that his Majesty's Government, instead of supporting me by openly resenting his conduct, desired that he should be publicly exalted to the Judicial Bench, by me, whose station of representative of the King he had so grossly insulted. But as this will form the subject of a distant chapter, I will at once regularly proceed with my narrative by stating, that on the Assembly stopping the supplies, I withheld my assent from all their money bills, and even from their own contingencies, on the principle that as nothing but a storm of agitation could now settle the weather, it would be useless to attempt to suppress it. In the following despatch, I will, however, request the reader's especial attention to and recollection of the solemn warning it contains.

No. 26.

Toronto, 21st April, 1836.

MY LORD,

I have the honour to transmit to your Lordship two addresses from the House of Assembly to his Majesty, as also a copy of one to the House of Commons, reprobating in unusual language my conduct as Lieutenant-Governor of this province. I have also to inform your Lordship, that the House of Assembly have deemed it their duty to stop the supplies—that, in consequence of this proceeding, I have reserved all their money bills for the consideration of his Majesty; and that I have declined to grant their contingencies. I also inclose to your Lordship a copy of my speech on proroguing the Provincial Legislature.

Under these circumstances, I feel it incumbent to submit to your Lordship a plain statement of the whole affair.

In my despatch No. 3, to your Lordship, dated 5th February, I stated as follows:—

"As far as I have been able to judge, I should say that the republican party are implacable, that no concession whatever would satisfy them, their self-interested object being to possess themselves of the government of this province, for the sake of lucre and emolument."

In my despatch, No. 9, dated 22nd February, I stated to your Lordship as follows:—

"Having now informed your Lordship of the individuals I have added to the Executive Council, with the circumstances which have preceded their appointments (which I trust may be confirmed), it only remains for me to state that although tranquillity in this province is, I conceive, now momentarily established, I do not expect that the present House of Assembly will long discontinue their agitations.

"It shall be my duty, however, to afford them no reasonable cause for complaint. To their addresses, as well as their opinions, I shall give every possible attention, and will afford them every assistance to correct all real grievances; but I am so convinced that every improper concession will not only strengthen their demands, but weaken my influence in the province, that I shall continue to resist, as I have hitherto done, any demand that may at all tend to undermine the happy constitution of the province, as I believe that this policy will eventually secure to the Lieutenant Governor of Upper Canada (whoever he may be) the confidence and support of the community."

To the foregoing opinions, expressed to your Lordship, I firmly continue to adhere, and refer to them for the object of proving that the political state of this province requires no deep experience, but that its moral was evident to me before I had been a month in this capital.

The speech I yesterday delivered on proroguing the Provincial Legislature will sufficiently explain the attempts I have in vain made to carry into effect the remedial measures with which I was intrusted. I will, therefore, only shortly observe, that the Grievance Report remains *unopened*—that not one of the remedies your Lordship prescribed has been carried into effect; that, in fact, this Grievance Report was nothing but a revolutionary *ignis fatuus*, purposely created to deceive the British Government, and that, as I stated in my despatch, No. 24, dated 6th April, "far from desiring to remove these grievances, the republican members deem them the fulcrum for subverting the government, and for destroying the constitutional liberties of the province."

The decided measures which your Lordship took promptly to correct the alleged grievances which were brought before you have had the happy effect of breaking up the faction which, from want of firmness, has long been undermining the constitution of this province.—Its enemies are now unmasked, disarmed, and discomfited, and the inhabitants of this country are now indignantly exclaiming, as Cromwell said, "*You who are deputed here by the people, to get their grievances redressed, are yourselves become their greatest grievance!*"

If the sentiments contained in these petitions from the House of Assembly were really the sentiments of their constituents, this province might justly be said to be in a state of revolt; whereas the fact is, as I stated it to your Lordship in my despatch No. 24, "that a burst of loyalty will very shortly resound from one end of the province to the other, as a more honest, well-meaning yeomanry cannot exist than his Majesty's subjects in this noble province;" and for a proof of this assertion, I refer your Lordship to the enclosed addresses I have already received.

Your Lordship cannot but remark, that, for the first time in the history of this province, the supplies have been stopped—that the whole country has thus been thrown into confusion, and that the period selected for this violence has been my arrival with your Lordship's instructions to correct all the grievances of the country! Had the object of those who have styled themselves Reformers been *reform*, your Lordship's instructions would have been hailed with joy; instead of which they have been repudiated by the Republicans, as the enemy of their hopes.

The case is fortunately so clear, that no one even in England can now fail to understand it.

"*Why,*" it will be asked "*have the supplies in Upper Canada been stopped?*" The answer is, because the complaints of the Republicans were ordered to be corrected; and being thus driven off their grievance-ground, they were forced by your Lordship to unveil their real object, which has been neither more nor less than to seize upon the power and patronage of the Crown.

"*And how,*" it will be asked, "*have they attempted to do this?*" I reply, by demanding that the Executive Council be henceforward responsible to the people; or, in other words, to themselves, for the acts of the Lieutenant Governor.

"*And is this all?*" No; they further demand that the Legislative Council shall be elective; or, in other words, that it also shall be nominated by themselves; and if this does not betray their real object—if this does not prove to people in England the traitorous, democratic intentions of the half-dozen Republicans who have been allowed to agitate this noble province, facts are useless, and argument powerless!

If the duties of the Lieutenant-Governor of this province merely consisted in his being one branch out of three of the Colonial Legislature, even in that case there could be no more reason why HE should be *governed* by an Executive Council, than that such a body should be

created to govern the House of Assembly or the Legislative Council; but, besides the Lieutenant-Governor's station in the Provincial Legislature, he has to guard the lands and property of the Crown: in short, he is the only individual in this colony competent to consider the interests of the British Empire, of which this colony is but an atom.

The Executive Council are his Privy Council, to give him sworn advice when he wants it, and not to "encumber him with help" when he does not require it.

If I had been governed by my late Council, the constitution of this province would at this moment be subverted, for it will be evident to your Lordship that the unanimous demand they made upon me was contrary to law.

This doctrine was, in 1828, clearly explained by Mr. (now Lord) Stanley, who, in reply to Mr. Roebuck's motion, "That a select committee be appointed to inquire into the political state of the Canadas," declared as follows:—

"The first point to which the Honourable Member referred, was, the constitution of the Executive Council. It may, perhaps, be necessary for me to inform the House that the Executive Council is a body acting in the nature of the Privy Council in this country—advising the governor, but not responsible to him, and forming a council against whose opinion, as well as with it, he may act."

*My Lord, I most solemnly declare, as my deliberate opinion, that if this doctrine be ever subverted, democracy, in the worst possible form, will prevail in our Colonies.\** The two branches of the Legislature have their respective interests to attend to, which too often are made subservient to their private views; but THE LIEUTENANT-GOVERNOR IS THE KING'S SENTINEL, and if he be disarmed of the power he has received from the Imperial Parliament, and be fettered by his Provincial Council, the Republicans will move heaven and earth to become the individuals to govern him.

If the power of the Lieutenant-Governor is to be surrendered, I respectfully recommend *that the deed be done in broad daylight*: for, to hamper him by the number of his councillors, or to oblige him to consult them when he does not need their advice, would most surely produce the same effect in a weak, discreditable manner.

As the subject is of vast importance, and *as I believe our colonial possessions now hang upon your Lordship's decision*, I will proceed to shew with what artifice the Republicans of the House of Assembly of this province have, in their petition against me, endeavoured to attain this object.

\* \* \* \* \*

But the Republicans in the House of Assembly were unable to answer the correspondence which I had held with my late Executive Council, and, feeling that they were dead beaten, they caught at this straw, and petitioned the House of Commons, which of course they knew were perfectly ignorant of the whole subject, against what they have termed my "deviation from candour and truth."

But it is perhaps well they should have done so, as it will explain to the House of Commons, as well as to your Lordship, what sort of people the revolutionists of Upper Canada are, and will prove the absolute necessity of not ordering the Lieutenant-Governor to be governed by his Executive Council, which might be composed of such men. In this event, what would become of the property of the Crown?—What would become of the rights of the people?

I have now submitted to your Lordship facts which are incontrovertible, and have replied to the accusations which have been made against me by the House of Assembly, by merely contrasting them with their own declarations.

I must now proceed alone upon my own testimony, to which I trust your Lordship will give that weight which is due to the station I hold.

I have stated to your Lordship that the instructions you gave me to correct the grievances of this country have had the effect of breaking to pieces the republican party. The loyal feeling which is now rising up to support me in all directions is greater than I dare describe;

\* The reader is particularly requested to keep in mind these solemn warnings, as he will, ere long, read with astonishment the orders given by Her Majesty's Government respecting them to Sir Archibald Campbell, Lieutenant-Governor of New Brunswick.

as a single proof of which, I will inform you, that a scene took place on my proroguing the Provincial Legislature which is unprecedented in the history of this country.

Although Toronto is, and always has been, the head-quarters of the reformers, and though this capital will suffer more than any other part of the province by the stoppage of the supplies, yet never before was the Parliament House so crowded, inside and out, as when I went there to deliver my speech.

As soon as it was ended, contrary to all custom, a burst of acclamation resounded—cheers were several times repeated, and a crowd of the most respectable people, of all parties, actually endeavoured to take the horses from my carriage to draw me up to Government House.

On the speech being read again by the Speaker in the House of Assembly, the gallery and floor was equally crowded, and, as soon as Mr. Speaker Bidwell had concluded, three cheers were given in the House, although *never before* had such a demonstration of public feeling been evinced.

I am perfectly confident that the whole country is disposed to rise up to support me, and I can assure your Lordship that I foresee no difficulty whatever in crushing the republican party, and in establishing loyalty, except a general fear which prevails throughout the country that the *Home Government will be afraid to support me.*

I tell your Lordship the truth, for it is proper you should know that the reception which was given in England to Mr. M'Kenzie has had the effect of cowering the loyalists and of giving a false courage to the republicans.

One word of firmness from the British Government will now settle the question for ever; but if you hesitate to support me; *if in your Lordship's reply to this despatch you encourage by a single word the republicans, they will instantly be reanimated, and will again utter their old cry against the "WEAK AND TREMBLING GOVERNMENT OF GREAT BRITAIN."*

That they have mistaken British generosity for fear no one is more persuaded than myself, but I earnestly entreat your Lordship to put confidence in me, for I pledge my character to the result; I solemnly declare to your Lordship that I have no difficulties to contend with *here* that I have not already overcome; the game is won; the battle is gained as far as relates to this country, and I cannot give your Lordship a more practical proof of it than by saying I want no assistance *excepting the negative advantage of not being undermined at home.*

I am not myself in the least afraid of your Lordship's shrinking from supporting me, but if you knew the feeling of this country you would pardon my telling you that the loyalists are incapable of understanding the generous, liberal policy under which the Home Government has intended to act, and *that the republicans firmly look to it for support.*

In the present House of Assembly, which is composed of 60 members, five of whom only are English, five Irish, and nine Scotch, there are thirteen American members, many of whom have not only a distaste for monarchical government, and are avowed advocates for the election of magistrates, legislative councillors, &c. &c., but who are desirous to upset the constitution of this province for the sake of reigning in its stead [for which see their incorrect accusations against me.]

Many of these individuals attained their places by the encouragement which was given to Mr. M'Kenzie in England; and, now that I have succeeded in turning the tide, they will, I hope, sink for ever, and be replaced by intelligent, loyal British subjects, *if your Lordship will firmly support me.*

Whether I may continue here, or be replaced, is a subject I will not now discuss; but as long as I do remain here, and just at the present moment, it is of vital importance that I should retain the victory that has been won.

Upon Upper Canada, I conceive, hangs our possession of our North American, and possibly of our West Indian possessions: for, if this colony be firmly secured, not only will the rest be maintained, but I believe every intelligent individual in the United States foresees that democracy must ere long produce, by a revolution in that country, the identical form of government (I mean a monarchy) which it is endeavouring to overturn in this province.

Your Lordship is aware I have had some experience in ascertaining the opinions of the lower classes in the mother-country, and I have no hesitation in declaring that in no part of

Great Britain does there exist so loyal a disposition as will be displayed in this province, if we will only act towards it with firmness and decision.

I shall never regret the generous policy which attempted to produce here tranquillity by conciliation, for I at present owe to it my success; but my speech to the Legislature will prove to your Lordship that we can carry that policy no further—that to Republicans the more we concede the more they demand—that, while they are pushing at the Constitution, every inch of ground they gain redoubles their exertions—and that, on the contrary, if resistance be sternly offered to them they give up the attempt and run away.\*

I fully expect that before a month has elapsed the country will petition me to dissolve the present House of Assembly, but until the feeling is quite ripe I shall not attend to it: I would therefore request your Lordship to send me no orders on the subject, but to allow me to let the thing work by itself; for it now requires no argument, as the stoppage of the supplies, of the road money, and all other money bills, will soon speak for themselves in a provincial dialect which every body will understand.

The language contained in the 92 Resolutions from Lower Canada, as well as in the resolutions they have lately forwarded to the Government; the language contained in the Grievance Report of this province, in the petitions now forwarded by the House of Assembly of Upper Canada against me, and in Mr. Speaker Papineau's letter to Mr. Speaker Bidwell, are in my humble judgment subversive of all discipline, and totally irreconcilable with the allegiance due from its colonies to the British Empire.

I feel quite confident that if such language be received by His Majesty's Government without a stern rebuke it will be aggravated; and I therefore earnestly express my hope that your Lordship will deem it proper to reprobate the reception which I, as the bearer of your remedial measures, have met with by the House of Assembly, and that you will by your expressions firmly support me in the course I have pursued.

I have, &c.

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

The reader will soon perceive that, instead of supporting me in the course I had pursued, and instead of reprobating the author of the 92 Resolutions in Lower Canada, and the conduct of Mr. Speaker Bidwell in the Upper Province, his Majesty's Government, after the receipt of this despatch, obtained the royal assent to the Road Bills I had reserved, thus restoring to Radical Road Commissioners the disposition of road money which had notoriously been misapplied to the basest political purposes!

Not satisfied with this, his Majesty's Government communicated to me their desire that Mr. Bidwell, like the author of the 92 Resolutions in Lower Canada, should be exalted to the Judicial Bench, notwithstanding the recommendations contained in the three following despatches!

No. 28.

1.

Toronto, 27th April, 1836.

MY LORD,

I have the honour to transmit to you a copy of a letter which Mr. Papineau, Speaker of the Assembly of the Lower Province, has addressed to Mr. Bidwell, Speaker of the House of Assembly of Upper Canada.

I conceive that the traitorous and revolutionary language it contains, as well as the terms in which it speaks of your Lordship, need no comment; but I will only observe, that although the letter is dated 20th of March, it was detained by Mr. Bidwell until a few hours before I prorogued the Legislature, and then by him laid before the House of Assembly of this province.

I take this opportunity of mentioning to your Lordship that the House of Assembly lately appointed three Commissioners to meet Mr. Papineau and the other two Commissioners from

\* I beg the reader to determine whether or not this prophecy has been fulfilled.

the Lower Province, and that the individuals named for this unconstitutional object were Mr. Speaker Bidwell, Mr. Perry, the chairman of the committee to whom was referred my correspondence with the Executive Council (a gentleman who has lately uttered most violent language against me as well as against the British Government,) and Mr.—.

No. 29.

Toronto, April 28th, 1836.

2.

MY LORD,

I have the honour to enclose to your Lordship a copy of the minutes of the Executive Council, by which it will appear that, in withholding assent to the money bills, and in declining to grant the contingencies of the House of Assembly, I acted with the advice of my Council.

One of my reasons for not granting the contingencies was, the knowledge that a large sum would be granted out of them, by the Assembly, to send an agent to England, which I have good reason for knowing they had determined to do.

I have just learned that Mr. Robert Baldwin, one of the Executive Council, leaves Toronto this day for London. It is stated that he goes there for the recovery of his health; but it is acknowledged by his party, that he will be prepared to answer any questions which the Government may feel disposed to put to him.

The system of sending agents from the British North American Colonies, and their being received by the Government, is one which I feel confident your Lordship will discountenance.\*

The House of Assembly, or the Legislative Council, or the Executive Council, or any individual in the colony, have a constitutional mode of making accusations against the Governor, to which accusations he has also a constitutional opportunity to reply.

Should this not be deemed sufficient, and should the novel course of receiving agents be adopted, then I submit that, in common justice, the party complaining should appoint one agent, and the party complained of another, but that one should not be heard without the other: the inconvenience of such a system must be so apparent, that I feel confident your Lordship will not approve of it.

The mere fact of its being supposed that the revolutionary party have an agent at home, who is successfully undermining the character of the Lieutenant-Governor, will give great importance in this country to Mr. Baldwin's residence in London; and I therefore hope that, should he, directly or indirectly, communicate with the Colonial Office, your Lordship will give him that style of answer, a copy of which, transmitted to me, and published in this country, would at once put an end to that sort of left-handed attacks upon the constitution.

I have the honour to be,

My Lord, &c.

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

No. 38.

Toronto, May 19th, 1836.

3.

MY LORD,

I have the honour to transmit to your Lordship an address which was this morning presented to me by a deputation from the electors of this city, with my answer thereto.

I would direct your Lordship's attention to the fact, that, at the last general election for the city, the total number of votes that were polled amounted to 512, and that to the present address there are attached no less than 461 signatures.

I have also the honour to transmit an address from the electors of the county of Lennox, of which Mr. Speaker Bidwell and Mr. Perry (the chairman of the committee, who drew up the report on the correspondence with my late Executive Council) are at present the members. It will explain to your Lordship the reaction which is taking place in this province.

\* In this almost single instance my recommendation was most strictly complied with.

I may also observe, that I have this evening received official information, that 1200 electors of the Gore district are coming down in a body to Toronto to present to me, in person, an address, strongly supporting me in the measures I have adopted.

I have the honour to be,

My Lord,

Your Lordship's most obedient servant,

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

No. 40.

Toronto, May 28th, 1836.

MY LORD,

I have the honour to transmit to your Lordship a copy of a Gazette Extraordinary, by which it will appear that I this day dissolved the Provincial Parliament.

The new elections will be concluded on 27th June.

The number of signatures attached to the loyal addresses which I have received already amount to 24,100; many others are on their way.

(Private.)

Toronto, May 28th, 1836.

MY LORD,

My official communications of this day's date will inform your Lordship that I have this day dissolved the Provincial Parliament.

Of course a most violent contest will take place, and I need hardly observe that it is one upon which our possession of the Canadas may almost be said to depend.

Sensible as I am of its importance, I feel calm and tranquil as regards its result.

In South America, truth and justice carried me through difficulties even greater than those I have now to contend with, and I have the firmest reliance they will again be triumphant.

I enclose to your Lordship a printed copy of an answer I this day gave to one of the numerous addresses.

In all my other answers I have been cool and calm; but in this I have made an exception, because I have long determined to notice that letter which Papineau addressed to Mr. Speaker Bidwell.

The fact is, Papineau as well as Bidwell, and all their party, have long endeavoured to inculcate the idea, that the whole of the population of the Canadas are "united, to a man"—that they only tolerate the British Government, and that, consequently, they can throw it off when they please.

Now, I think it highly necessary that this artful spell should be broken—that the truth should be proved, and I have therefore done so effectually.

I am quite sure that my answer\* will do Papineau the greatest possible injury; for it will prove his theory to have been false. It will re-animate the loyalists; and as our militia regiments all assemble for a few days on the 4th of June, the appeal will stir them up, and turn their votes in the right direction.

I am aware that the answer may be cavilled at in Downing-street, for I know it is not exactly according to Hoyle. *Mais, mon seigneur, croyez-vous donc qu' on fasse des révolutions avec de l' eau de rose?* It is impossible to put down republicanism by soft words.

I have only one moment, as the mail is starting.

I remain,

Your Lordship's faithful and obedient servant,

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

\* "Let them come if they dare!"

The reader will have observed the heavy difficulties I had to contend with, not only in Upper Canada, but in England. The following despatch will moreover explain that, although I was privately on amicable terms with the Commissioners of Inquiry in Lower Canada, yet that I found it so utterly impossible to subscribe to the policy they were ordered to pursue, that I respectfully tendered to her Majesty's Government my resignation.

" Toronto, June 1st, 1836.

MY LORD,

I have received from Lord Gosford and the Commissioners of Inquiry, a copy of their reports to your Lordship on the Executive Council, and I have had an interview with Sir George Gipps, who was here two days ago, on his way to Niagara.

It may have appeared strange to your Lordship that, during the short time that has elapsed since my arrival here, I should have twice respectfully tendered to your Lordship my resignation of the station I hold.

The ostensible reason which I gave for so serious a proposal was, that my income and rank were inadequate, as I still declare them to be, to the duties I had to perform; but having read the Commissioners' Report, and having conversed with Sir George Gipps, of whose talents and probity I am deeply sensible, I have resolved to hesitate no longer to confess to your Lordship, that I do not agree in opinion with the Commissioners of Inquiry; and that I have long felt I should eventually embarrass them by remaining in this country. I should not do justice to myself, or act frankly towards your Lordship, the Governor-General, or Commissioners, were I any longer to conceal that, as regards their policy, I have not an idea in common with them.

The very first act of my administration was a deliberate departure from the course they adopted. I perfectly well knew, and I stated it to your Lordship, that by not giving to the legislature of this province the Commissioners' version of their instructions, I should seriously embarrass them: at the same time I could not make up my mind to conceal the truth, and I therefore promulgated the instructions themselves, *in puris naturalibus*, although I was sensible it might cause my recall.

In the Commissioners' Report respecting the Executive Council, they build their recommendations on the foundation, "that the weightiest accountability which can attach to any man, in matters of a public nature, for which he is not punishable by law, or by loss of office, is accountability to *public opinion*."

To this doctrine I have never been able to subscribe; on the contrary I have always considered that every man in office should make public opinion follow *him*, and never attempt to follow *it*.

However, upon this foundation the Commissioners project plans which, consistently with their theory, are avowedly framed "to secure as much as possible of the confidence of the people."

In the contest which I have had with the House of Assembly here, my argument has been that the Governor and his Executive Council form the great constitutional counterpoise to the representatives of the people; and that in proportion as the Provincial Legislative Council is deficient in the rank, wealth, and superior education which give influence to our House of Lords, so it is necessary that the Governor and his Council should be enabled to withstand the democratic pressure which, in the British constitution, it is as much as the King and the House of Lords can do to resist. I therefore consider that the Commissioners' recommendation of attempting to conciliate partly public opinion by forming the Executive Council out of the two Houses of the Legislature—or, in other words, out of the very elements it is intended to control, is a fatal error.

I also consider, that to absolve the Governor's council from secrecy would render it absolutely impossible for him to consult them; for as he is only supposed to consult them on subjects upon which he feels his judgment to be rickety, the confession to them of his own weakness would, if made public, ruin his authority by depriving him of respect.

Besides this, if a councillor were permitted to declare what measure he had *not* advised, he would equally be at liberty to declare what measures he had advised; and, if these were popular measures, the Governor of this colony, besides having to stand against democracy, would also have to bear against the additional odium of having stood against the popularity.

hunting advice of his Council; which, altogether, would in practice be more than he could bear.

But the Report of the Commissioners respecting the Executive Council forms but a single feature in the whole picture of their policy, which to my mind has a democratic character to which I cannot conscientiously accord.

I can declare to your Lordship, that, before I came to this country, many of my friends fancied I was a radical, and, indeed, I almost fancied I was one myself, for in all the countries I have ever visited, I really have been devotedly attached to what is vulgarly called the liberty of the subject, but I cannot go as far as the Commissioners; and I feel it only due to them, and to your Lordship, to state so.

For instance, I consider that the language of the 92 Resolutions of Lower Canada was not only insulting to the British Government, but traitorous.

If this be true, it unavoidably follows that the author of these resolutions is a traitor, and to create him a judge was, in my humble opinion, to place on the British bench one whose proper situation was the dock.

I consider that, in a British colony, *British interests should be paramount*, and that in these provinces we should foster them by every means in our power, by infusing into the country our redundant population, and by giving nothing to aliens but their bare rights.

I do not in the slightest degree presume to offer these observations as complaints against the Commissioners, or even as suggestions worthy your Lordship's consideration; but merely as a confession that my principles and opinions differ completely from those of gentlemen under whom I believe, I should act, and with whom, I am sure, it is highly advisable I should concur.

As long as I could continue neutral, my opinions were concealed in my own breast, but every hour drives me to the necessity of taking decisive measures; and as the Commissioners and I are now acting in opposite directions, I feel quite confident that sooner or later the principles which govern us must be suspected to be different, and that, the moment the truth is elicited, embarrassments of a very serious nature must ensue. The British population of both the Canadas is now leaning with its whole weight upon me, instead, as it ought to do, upon the Commissioners; I therefore feel I am doing his Majesty's Government more harm than good—that being the lesser power I really ought to retire—and I have no hesitation in recommending to your Lordship that I should do so.

There exist, in the Commission of Inquiry, opinions openly promulgated which many may term liberal, to which I cannot and never will subscribe; but, far from wishing to oppose them, I only desire to offer to your Lordship to yield to them the field.

I have, &c.

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

Although in the foregoing despatch I divulged to his Majesty's Government my opinion concerning the Commission of Inquiry, the high jurisdiction of which extended to Upper Canada, yet in doing so I felt it but right, 1st—to tender my resignation; and, 2ndly, to make the Commission aware of the opinions I entertained, by communicating them almost literally in a letter to Sir Charles Grey.

As his Majesty's Government, in reply to my communication, declined to lay my resignation before the King, I could not, as I desired, "yield to them the field;" and as the Government did not call upon me to explain my meaning, I had no opportunity of doing so; but as the despatch has now become public, I feel it a duty I owe to the Commission precisely to explain my meaning.

In the Commission there existed one gentleman of whose talent and probity I have already spoken in high terms. His abilities were good, his power of writing uncommon, but his political principles were offensive to almost the whole of the British population. The freedom (which surely must be known in this country) with which he avowed them, was a subject of general regret; and although I could not but admire the honesty with which he spoke his mind, yet when I found that even at a large party, expressly invited to meet him at the Government House at Toronto, in Upper Canada, he advocated his principles so undisguisedly, that, on his leaving the room, one of the public officers observed, loud enough for me to hear him, "That gentlemen should be recalled!" I felt it my duty, though he was personally my friend, to express what I did in my despatch, and having done this, "yield to him the field."

The feeling in the Canadas among the British party was, on this subject, right or wrong, so strong, that, on this gentleman returning to England, it was a subject of considerable speculation to observe in what way a person who was known to have honestly expressed such sentiments would be received by the Colonial Office; and they were equally astonished and disheartened (to no one was the moral more appalling than to myself), when they saw it very shortly announced that, out of the whole population of Great Britain, he was selected by his Majesty's Government to be placed at the head of one of the most rising and important of our colonies. On this appointment I have no comment to offer, and I most deeply regret the necessity which has called for even what I have said.

The following despatches on various subjects will speak for themselves.

Toronto, June 22, 1836.

MY LORD,

I have the honour to transmit to your Lordship a newspaper published here, entitled the *Correspondent and Advocate*, which contains a letter from Mr. M'Kenzie, of which the following is an extract.

"The people of Lower Canada and the Upper Canada Reformers especially direct their views to four important objects, not one of which will be conceded, as I believe, until it be too late. They are—*an elective Legislative Council*; an Executive Council responsible to *public opinion*; the control over the whole provincial revenue to be in the Legislature; and the *British Parliament* and the Colonial Office to *cease* their interference in *our internal concerns*."

As the Republicans in the Canadas generally mask their designs by professions of attachment to the mother-country, I think it is important to record this admission on the part of Mr. M'Kenzie of the traitorous object which the Reformers of this province have in view.

I have, &c.

F. B. HEAD.

No. 56.

Toronto, Upper Canada,  
8th July, 1836.

MY LORD,

The important subject of this despatch is to inform your Lordship of the result of the elections which have taken place here in consequence of my having dissolved the Provincial Legislature on the 23th of May.

As soon as I determined on the 5th of March last to make a stand against the unconstitutional demands of my late Executive Councillors (which, as your Lordship is aware, were strenuously supported by the House of Assembly), I became sensible that the only practicable method of breaking the republican party was by opening the eyes of the people to the traitorous designs of those who were leading them insensibly to revolution.

In proportion as the Constitutionists were observed to rally round the British flag (which I hoisted for the first time in the history of the Province on the roof of the Government House), the Republicans felt it necessary to make on their part every possible exertion; and as the period for the elections gradually approached, it became evident to every reflecting man in Lower Canada, that by the conflict about to take place in the Upper Province, Mr. Papineau's power would either be materially increased or diminished, inasmuch as in one of my replies I had noticed his letter to Mr. Speaker Bidwell as follows:—

"But as Mr. Speaker Papineau has thought proper to promulgate in this province, 'that the people of the Canadas, labouring under the accumulative wrongs proceeding from an Act of Parliament, *unite as a man*,' I feel it necessary publicly to repudiate that assertion, by declaring what the state of opinion in Upper Canada really is.

"The people of Upper Canada detest democracy; they revere their Constitutional Charter, and are consequently staunch in allegiance to their King.

"They are perfectly aware that there exists in the Lower Province one or two individuals who inculcate the idea that this province is about to be disturbed by the interference of foreigners, whose power and whose numbers will prove invincible.

"In the name of every regiment of militia in Upper Canada, I publicly promulgate, *let them come if they dare.*"

The elections commenced on the 20th of June, and the struggle, as might be expected, was a desperate one. I am happy however to inform your Lordship, that the result has been successful, and that truth and justice have as usual prevailed.

In the late House of Assembly the *Republicans* had a majority of *eleven*. In the present House of Assembly the *Constitutionists* have a majority of *twenty-five* (there being now forty-five constitutional members, and only seventeen republican !)

In the late House there were thirteen American members ; in the present House there are only seven, one of whom is a Constitutionist.

Among the Republicans who have *lost* their election are the following names :

"1. Mr. Speaker Bidwell,\* the twin or Siamese companion of Mr. Speaker Papineau.

"2. Mr. Peter Perry, the most powerful, as well as the leading speaker of the Republicans ; the chairman of the committee to whom was referred my correspondence with my Executive Council.

"3. Mr. W. L. M'Kenzie, the Chairman of the Grievance Report, and arch-agitator of this province."

As a single example of the reaction which has lately taken place in the public mind, I may state that the Solicitor-general, who is the leader of the constitutional party in the House of Assembly, was returned without opposition ; that Mr. M'Lean, the late constitutional Speaker, was returned at the head of his poll ; while Mr. Speaker Bidwell, the avowed advocate for republican institutions, was the lowest of the four candidates for his county.

The effect which the election has produced in this country, and the excitement it will cause in Lower Canada, I will not attempt to describe, but will only express a hope that it will, in your Lordship's estimation, sufficiently defend the course of policy which I have adopted on my arrival at this province, and which I had the honour to explain to your Lordship in my despatch of the 5th of February, as follows:—

"Under these circumstances I considered that the great danger I had to avoid, was the slightest attempt to conciliate any party ; and that the only course for me to adopt, was to act fearlessly, undisguisedly, and straightforwardly for the interests of the country, to throw myself on the good sense and good feeling of the people, and abide a result which I firmly believe will be triumphant."

I have the honour to be,

My Lord,

Your Lordship's most obedient servant,

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

No. 57.

Toronto, 16th July, 1836.

MY LORD,

In my last despatch, No. 56, dated 8th instant, I had the honour to inform your Lordship, that our elections have added forty constitutional votes to the House of Assembly, which is composed, as your Lordship is aware, of sixty-two members.

"The republican minority of course feel that their cause is desperate ; and, as a last dying struggle, they have, I understand, been assembling at Toronto night after night, for the purpose of appealing for assistance to his Majesty's Government !

\* The Government insisting on elevating Mr. Bidwell to the bench, after they had received this despatch, is surely incomprehensible.

Their conventions are so secret that it is impossible for me to know what passes there; but I have been informed, that they have actually despatched Dr. Duncombe,\* (an American, and a rank republican) with complaints of some sort respecting the election.

I also beg to state to your Lordship, that I expect that Dr. Baldwin, Mr. *George Ridout* and Mr. Small, whom I have felt it necessary to dismiss from the situations they respectively hold, in consequence of the disrespectful language they have publicly used against me, will also seek to be supported by his Majesty's Government.

I feel confident that your Lordship will discountenance this dark, unconstitutional practice of despatching agents from the province to his Majesty's Government, to make secret complaints against the Lieutenant-Governor, which, of course, it is impossible for him to repel.

I will therefore merely assure your Lordship that in the elections, *as well as in the prompt dismissal of a few of the ringleaders of the Republicans, I have acted cautiously and conscientiously.*

I have the honour to be,

My Lord,

Your Lordship's most obedient servant,

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

No. 60.

Toronto, 23rd July, 1836.

MY LORD,

Until I know whether my past proceedings have been approved of or condemned, it feels cheerless to enter upon the consideration of the future: however, as it is absolutely necessary to consider what should be done at the meeting of the Provincial Legislature which might possibly take place in November, I feel it my duty to submit to your Lordship a few observations.

\* \* \* \* \*

In an evil hour we fatally surrendered, without bloodshed, the duties levied under 14 Geo. III.† the consequence of which has been, that the Republicans, instead of thanking us, have called upon us also to surrender the hereditary revenues of the Crown.

Your Lordship took the pains of ordering in detail a remedy for every single grievance in Mr. M'Kenzie's volume, and the Republicans instantly repaid you by calling for an immediate surrender of the power and responsibility of the Lieutenant-Governor. Little now remains in our hands, and if that little be conceded, if we give up the hereditary and territorial revenues of the Crown, in my humble opinion we have King Lear's fate before us, without his plea of inexperience.

I need hardly observe to your Lordship, that the British Constitution was granted to the inhabitants of the Canadas, merely for the internal government of *their own* property, and *their own* affairs; not to entitle them to claim possession of the property of the parent state! If once this distinction be confounded, not only will the property of the Crown be in danger, but the colony will actually be encouraged to demand its separation from the mother-country; but if the Crown voluntarily surrenders its actual property in this colony, before it has imbibed from the mother-country a hundredth part of the redundant population it is capable of sustaining, it may with equal justice be required to surrender its jurisdiction.

I feel quite confident that if the Lieutenant-Governor of this Province, whoever he may be, will act with common firmness, he will not be seriously embarrassed by this refusal on the part of his Majesty's Government; and if the territorial revenues were placed at the Lieutenant-Governor's disposal, under such orders and precautions as his Majesty's Government might think proper to direct, to be judiciously applied by him to those sort of improve-

\* This Dr. Duncombe crossed the Atlantic on his secret mission under a false name. On arriving in London, he of course went to Mr. Hume, who seconded his charges against me of having "fabricated votes." On his return to Upper Canada he failed even to appear before the House of Assembly to substantiate any one of his allegations, became a traitor in arms, ran away, and a reward of £500 is now offered for his apprehension.

† See the Duke of Wellington's admirable protest against this fatal measure.

ments (such as road-making for instance) which would benefit the mother-country as well as the province, or if necessary, to be temporarily withheld, I believe that the country, instead of factiously opposing the Lieutenant-Governor, would feel it their interest (which at present it is not) to live upon good terms with him; and there can be no doubt whatever, that, being disinterested, being unconnected with all jobs and local speculations, the Lieutenant-Governor of the province could direct the expenditure of the hereditary revenues of the Crown with greater advantage to the country than if they were to be intrusted to the people's representatives.\*

Whether the Lieutenant-Governor or the House of Assembly is to have the expenditure of this money is the point which I respectfully submit to your Lordship's consideration.

In my humble opinion it should be given to his Majesty's representative.

1st. Because it is the property of the Crown, and not the property of the people; and

2ndly. Because it is politic to give the Lieutenant-Governor every possible constitutional support, and impolitic to throw that which legitimately belongs to his influence into the scale of the House of Assembly, which already too clearly preponderates.

I have not yet been able to determine when the Legislature will assemble; but as it is very possible that it may be advisable it should do so early in November, I hope to receive immediate instructions.

I have, &c.,

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

## CHAPTER VI.

Return to Toronto, after a two months' Inspectional Tour of the Provinces—Submit to his Majesty's Government a Memorandum on the Political State of the Canadas—Also a Memorandum on the Indian Tribes—Remonstrate with the Government—Adhere to the Opinion that the Casual and Territorial Revenues should not be surrendered—Reply to Mr. Ex-Speaker Bidwell's Accusation—Loyal Address from the Speaker of the new House of Assembly on granting the Supplies.

In my inspectional tour, which occupied about two months, I traversed Upper Canada from the extreme south to the eastern district, and from thence to the western boundary.

I generally travelled with two attendants; and, as a considerable portion of the journey was necessarily performed on horseback, I had an opportunity of conversing on very agreeable and easy terms with the yeomen and farmers, who generally assembled to ride with me through their respective districts, and proceeding considerable distances, I had thus an opportunity of conversing through the day with various sets of farmers. In my visits to the Indians it was found inconvenient to carry a tent, and accordingly my aid-de-camp and I lived in the open air, and at night slept on the ground.

Nothing can be more reasonable than that his Majesty's Government should withhold their support from any officer in their service who conscientiously advocates in his despatches principles differing from their own; but that my humble opinion on the political state of the Canadas, and of the Indians, should on that account have been withheld from the public, when every report, even of disagreement, proceeding from Lord Gosford and the Commissioners of Inquiry in Lower Canada, was liberally submitted by His Majesty's Government to both Houses of Parliament, to enable them to form their judgment on the Canada question, appears to me inexplicable.

No. 79.

Toronto, Upper Canada, Oct. 8, 1836.

MY LORD,

I have the honour to inform your Lordship that I have issued a proclamation convening the Legislature of this province for the despatch of business on Tuesday, the 8th of November next.

\* The Legislative Council, in their late able "Report on the State of the Province," in speaking of the proposed surrender to Upper Canada of the casual and territorial revenues, in most disinterested terms declare, "that they are far from being impressed with the conviction that such a relinquishment of the *just rights and prerogatives* of the Crown will contribute to the welfare of the colony." Yet, against the advice of two branches of the Legislature, the Colonial Office *insist* on surrendering them!

I had, as your Lordship is aware, fixed upon the end of November; but in consequence of the state of affairs in Lower Canada, I have considered that his Majesty's Government would probably like to have before them, at the meeting of the Imperial Parliament, the actual result of the *whole* of the proceedings of the session of this Legislature, and I therefore fixed on the day I have mentioned.

I have, &c.

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

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No. 86.

*Toronto, Upper Canada, Oct. 28, 1836.*

MY LORD,

I have the honour to submit to your Lordship a short memorandum on the present political state of the Canadas.

I have, &c.

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

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*Memorandum on the present Political State of the Canadas.*

During the inspectional tour I have lately concluded, I have been occupied two months in calmly observing the moral feeling of this province.

Avoiding addresses of congratulation, or anything that could cause political excitement, I have mingled with men of practical intelligence, and have listened to the variety of opinions they offered to me, with the same attention with which, as an Assistant Poor Law Commissioner, I made myself acquainted with the prejudices and difficulties it was then my duty to encounter.

I have since had full leisure and opportunity deeply to reflect upon all I have seen and heard; and, although I am at this moment sensible how much may possibly depend on the integrity of the evidence I am about to offer to your Lordship, and into what difficulties I may lead His Majesty's Government, if by exaggeration I should induce them to construct their remedial measures upon a false foundation; yet, with all this before my mind, I have no hesitation whatever in declaring to your Lordship, that *upon the loyalty of the people of Upper Canada, his Majesty's Government may now build as upon a rock.* I declare to your Lordship that in England there does not exist a more sensible attachment to the British constitution, and to the person of our Sovereign, than here. The owners of property in Upper Canada, dislike democracy: they dislike it infinitely more than people in England do, because *there* it is a fine *omne-ignotum pro-magnifico* theory, that no man understands—whereas *here*, it is seen practically working before our eyes in the United States; and it is because the British population in Upper Canada see it in operation, that they deliberately detest it, in which feeling, or rather judgment, they are joined by many of the Americans themselves, who sorrowfully foresee that Lynch law must ere long unavoidably treat their rights, their hard-earned property, and their religion, just as the cataract of Niagara everlastingly behaves to the calm, gliding waters of Lake Erie.

Of course there exists in Upper Canada, as in England, a party who desire to subvert the British Constitution; but I can assure your Lordship that this party is, generally speaking, composed of people who, in point of property as well as in point of character, have little or nothing to lose, and whose opposition is therefore, proportionately, not equal to that which exists in the mother-country.

The opinion which so generally prevails in England, that a republican government is better suited to the disposition of the Canadian people than the British Constitution, is an error which the simple fact I am about to mention ought to subvert.

Previous to the late election, I made the following declaration, which was printed and circulated over the whole province :—

“ The people of Upper Canada detest democracy ; they revere their Constitutional Charter ; and are, consequently, staunch in allegiance to their King.”

This declaration against democracy was, of course, disapproved of by the republican members of the late House of Assembly ; and consequently, nothing could be more clearly put to the decision of the inhabitants of any country than the following question, which the people of Upper Canada actually asked of each other on the hustings : “ Do you vote for the House of Assembly or for Sir Francis Head ? ” which amounted in plain terms to this, “ *Are you for a republican government, or are you not ?* ”

The subject having been thus publicly sifted, debated, and argued for about three months, the verdict of the people was unequivocally delivered as follows ;—

It discarded from the House of Assembly,

1. Mr. Speaker Bidwell, the avowed advocate of republican institutions.
2. Mr. Peter Perry, the leading supporter of these doctrines.
3. Mr. W. L. McKenzie, the leading writer in support of these principles.

It completely broke up the republican majority, which, under the pretence of being redressors of grievances, had long insidiously, but successfully obtained seats in the Assembly : in short, the result of the election, or in other words of *the opinions of the people*, was eventually declared to be as follows :—

Number of Constitutional members elected - - - 44

Number of their opponents - - - - - 18

Of this latter number (18) there were not three who dared openly to avow, before their constituents, a desire to separate this colony from the mother-country, or to exchange its constitution for democracy.

I feel it impossible to take leave of the above recited historical fact, without remarking how little it supports Mr. Papineau in his assertion, that *America is destined to give republics to Europe !*

With respect to the Indians inhabiting the vast regions around us, I can assure your Lordship, from personal communication with these brave men, that, in the event of a war, all those upon whose attachment we have a just claim would, at any time, sacrifice their lives for their great father, the King, and that if it should be necessary to call upon them, they would come.

Having now stated the result of the observations I have personally made on the state of public feeling in Upper Canada, I would gladly conclude ; but the political state of Lower Canada is so entangled with the interests of this Upper Province, that I feel it my duty respectfully to submit to your Lordship my opinion of the remedial measures which ought to be adopted, in order that his Majesty's Government may take them into consideration, with the various other projects and recipes which will be proffered on the subject.

The remedy which I fear will be assiduously recommended by the British population of Lower Canada is, that the two provinces should be united, and placed under the government of some individual in whose coolness, decision, and ability they can rely.

My humble but deliberate opinion of this project is, that it would produce the effect of separating both the Canadas from the parent state, on the homely principle, that if tainted and fresh meat be attached together, both are corrupted.

Upper Canada is now, as I have assured your Lordship, sound and healthy at heart.

So long as in the United States democracy displayed only its brilliant *flowers*, considerable danger existed of the weed being rashly transplanted into this neighbouring soil ; but since the poisonous properties of its *fruit* have become known to us, the attachment of the Upper Canadians to their British constitution has, from deliberate conviction, gradually become what I have described it to be. I firmly believe that this good feeling will increase—that the disease of democracy has ceased to be infectious—that we have now nothing to dread but its contagion, and, consequently, nothing to avoid but its actual contact. However, notwithstanding the good feeling which exists in the country, it is well known, to every observer of human nature, that a considerable portion of mankind are always governed more

by prudence than by principle. In this country, as in all others, there must, consequently, exist a large body of men, termed here "majority men," from their propensity to attach themselves to the largest party.

So long as Upper Canada remains by itself, I feel confident that, by mere moderate government, her "majority men" will find that prudence and principle unite to keep them on the same side; but if once we were to amalgamate this province with Lower Canada, we should instantly infuse into the House of General Assembly a powerful French party, whose implacable opposition would be a dead or rather a living weight, always seeking to attach itself to any question whatsoever that could attract and decoy the "majority men;" and I feel quite confident, inasmuch as evil passions are always more alert than good ones,

("For oft, though Wisdom wakes,  
Suspicion sleeps at Wisdom's gate.")

that, sooner or later, the supporters of British institutions would find themselves overpowered, not by the good sense and wealth of the country, (for *they* would, I believe, always be staunch to our flag,) but by the votes of designing individuals, misrepresenting a well-meaning, inoffensive people.

But leaving political intrigue out of the question, I submit to your Lordship, in opposition to the project of uniting the Canadas, that there exists no moral affinity between the inhabitants of the two provinces. The one are commercial and enterprising, the other anti-commercial and quiet: the busy enjoyment of the one nation is locomotion, the peaceful luxury of the other is rest.

But even if their propensities were identical, their climate, soil, and geography are so different, that their interests would be constantly at variance.

For instance, the Upper Province, surrounded by seas of fresh water, which it holds in partnership with the United States, requires rail roads and markets, which it might be against the interests of the Lower Province to promote.

The distance between the extreme districts being about 1100 miles, and there being no travelling by water for at least five months in the year, would make the meeting of the Legislature at any point of common rendezvous exceedingly inconvenient. Besides which, the size of the two provinces united, would impart to them a political weight, power, and importance, which would, I fear, encourage a separation from the mother-country. In short, the more I practically consider the project, the more clearly does it appear to my mind, that both provinces would be embarrassed by their union, and that, between the two stools, the British Constitution would fall to the ground.

Deeply impressed with this opinion, it is alarming to me to reflect how strongly the project will probably be pressed upon the consideration of his Majesty's Government by various classes of people, each actuated by self-interest; for instance:—

1. By the British population of Lower Canada, who desire to be rescued from the domination of the French.
2. By a portion of the British in Upper Canada, whose votes have been canvassed by their correspondents in the Lower Province.
3. By that unthinking portion of the community, which here, as well as in England, is always in favour of novelty and change.
4. *By all those deep-calculating Republicans in both provinces, who shrewdly foresee that the union of the two provinces would eventually cause their separation from the British Empire.*

In case his Majesty's Government, for better reasons than I have offered, should disapprove of the union, it then becomes necessary to consider how the present revolt in Lower Canada should be dealt with.

In my humble opinion there are but two courses to be adopted; namely, either peaceably to attempt to cure the evil, or to determine forcibly to kill it.

The only peaceful prescription for effecting a cure, which I can conceive, is emigration; and it will no doubt be argued, that as an army of emigrants is cheaper than an army of soldiers, it should be our policy to swamp the misrepresentatives of the French *habitans*, by opening upon them, by dint of free grants of land, the flood-gates which retain our superabundant population.

I feel confident, however, from what I have seen of Upper Canada, that this theory would fail to produce the desired effect: for the severity of the Quebec climate, compared with this, would chill the efforts of Government to effect this rapid emigration; and, even if it were to be effected, the time that must elapse before the present members of the Assembly could be actually displaced, would defer the remedy to a distance beyond our present political horizon. In the mean while, Upper Canada would be like a living body chained to a dead one: for as the two provinces are partners in the joint-stock revenues of the St. Lawrence, as well as in the navigation of the Ottawa, a sulkiness, or anti-commercial obstinacy, on the one part, would amount to an actual blockade of the interests of the other: in short, the Upper Province would be driven by desperation to search for an outlet to the ocean, *via* the United States.

The political disorder of Lower Canada being (as I have endeavoured to shew) by the slow process of emigration *incurable*, we are now driven to consider what would be the safest, the simplest, and the most effectual method of *killing* it. I do not mean by personal violence, but the calm, legislative powers of the Imperial Parliament.

It is useless at the present hour retrospectively to regret the uncalculating course of policy, which from our first possession of the Canadas has not only permitted, but encouraged a few individuals who misrepresent the real interests of the French *habitans* of Lower Canada, (whose simplicity and amiability of character no one can fail to admire,) to assume towards the British Empire a tone of arrogance, and a posture of defiance which, considering their relative physical strength, and the total absence of any just cause for revolt, is without a parallel in colonial history.

Our past policy has, however, been productive of one advantage, namely, that it must now satisfy the cool judgment of the civilized world, that Great Britain in forbearance has borne more, and in submission has submitted to more, than would have been tolerated by any other nation on the surface of the globe; and indeed, such is the scrupulous regard for justice, and the love of mercy, which is inherent in the British character, that I am proud to believe it will be with the deepest regret that the subject will even now be considered by the Imperial Parliament.

Something, however, must be done; and although I trust I am as unwilling as any person can be, to meddle with the Constitutional Act of 1791, yet, seeing the unavoidable necessity of doing so, I cannot but avow, I think it the duty of the country, if it does resolve to interfere, to prevent the necessity of ever doing so again.

With the double object therefore of cure and prevention in view, the following is the manner in which I would propose that the Imperial Parliament should deal with Lower Canada.

1. Let the Act giving up the revenue of the 14th George III. be repealed.
2. Annex Gaspe to New Brunswick.
3. Annex Montreal to Upper Canada.

4. Make the north bank of the Ottawa the boundary of Lower Canada, giving the waters of the river, and the expenses of making them navigable to Upper Canada; Lower Canada having free right to use them by paying the same tolls as the Upper Province.

By the above simple arrangement, the Canadas would be divided into two lots; the one British, the other French. Upper Canada, which, without any exception, contains the largest region of black rich earth I have ever witnessed, would then comprehend almost all that is British in the Canadas; and it would have, as its own port of entry, Montreal, the wealth and importance of which would draw the exports as well as imports of the country to the St. Lawrence: whereas, continue to deny to Upper Canada that port, and every person acquainted with the country foresees, and has long foreseen, that its produce, pent up under high pressure, must fly off by licit or illicit means, into the United States.

As long as Upper Canada remained poor, and occupied in petty political discussions, the want of a free port of entry was merely a subject of constant complaint; but whenever it shall become flushed with wealth, unless free circulation be given to its commerce, I have no hesitation in saying, I believe the people would revolt from any Government on earth that should deny them this natural respiration.

Convinced of this truth, I consider the opportunity now afforded to the Imperial Parliament of providing against this approaching evil a most fortunate occurrence: for if the misrepresentatives of Lower Canada had not by their late conduct shaken off their connexion with

the British population of the Canadas, the latter would very shortly have found it necessary, without right, without justice, and for no other reason than for that which all over the world governs mankind, namely, *their own interests* to have severed the connexion themselves. That the two tribes of men, French and English, do not assimilate, is *no modern discovery*; why therefore, should we expect that a commercial partnership should succeed on the St. Lawrence, which would not hold together for five minutes on the Thames?

My humble project of separating the two tribes is nothing more than what Nature herself did, when she deliberately created the British Channel.

If it should be argued, that, by transferring Montreal from the Lower to the Upper Province, we should make the latter too strong, and the former too weak, I respectfully reply, that Upper Canada need not be ashamed to acknowledge that, single-handed, she can never be made strong enough to stand against the United States by land; nor, with her solitary port on the St. Lawrence, could she ever attempt to contend against Great Britain by sea. With one of these powers she must consequently exist in alliance; and leaving consanguinity out of the question, there can be no doubt in the mind of any man who is acquainted with the inhabitants of Upper Canada, that they are deliberately of opinion that they hold at this moment a higher and more independent station, as a colony of their own revered mother-country, the British Empire, than they would hold if they were permitted to be styled one of the super-numerary stars of the United States.

We have therefore nothing to dread from the size or from the prosperity of Upper Canada, and with respect to the division proposed making the Lower Province *too small*—if it be true, and surely no one can deny it, that the French are not the same sort of restless, commercial people as ourselves—that we made a grand mistake in legalizing their language—that their habits, wants, and religion, however they may be deserving of our respect, never will assimilate with our own; it may be fairly asked, what harm shall we do ourselves, or what injustice shall we do to them, by saying, “Gentlemen, your representatives have failed to support the Executive out of the revenues we surrendered to you, on condition you should do so: we have, therefore, repealed that Act, the provisions of which you yourselves have most deliberately broken.

“You profess not to like your connexion with Great Britain, under whose mild, parental protection you have amassed all your wealth: we have, therefore, detached you as much as possible from British interest, nevertheless, for the sake of those who have already emigrated, as well as for those who have a right still to emigrate from their mother-country to the British colony you inhabit, we shall insist on retaining within that portion of the empire the British Constitution.

“You have, therefore, your own Legislative Council, your own representatives in the House of Assembly; and with these advantages, which you may either use or abuse, we now leave you to act as you may think best for the interest of the noble country you inhabit.”

If Lower Canada, under these altered circumstances of *its own seeking*, should choose to be commercial and loyal, it would soon reap the inestimable advantage of its connexion with our empire: if, on the contrary, it should prefer to be disloyal and anti-commercial it would injure no one but itself, for it could not possibly be an independent nation, neither could it hope to join the Upper Canadians, for they would say, “No, Gentlemen, we have already tried a connexion with you, you did not suit us, you would not work with us, you publicly declared you did not like us, your representatives refused to meet for legislation, until our British Constitution was changed for elective institutions: we have at last got a port of our own, we are busy opening the navigation of the Ottawa and the St. Lawrence, and we are satisfied.”

Lastly, it could not join the United States,

1st, On account of its distance;

2nd, Because, by the common law of nations, Great Britain and Upper Canada would object to any foreign power occupying a position of our empire which commands the entrance of one of the noblest of its rivers.

I am aware that in the eastern township of Lower Canada, as well as at Quebec, there exist some British inhabitants, who, if they were to hear of the proposed annexation of Montreal to the Upper Province, might, at first, with some reason, fancy themselves peculiarly neglected,

by being thus apparently placed even more than ever under the domination of the French; but I think a little reflection would satisfy them, that as it is *impossible* for them, as they are at present, *ever to belong to the French majority*, the more the power of that majority be *crippled*, the less will they have to fear from its domination.

With respect to Upper Canada, I have already stated that, with the assistance of Montreal, the navigation of its two great rivers would immediately be perfected.

Enjoying independently its own port of entry, and public confidence being restored, the province would become rapidly rich from the redundant capital, enterprise, and population of the mother-country, and its commerce being attracted by the wealth and intelligence of Montreal, would travel on our own noble rivers the St. Lawrence and the Ottawa, instead of being forced upon canals and rail-roads in the United States, which, in case of war, it would suddenly be deprived of. The loyal colony of New Brunswick would also be benefitted by the arrangement, and I believe that the just lesson would produce a salutary moral throughout all our colonies.

In the above outline of the advantages which would attend the division of the Canadas as I have proposed, I have said nothing of the immense value of these provinces to Great Britain, because I feel that subject too vast to be described. I will, therefore, only observe that Upper Canada alone is capable of receiving the whole agricultural population of England and Wales—that its commerce is a market for our own manufactures, and a nursery for *our seamen, instead of for those of other powers.*

If the Imperial Parliament will now deal with Lower Canada with firmness and decision, there is nothing whatever to fear—if *it vacillates, all is gone.*

F. B. HEAD.

My memorandum on the state of the Indians of America will be found in Appendix A.

Toronto, 28th, Oct. 1836.

(Private.)

MY LORD,

It is an old maxim in the army, that any project of apparent difficulty, or danger, should always be accompanied by an offer from the proposer to carry it into effect *himself.*

The memorandum I have the honour to submit this day to your Lordship contains a proposition of this nature, and I should have no hesitation in declaring to your Lordship that I would pledge my character to carry either half of what I recommended into effect: I mean, that I would undertake either to advance the interest of the Upper Province in the way I have proposed, or by caution, forbearance, and firmness to tranquillize the Lower Province,\* notwithstanding the operation I have recommended it should undergo;† but, from the treatment I am receiving, I feel that my services are not appreciated, and will not long be in action.

I have, &c.

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

To those who may have conceived that I have intemperately abandoned my post, I beg to observe, that I remained at it nearly eighteen months after the above despatch was written.

Toronto, Upper Canada, 7th Nov. 1836.

MY LORD,

I have the honour to acknowledge the receipt of your Lordship's despatches (No. 73 and 95), of the importance of which I am deeply sensible; but as the Legislature assembles to-morrow, I trust your Lordship will excuse me, if I reply to these communications in as few words as possible.

\* After it had been reduced.

† Although I offered to carry either of these two measures into effect, yet I can truly say that nothing in this world would have induced me to have assumed the impracticable duty of contending with an amalgamation of the Houses of Assembly of the two Provinces.

The flattering manner in which your Lordship has been pleased to convey to me the King's gracious approbation of my conduct has afforded me the first happy moment I have enjoyed since my arrival in this province.

The future so completely occupies my attention, that it is with reluctance I turn to the consideration of the past; but your Lordship seems to wish that I should frankly explain myself respecting my political opinions, and I will therefore lay them before you without reserve.

Up to the receipt of your Lordship's despatch (No. 95), I have suffered, from the treatment I have received from his Majesty's Government, more pain than it would be possible for me to describe.

On the 29th of February almost every member in the House of Assembly, with a majority of the Legislative Council, recommended to your Lordship that an individual should be appointed to the important station of Surveyor General of this province, in opposition to an appointment which I had made. In resisting this aggression, I had no interest but that of the public service, and I undertook a heavy responsibility in standing against a recommendation apparently so respectable.

Your Lordship must have received this communication about the end of April, and though my arguments and reasoning appeared to you satisfactory, and though *eventually* you approved of my conduct, yet it was not until the 27th of September that I was relieved from the painful belief which generally existed here, that the measure I had taken was discountenanced by his Majesty's Government.

On the 4th of March I received from the Executive Council a document, ferociously supported by the House of Assembly, which I immediately transmitted to your Lordship, with my answer, which your Lordship was pleased eventually to notice in the following terms:—

"From the constructions thus given to the Act of 1791, I must altogether dissent, nor do I know that it would be possible to refute it in terms more complete and satisfactory than those employed in your answer of the 5th of March."

The above support, however, I did not receive from your Lordship until the 27th of September, during which time I was engaged single-handed in one of the severest moral contests on record in the Colonial Office. Your Lordship's silence was construed, not only by my enemies, but by everybody, even by my own Executive Council, as the marked disapprobation of his Majesty's Government, and it bore me almost to the ground.

By my own unassisted exertions, I received addresses of support from about 28,000 yeomen, farmers, &c., all of which I forwarded to your Lordship, but to which, to this day, I have never received the slightest acknowledgement from his Majesty's Government, addressed to those who thus generously came forward to support me.

Whenever a mail arrived, I was asked, with the greatest anxiety, what remarks the British Government had made to these noble addresses; the mortifying answer I had to give was "*None.*"

The speech I delivered to the Legislature at the close of the last session has, in this province, as well as in the United States, been noticed in a manner strongly supporting me, as the administrator of the Government. Upwards of 100,000 copies of it have been distributed.

The greatest curiosity naturally existed in this little community to know what notice His Majesty's Government had taken of this speech; I had again to reply "*None.*"

When I eventually gained a victory, which I hope I do not overrate when I say that it has saved the Canadas, weeks and weeks elapsed without the slightest acknowledgment, or even mention of it, by his Majesty's Government, the effect of which corroborated the general belief that I was acting against the policy of his Majesty's Government, and that I should eventually be recalled.

During this period of painful suspense, my family were in the greatest embarrassment and anxiety; and though certain points of my conduct were approved of by your Lordship, yet other minute points were visited with observations which I never expected to receive.—For instance, I was told that by having given to the Legislature the whole, instead of the substance of my instructions, I had "disregarded the express injunctions of the King;" that I had "avowed in the most public manner, that, in thus divulging the precise terms of my instructions, I was acting in opposition to his Majesty's orders," and that "I had thereby contributed a little to impugn the respect due to the royal authority."

Again, in your Lordship's despatch (No. 73), in spite of the triumph I had gained, I was slightly reproved for having accepted the resignation of Messrs. Rolph, Baldwin, and —, and your Lordship withheld your approbation from what was stated to be "my recommendation, that Mr. — should be removed from the office of —:" whereas, if your Lordship will be so good as to refer to my despatch on the subject, it will appear that I never recommended that gentleman's removal; on the contrary, that I earnestly requested your Lordship *not* to remove him, until I found him associated with Mr. Papiucan and Mr. Bidwell, when I merely retracted the above recommendation, leaving it entirely to your Lordship to deal with him as you might think proper.

My Lord, I could continue these observations further, and could shew you the mischievous political effect they produced in the Canadas, as well as in England, of causing everybody to believe that I was discountenanced by his Majesty's Government, to whose interests, honour, and policy I had never been faithless for a moment. But I will say no more on the subject; I dismiss it from my mind and from my memory, and have only made the above explanation as an apology, rather than as a reason, for a few intemperate sentences which in my despatches to your Lordship I regret that I have expressed.

I will now proceed to reply to the latter paragraph in your Lordship's despatch No. 95, which states, that a "zealous and cordial co-operation on my part, in prosecution of the system of policy thus solemnly announced, is the condition upon which the administration of the province can be continued in my hands."

The above observation of your Lordship is so plain and unequivocal, that, if it stood isolated, I should receive it with respectful silence; but, as it appears to be connected, in a slight degree, with the baronetage which your Lordship announces to me it is his Majesty's intention to confer upon me, I feel the strongest possible anxiety to explain myself most clearly on the subject, before the gracious intention of his Majesty can possibly be carried into effect.

With respect to the instructions I have had the honour to receive from your Lordship, I have no hesitation in saying, that, when I read them in England, they appeared to me to be everything I could desire.

They have formed the text of all the replies I have made to the various addresses I have received, and I have invariably referred to them as a proof that I was ordered by your Lordship "to maintain the happy constitution of this province inviolate, yet cautiously, but effectually, to correct all real grievances." The victory I gained over the Republicans I attributed (*vide* my despatch No. 56), not to my own exertions, but to your Lordship's instructions.

With respect, however, to that part of Lord Gosford's instructions which relate to the giving up the hereditary and territorial revenues of the Crown, I never understood, or indeed reflected upon, that subject, until, by our victory here, it became evident, to my humble judgment, that it was neither necessary nor advisable to do so.

In my despatch No. 60, I therefore explained, with the frankness with which I have always ventured to address your Lordship, the reasons of my earnest recommendations that they should be withheld. I respectfully adhere to the opinion I have expressed; and I have no hesitation whatever in saying, that, if the subject were open to your Lordship's revision, I should feel it my duty to tender my resignation, rather than be the instrument of doing what I conscientiously believe is impolitic.

But your Lordship informs me, that the King's word is *pledged* to the performance of this arrangement; and it being therefore irrevocable, it is useless for me to say any more on the subject.

If it were open to argument, I do yet believe I could bring conviction to your Lordship's mind, that Lower Canada having refused to serve any longer under the British Constitution, has virtually absolved his Majesty from any previous offers of accommodation he may graciously have made. I look upon the territorial revenues of the Crown as our last cable; that when it goes, we shall be on a lee-shore, and, at the next tempest, be driven on the rocks.— *As the pilot in charge of your vessel, I warn your Lordship of the danger*, and if it be necessary that I should abandon my opinion, or the reward which is intended for me, I have no hesitation in at once renouncing the latter, for every hour of reflection makes me cling firmer and firmer to the former.

I have now, as regards my instructions, opened my mind to your Lordship, without concealment or reserve; and it only remains for me to be equally explicit, as regards my own

private policy, or, in other words, the manner in which I shall continue to carry my instructions into effect.

In this I have no alteration to propose. In a moral contest it never enters into my head to count the number of my enemies. All that guides me is a determination to do what is right. I will never shrink from responsibility, and will endeavour *never to conciliate* nor offend.

The more I am trusted, the more cautious I shall be—the heavier I am laden, the steadier I shall sail; but I respectfully claim the military privilege of fighting my own battles in my own way, and of retiring from your Lordship's service whenever I may find it advisable to do so.

I will not apologise for having explained myself so clearly, because I am sure your Lordship will feel for me how absolutely necessary it is that I should not receive the baronetage which I am informed is graciously to be conferred upon me, with the slightest possibility of a misunderstanding on the subject.

I have, &c.

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

No. 89.

Toronto, 6th Nov. 1836.

MY LORD,

I have the honour to acknowledge the receipt of your Lordship's despatches, Nos. 75, 76, 77, and 80, in which I am informed that certain letters respecting my conduct have been addressed to your Lordship by the following persons:—Messieurs Marshall Spring Bidwell, Robert William Baldwin, John Rolph, T. D. Morrison.

I have also the honour to acknowledge the receipt of your Lordship's despatch No. 95, enclosing a copy of a petition addressed by Mr. Charles Duncombe, a member of the House of Assembly of this province, to the House of Commons, and presented to the same by Mr. Joseph Hume.

On the receipt of the above-named despatches, Nos. 75, 76, 77, I immediately communicated to Messrs. Bidwell, Rolph and Morrison, a copy of your Lordship's request, namely, "that I would call on each of these gentlemen respectively for a copy of his letter to your Lordship, in order that I might be able to supply your Lordship with any observations on it which I might consider it to require."

The copies of his replies, which I herewith enclose, will explain to your Lordship that Mr. M. S. Bidwell declines to furnish me with a copy of his letter to your Lordship, urging, as his reason, "that it contained a narrative of what had taken place between his Excellency and himself, particularly relative to his Excellency's proposition to appoint him a judge of the Court of King's Bench."

And Mr. Bidwell further adds,

"This private letter to the distinguished nobleman whose name I have mentioned I do not now choose, especially as I have no longer any connexion with public life, to convert into a public and official communication, by transmitting to you a copy of it."

It will no doubt appear strange to his Majesty's Government that Mr. Bidwell, after transmitting to your Lordship statements concerning my conduct, should, when called upon by your Lordship to avow them, deem it advisable to withhold them from me in this country on no better grounds than that they merely "contained a narrative of what had taken place between the Lieutenant-Governor and himself." It will no doubt appear equally inexplicable to your Lordship how Mr. Bidwell could hope, for a moment, that a British minister\* would allow him, or any person, to forward, under the protection of privacy, secret communications respecting the conduct of the Lieutenant-Governor of this province.

\* The reader has to learn, that, in spite of this despatch, the Colonial Office desired me to raise this man to the Bench! He has since the rebellion voluntarily transported himself, and engaged never to return to Upper Canada.

However, as Mr. Bidwell shields himself under this plea of privacy, it only remains for me to observe, that I have it not in my power to offer to your Lordship any observations on the subject of his communication.

As regards Mr. John Rolph,\* whom your Lordship is so good as to inform me has also "commented at considerable length on my conduct," I have to inform your Lordship, that, to the letter from my secretary, enclosed herewith, in which I called upon him, by your Lordship's desire, for a copy of his letter, Mr. Rolph replied, by merely acknowledging its receipt; that, after an interval of five weeks, being again pressed by my secretary for a specific answer, he replied as follows:—

(Copy.)

Toronto, 5th Nov.

SIR,

I have the honour to acknowledge your letter of the 21st of October, recalling my attention to the letter of the 23rd of October.

The sickness in my family has abated, and I hope shortly to be able to furnish the Lieutenant-Governor with a copy of my letter to Lord Glenelg.

I have, &c.

(Signed)

JOHN ROLPH.

T. Joseph, Esq., &c. &c. &c.

As regards Mr. John Rolph's comments on my conduct, I have therefore also to state, that, not having obtained from him the information I required, it is out of my power to offer to your Lordship any reply to his allegations.

Mr. T. D. Morrison,† in his letter dated 29th of April, 1836, "imputes to me a misquotation, from the Report of the Committee of 1835 on Public Grievances, in my speech at the close of last session." To this accusation I consider it unnecessary to reply, as it merely amounts to this—that, in my speech from the Throne, I quoted, as from the Grievance Report, a sentence which actually belonged to its *Appendix*.

With respect to Mr. Robert Baldwin's communication, dated 26th July, 1836, in which he encloses to your Lordship a Toronto newspaper, informs your Lordship of the contents of private letters he has received, and transmits to your Lordship a list of certain tunes which he has been informed have been played at public dinners in Upper Canada, I have no observations to make on such subjects, except that I believe that Mr. M. S. Bidwell, Mr. John Rolph, Mr. T. D. Morrison, Mr. R. Baldwin, and Mr. C. Duncombe, would be the very first to complain were I to undertake to curb in this province the freedom of the press, or to stifle the tunes of which Mr. Robert Baldwin has so gravely complained.

With respect to my expression, "*let them come if they dare*," your Lordship has only to read Mr. Papineau's letter to perceive that this sentence was most clearly levelled at the invitation which the Speaker of the House of Assembly of Lower Canada made to this province as well as the other British North American Colonies to unite for an object that could not be misunderstood.

The Americans had no more to do with the subject than the Chinese, and of this fact, every inhabitant of the Canadas might be sensible; but my defiance was more than was expected, and it was therefore deemed safer to misinterpret it than to meet it.

It certainly appears to me not very creditable to those whose accusations I have just replied to, that after having so loudly and repeatedly complained of the "humiliating and mortifying" inconvenience of seeking for justice 4000 miles off, they should centrifugally write and hurry across the Atlantic, to complain of the honest verdict which has been deliberately pronounced against them, not by me, but by the inhabitants of their own province.

If your Lordship however will be good enough to continue invariably to furnish me with a copy of the accusations they secretly write against me, this un-British practice will very shortly be discontinued.

I have, &c.

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

\* Since absconded, and is now an outlawed traitor.

† Since tried for treason, and has since left the province.

P. S.—It is my intention to forward a copy of Mr. Charles Duncombe's petition to the House of Commons to the House of Assembly, as I conceive that tribunal to be the proper one for inquiry into the allegations it contains.

P. S. Nov. 27. I have purposely detained this despatch three weeks but no reply from Dr. Rolph has been received.

No. 100.

Toronto, Upper Canada,  
14th December, 1836.

MY LORD,

I have the honour to inform your Lordship that having proceeded in state to the Legislative Council Chamber to give assent to a bill, the Speaker of the House of Assembly addressed me from the bar of the House of Assembly as follows:—

“MAY IT PLEASE YOUR EXCELLENCY,

“We, his Majesty's faithful subjects the Commons of Upper Canada, recognising the duty which we owe to our Sovereign and the loyal people whom we represent, and sensible that it is the anxious desire of your Excellency to accede to all our reasonable expectations, and to afford us every aid in removing all well-founded complaints, beg leave to present to your Excellency for the royal assent, a bill which has passed both houses of the legislature, to provide for the support of the civil government for the current year, and trust that the evils occasioned by withholding the supplies during the last session may thus be effectually removed.”

I have, &c.

F. B. HEAD.

The Lord Glenelg, &c. &c.

## CHAPTER VII.

History of the Downfall of His Excellency Lieutenant-General Sir Archibald Campbell, Bart., Lieutenant-Governor of New Brunswick—Its Political Effect upon me—Receive intelligence that His Majesty's Government had assented to the Road Bills of the Old Assembly, which I had reserved—Earnestly remonstrate against Concessions to Democracy—Gratifying result of the Metropolitan Elections—Commuted Pensioners—The suspension of Cash Payments throughout the United States—The Legislature is convened—Despatch to the Colonial Office explaining the Insecurity to Property of Republican Institutions—Violent Struggle in the House of Assembly.

ALTHOUGH in my despatches to his Majesty's Government I could scarcely avoid, almost in self-defence, egotistically claiming for the Executive Government credit for the apparent result of its measures, yet I should do injustice to the people of Upper Canada were I now to deny to them the *sole* honour of a moral victory obtained by their fervent loyalty as well as by their deliberate attachment to our happy institutions.

Not only did their free, unbiassed verdict produce most beneficial results throughout the whole of the North American Colonies which with the utmost anxiety had been watching in Upper Canada the conflict between principles by which they themselves had been equally disturbed, but far above all did it offer a morale of inestimable value to the mother-country itself: for surely it is impossible for any man to deny that, previous to the struggle in Upper Canada, there existed among all parties in England an impression, beyond the power of argument to efface, that democracy not only was indigenous to the soil of America, but that no other form of government could be made to flourish there.

But although every person acquainted with human nature knows how impossible it is at once to eradicate any firmly-rooted error, (for though you cut down the tree in America it requires ten or twelve years before the stumps rot,) yet the incontrovertible fact that the people of Upper Canada, when formally, appealed to at a general election, had deliberately, emphatically, and unequivocally declared themselves *in favour of monarchical institutions*, was a staggering blow to the popular error in the mother-country, which it was highly desirable to repeat before it could recover from it.

Never, therefore, had the British Government a nobler opportunity of forcing conviction on the public mind, and of calling upon it to surrender its prejudices and misconceptions.

Aware of all the facts which had occurred, surely it was the bounden duty of the Government to have magnanimously led the two Houses of the Imperial Parliament forward to reform, by frankly telling them to reform themselves, and, instead of mutilating, to appreciate the blessings of time-tried institutions, which the inhabitants of Upper Canada had proved to possess the same intrinsic value on the continent of America, as they had possessed in the old country in its noblest days.

Far, however, from adopting this course, his Majesty's Government, just as if they had been mortified at the triumph which had been gained, and just as if they had determined that its salutary consequences ought immediately to be arrested, planned a measure which I humbly think to future ages will appear not only incomprehensible, but incredible!

It was of course utterly impossible for his Majesty's Government to order *me* to abandon the principle which before the whole continent of North America I had successfully maintained namely, "that the Executive Council is not responsible to the people."

1. Because, as Lieutenant-Governor of the province, I had been supported in that principle by the voice of the people at the general election.

2. Because the Legislative Council had supported the same principle.

3. Because the House of Assembly, shortly after they had been elected, had adopted by a triumphant majority the following opinion (date 22nd Feb. 1836) of their Committee:—

"The question regarding the Executive Council it is perhaps unnecessary to discuss.—Never was the public opinion more clearly, more emphatically expressed than on that very subject, at the late general election. A large majority of your Honourable House was, as your Committee firmly believe, returned as advocating principles and opinions diametrically opposed to those contained in this second resolution." [*This second resolution of the House of Assembly in Lower Canada was to render the Executive Council of this Province directly responsible to the representatives of the people,* &c.]

"Your Committee, however, cannot let pass the opportunity of expressing their opinion, that the Governor, Lieutenant-Governor, or person administering the government of this province, is intrusted with the exercise of the royal prerogative within the same, and that he, and *not the Executive Council*, is constitutionally *responsible*, as well to the Sovereign as to the people of this province, for the impartial and upright performance of the duties of his office; a responsibility essential to the preservation of the rights and liberties of his Majesty's subjects in Upper Canada, and which it is the important duty of their representatives to maintain and enforce, and not to suffer that responsibility, so far as depends on them, to be weakened or destroyed, by transferring the whole or any portion of it to other parties; and that *any attempt* to transfer to the Executive Council this responsibility, and, as a necessary consequence, the power and patronage vested by law in the person administering the government, is in derogation of the constitutional charter, and would be dangerous to the liberties of the people, injurious to the stability of our social and political institutions, and utterly destructive of the ties which attach this colony to the British empire."

As it appears from the foregoing extracts how firmly the Legislature and inhabitants of Upper Canada stood combined together heart and hand to resist the republican principle of making the Executive Council "*responsible to the people*," it is with regret I received from the Colonial Office a despatch dated 25th July, 1836, in which after some highly complimentary sentences, it was ominously observed, "*His Majesty's Government look to no transient results or temporary triumphs!*"

That the results of the contest in which we had been engaged would not be "transient" or its "triumph temporary," were, at the time this despatch was written, as clear to every loyal subject in our North American Colonies as they have since been proved by the repeated repulses which the American people have met with wherever they have unjustifiably attempted to invade the Canadas for the purpose of forcing upon us their loathsome institutions. Still it was evident to me from the sentence above quoted—from the non-publication in England of my despatches announcing the moral victory that had been gained—and from the remarkable ministerial silence that had prevailed on the subject in both Houses of Parliament, that the Colonial Office was but little disposed to change its policy. I own, however, I was not prepared for the astonishing course which I will endeavour as shortly as possible to relate.

As if determined to fulfil its own prophecy by proving that in Upper Canada the "triumph" gained would be "temporary," and the results "transient," the Colonial Office, on the 30th September, 1836, addressed to me a despatch, which after asserting a most melancholy axiom, namely, that "it is vain to suppose that any concession can be made to the General Assembly of any one of the North American provinces and withheld from the rest," enclosed to me copies of despatches and instructions to his Excellency Lieutenant-General Sir Archibald Campbell, Lieutenant-Governor of New Brunswick, to which he was ordered to give general publicity, and which I was desired to consider, as far as they could be applied to Upper Canada, "as addressed to myself." The despatch then proceeded to say, "It has appeared to me (the Secretary of State) that it would be very desirable to accelerate the meeting of the Legislature of New Brunswick, in order that the nature of the proposed arrangements in that province might be well understood in both the Canadas and in Nova Scotia, before the opening of the regular session of the General Assemblies in those provinces. \* \* \* \*"

It is further my wish, that the meeting of the Upper Canada Assembly though postponed for some weeks after that of New Brunswick, should precede, by an equal period the meeting of the Lower Province."

As the whole of the despatches to Sir Archibald Campbell have been published throughout every province in North America, I need hardly say, that the "proposed arrangements" which were thus ordered to be effected, contained not only directions for the surrender of the casual and territorial revenues against which I had so humbly but so strongly remonstrated, but the following order to Sir Archibald Campbell:—"In making your selection (for seats in his Majesty's Executive Council) you will not confine yourself to a single class or description of persons, but will endeavour to ensure the presence in the Council of gentleman representing the various interests which exist in the province, and possessing at the same time THE CONFIDENCE OF THE PEOPLE AT LARGE!"

By this most extraordinary and complicated arrangement, the triumph which the loyal inhabitants of our North American Colonies had gained over the demands of the Republicans was not only proved to be "temporary," but was *completely destroyed*.

Instead of allowing the Legislature of Upper Canada to continue to lead the way towards real reform by the merciless eradication of Republican principles, it was not only ordered to the rear, but as it were confined there in irons by the Colonial Office until the Lieutenant Governor of New Brunswick could assemble the Legislature of that province, publicly to surrender to them, among other concessions, the very point which, before the whole continent, the Upper Canadian Legislature had successfully defended from the Republicans: for I submit to the intelligence of the civilized world, that this decision of the Colonial Office respecting the Executive Council, when divested of the diplomatic language in which it was couched was a direct surrender of the question in dispute. I ask, first, whether it was constitutional to order that the Governor's Executive Council should be made "*to represent the various interests*" which were already represented in the House of Assembly; and secondly, whether there is any difference between the Colonial Office ordering the Executive Council "*to possess the confidence of the people at large*," and the republican demand which the people of Upper Canada had resisted, namely, "*that the Executive Council must be responsible to the people?*"

But perhaps, after all, the most astonishing fact in the whole of this proceeding is, that not only these concessions, but various others, which were ordered to be promulgated by Sir Archibald Campbell throughout the *whole* of our North American Colonies, appear to have been arranged in the Colonial Office by Messrs. Crane and Wilmot, two deputies from the House of Assembly of *New Brunswick!*

Without meaning, in any degree, to compare these two most respectable gentlemen with Mr. McKenzie still one would have thought that the fatal experience which the Colonial Office had so dearly purchased by listening to the latter individual would have proved the impropriety of the principle of legislating on *ex parte* statements, proceeding either from the people or from the representatives of the people, without referring them to the Lieutenant Governor, Executive Council, and Legislative Council of the colony! The following extracts, however, of the despatches alluded to from the Colonial Office to Sir Archibald Campbell, clearly show, not only that the old system continued, but that *vires acquisiverat eundo*.

Extract of a despatch to Sir A. Campbell, dated Downing-Street, 31st Aug. 1836, and published in New Brunswick:—"I have also been in communication with these gentlemen

(Messrs. Crane and Wilmot), as well on the matters to which the address adverts, as on others connected with the colony."

A second despatch to Sir A. Campbell, dated 5th Sept. 1836, encloses—

"Copies of the correspondence which had passed on the subject of that address, and on other matters of a public nature between this department and Messrs. Crane and Wilmot, the gentlemen deputed by the House of Assembly to represent them in this country. Having communicated to Messrs. Crane and Wilmot the draft of my despatch of the 31st ultimo, I have received from them the enclosed observations upon it. I have also had with them personal communication on the subject. I now proceed to inform you in what respects his Majesty has, in consequence, been pleased to direct that the instructions contained in my despatch of the 31st ultimo shall be altered or modified.

"The first alteration proposed by Messrs. Crane and Wilmot is, that the Executive Council could, in compliance with the wishes of the Assembly, be at once enlarged, without waiting for the further deliberation contemplated in my despatch of the 31st ultimo. On this point, his Majesty, after due consideration of the arguments urged by the House of Assembly, and of the representations of Messrs. Crane and Wilmot, is prepared to adopt the necessary steps for meeting the wishes of the Assembly."

It appears that these concessions to one branch only of the Legislature produced the natural effect of increasing, rather than of satiating, the voracious appetite of Messrs. Crane and Wilmot, for a third despatch to Sir Archibald Campbell, dated 10th September, 1836, referring to the two previous despatches observes—

"In one respect, the arrangements announced in the despatches just referred to are defective. They do not comprise any detailed explanation of the provisions of the Act, to be made for securing the civil list, and for the general sale of the Crown lands. I am yet engaged in correspondence with Messrs. Crane and Wilmot on these topics, and some time may, probably, elapse before I can settle with these gentlemen what are the precise terms in which those laws ought to be drawn up. You will not, however, postpone on that account the meeting of the Legislature, or the communications which are to be made to them."

The Legislature was ordered to be convened with the least possible delay, and the despatch to Sir Archibald Campbell then observes—

"Considerations applying not to New Brunswick alone, but to the other British North American provinces also, require that no time should be lost in giving general publicity to the proposals which you are authorised to make. You will, therefore, take the necessary measures for convening the General Assembly, for the dispatch of business on the receipt of this despatch.

"On the meeting of the Legislature, you will, by a message, communicate to the Legislative Council, and to the Assembly, copies of my despatches of the 31st of August and of the 5th of September. It is my wish that no needless reserve should be practised on this occasion.

"The views explained in those despatches having been maturely adopted, after a full and careful investigation, it is desirable that they should be fully known, and clearly developed to the Legislative bodies of New Brunswick, and through them to the Legislatures of the other British North American Provinces."

The severe mortification which this infatuated course of policy of the Colonial Office produced in Upper Canada is indescribable. The Loyalists were again disheartened, the Republicans again exultingly, though untruly, boasted that the Home Government was with them.

His Excellency, Lieutenant-General Sir Archibald Campbell, seeing the effect produced, not only in New Brunswick, but throughout all the British North American Colonies, by the representations of a single pair of "delegates," from a single branch of the Legislature of a single province—feeling how completely his authority was superseded—how hopeless it was for him to attempt to maintain monarchical institutions, while the Colonial Office openly legislated on the democratic principle of "delegates," (the very name of which was most offensive to the Royalists,) and openly disapproving, on constitutional grounds, of the mode in which the King's casual and territorial revenues were proposed to be surrendered—expressed himself to his Majesty's Government, in terms which will, probably, ere long, come to light.

On his Majesty's representative hesitating to surrender the revenues of the Crown, until he could merely receive an answer from the Colonial Office to the objections which, without loss of time, he had submitted to it, the House of Assembly, made impatient by their successes, immediately petitioned the King.

The following extract from a respectable paper will explain the sentiments as well as the fate of this gallant veteran, who (though I have never seen him, or corresponded with him) I believe, I may say, left his post honoured and respected by every loyal subject in Upper Canada.

It appears that the conduct of Sir Archibald Campbell, Lieutenant-Governor of New Brunswick, with respect to the Civil List, has excited so much of the displeasure of the Assembly of that province, as to induce them to despatch a deputation to England with an address to his Majesty, praying for the recall of Sir Archibald. To the committee who waited upon his Excellency with this address, the gallant veteran made the following reply—a reply worthy of the man and his services to his King and country:—

*Reply of Sir A. Campbell to a Deputation from the House of Assembly, New Brunswick.*

GENTLEMEN,

The conscientious rectitude of my own conduct render the subject of this address to me a matter of the most perfect indifference.

I have had the honour of serving his Majesty for nearly half a century, in almost every quarter of the globe; and I trust those services have been such as to suffer no diminution in the estimation of my Sovereign, from any representation that may be made by the House of Assembly of New Brunswick.

I need hardly say, that no one in our British North American colonies felt the shock of Sir Archibald Campbell's retirement more keenly than I did, for in his fate I clearly read, as addressed to myself, the words, "*Mene, Mene, Tekel, Upharsin.*" My hour, however, had not yet arrived; and I have, therefore, in the interim, to lay before the reader the following despatches, which will show the nature of the difficulties with which I continued to struggle.

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No. 103.

*Toronto, Upper Canada,  
30th December, 1836.*

MY LORD,

I have the honour to reply to your Lordship's despatch, No. 93, as also to one marked "*confidential*," and dated 30th September, 1836.

In the former communication I am informed that his Majesty's Government has assented to twelve road bills, which at the close of the last session I had reserved. In the latter, I am furnished with copies of three despatches addressed through Sir Archibald Campbell to the Governors of all the North American Colonies.

Previous to reporting to your Lordship the embarrassment which has been occasioned here by the above communications, I beg leave to state that I am fully sensible that *any* general system or course of policy which it may be advisable to adopt throughout the North American Colonies, may, though generally beneficial, be productive of embarrassment in particular places. All I therefore desire to do is faithfully to apprise your Lordship of the effect which the despatches referred to have produced in this province.

In my despatch, No. 44, I had the honour to inform your Lordship, "that although, with the advice of my Executive Council, I had reserved all the money bills for the signification of his Majesty's pleasure, yet there were three of them, to which the Council concurred with me in recommending that the Royal Assent should immediately be given."

I added, "It would have given me much pleasure to have at once assented to these three bills; but I conceive it was of greater importance to maintain the principle, that the House of Assembly is not to be allowed to embarrass the Government, without also embarrassing the country, and that to withhold the Supplies does not mean to stop the Government wheel, but the whole machinery of the Legislature."

With respect to the other twelve bills, I had much stronger reasons for reserving them; inasmuch as the expenditure of the money voted in each bill had, for well-known revolutionary purposes, been unconstitutionally committed to Republican Commissioners, which fact in my despatch to your Lordship, No. 64, dated 29th July, 1836, I endeavoured to explain as follows:—

“ Before I set out, I am anxious to address your Lordship on the subject of the Commissionerships, which were passed by the House of Assembly during their last session, and which will be best explained by the enclosed copy of my reply to an address I received from the Township of Pickering.

“ The sum voted by the House of Assembly of this province nominally for road-money, amounts to £50,000 a year; and as this money is not only voted, but placed at the disposal of certain members of the House who are self-appointed by the Assembly as salaried Commissioners, it becomes a political engine of enormous unconstitutional power.

“ The insidious uses to which it has been applied, have, I can assure your Lordship, been revolutionary; and I beg to call your attention to the fact, that, in the enclosed printed list, the name of Mr. Peter Perry occurs no less than six times.”

Having thus submitted to your Lordship the reasons for which I had reserved all the money bills of the late House of Assembly, I awaited your Lordship's justification of the measure, which in your despatch, No. 73, was, very much to my satisfaction, unequivocally expressed.

It now became necessary, that, previous to the meeting of the present Legislature, I should determine on the measures it would be advisable to recommend in my speech from the throne.

The addresses I received from both Houses in reply to this communication will ere this have explained to your Lordship that my proposed measures met with the cordial approbation of the Legislature; which accordingly at once set to work by appointing a joint committee to inspect and report on the state of the Welland Canal, and, indeed, on all the other important changes I had submitted for consideration.

Nothing could be more satisfactory and praiseworthy than the cool, business-like progress which the Legislature was making, and the complete government of all those feelings of triumph which it has been my earnest endeavour to discourage and suppress. No angry expressions had been uttered even in the House of Assembly; and after the storm it had experienced, the public mind was rapidly subsiding into a calm, when all on a sudden I received your Lordship's despatch, No. 93, dated 6th September, 1836, containing the Royal Assent to all the bills I had reserved, which not only confused the arrangements the Legislature had commenced, but throughout the whole province caused the resurrection of the Republicans as political Commissioners, with large sums of money at their command.

On receiving this communication, my first impression was to suppress it: however, on reflection, it appeared to me, that I ought to allow myself to be driven by the Republicans from this province, rather than presume to stay the execution of the King's will; and accordingly, of two evils, choosing the least, I transmitted His Majesty's assent to the twelve bills to both Houses of the Legislature.

My Lord, I had not recovered from this shock, when I received the confidential despatch, dated the 30th of September, 1836, informing me that at the instigation of agents from only one branch of the Legislature of New Brunswick, your Lordship had deemed it advisable, through Sir Archibald Campbell, to promulgate to all the North American colonies that, among other arrangements, the Executive Council was to be increased in number, and henceforward to be composed of individuals “ *possessing the confidence of the people.*”

In my reply of the 5th of March last, to my late Executive Council, which had been honoured by your Lordship's approval, I had stated, “ The Lieutenant-Governor maintains, that the responsibility to the PEOPLE, who are already represented by the House of Assembly, which the Council assumes, is unconstitutional; that it is the duty of the Council to serve HIM, not THEM.”

Your Lordship cannot have forgotten the total defeat which the Republicans experienced by rashly attempting to drive me from this invincible position; and as the British population of the North American Colonies were eager spectators of the conflict, your Lordship will, I am sure, pardon me for expressing the feelings of mortification and depression with which

I now recollect the prophecies which, ever since the commencement of the political war I have waged here, have invariably foreboded that I should not be supported by the British Government.

“It is out of my power” (I stated in my despatch, No. 24, dated 6th of April last) “to describe to your Lordship, without the appearance of exaggeration, the joy and gladness expressed to me by all parties at the constitutional resistance I have made; but I will not conceal from your Lordship that there is one question at this moment in almost everybody’s mouth, namely, ‘Will the Lieutenant-Governor be supported by the Home Government?’—‘*He never will,*’ say the Radicals; “*We fear he will not,*” say the Constitutionists.”

My Lord, there is no portion of your Lordship’s instructions which I am not at this moment preparing to carry into effect. I have made it generally known that I am about to surrender to the Provincial Legislature the casual and territorial revenues of the Crown; and I have also informed the Chairman of a Committee of the House of Assembly, to whom the revision of the Land-granting Department has been referred, that, under certain restrictions, I am authorized by His Majesty’s Government, moreover, to surrender to the Provincial Legislature the authority to regulate the disposal of the Crown Lands; but I regret to inform your Lordship, that the leading recommendation contained in the report of the said Committee on the Land-granting Department is, that the whole of the said Crown Lands shall at once be offered to the public, (or, in other words, to the *people*,) at the low price of five shillings an acre!

But who is there now in the province to resist this proposal?

The only individual who might be expected to protect the interests of the emigrant, is the Lieutenant-Governor, but I fear this expectation cannot now be realized; for by the late instructions to Sir A. Campbell, the Lieutenant-Governor, if he attempted to guard the Crown lands, would not only find the two branches of the Legislature against him, but his own Executive Council might reasonably argue, that unless they also opposed him, they would forfeit “*the confidence of the PEOPLE;*” and it is impossible to offer a more convincing proof of the reality of this danger, than by referring to the petition which, shortly after my arrival here, was forwarded to your Lordship, earnestly recommending, as surveyor-general of this province, a clerk in the office who (although a most loyal, gallant subject) had been proved to have been acting contrary to express orders as private agent.

Your Lordship has only to review this singular petition, to perceive that it contains the names of almost every member of both Houses of the Legislature; and it therefore clearly follows, that had this appointment depended on the Provincial Legislature, it would most certainly have been carried into effect.

The necessity of protecting the emigrant from the rapacity of the settled inhabitant, has just been confirmed by the highest possible practical authority, namely, by Mr. President Jackson, of the United States, who, in his message promulgated last week, makes the following confession:—

(After commenting at considerable length on the President’s speech, and on the preponderating influence which Messrs. Crane and Wilmot had obtained in the Colonial Office, the despatch proceeds as follows:—)

It will, I hope, be liberally construed as no want of attachment to your Lordship, or of fidelity to his Majesty’s Government, if I acknowledge, that I feel jealous of the intervention of a new influence, alien to the constitution of this legislature.

The British Constitution has nothing whatever to fear from its low-bred antagonist Democracy, in America, if his Majesty’s Government will not avert from us its support.

“ ——— nought shall make us rue,  
If England to herself do rest but true.”

But if the Lieutenant-Governors of our colonies be sentenced to contend with—

1. *Public opinion*, or, in other words, *the opinion of “the people.”*
2. *The House of Assembly*, or the representatives of “*the people.*”
3. An Executive Council required to possess *the confidence of “the people.”*
4. Agents in England, enjoying the ear and confidence of his Majesty’s Government, as being the representatives of the representatives of “*the people:*”

And lastly, if, as a general rule, all our colonies are to surrender whatever prerogative any one of them in particular may be deprived of, by which arrangement the weakest Lieutenant-Governor, whoever he may be, will lead all the rest, (which is certainly contrary to military tactics, for the guards at Waterloo never for a moment thought of giving up Hougoumont, because some of the Belgian infantry ran away,) I think your Lordship, on reflection will perceive, that instead of crushing democracy in this continent, we shall actually be creating it in our colonies.

I have ventured to offer to your Lordship's impartial consideration the above suggestions, in opposition to Messrs. Crane and Wilmot's recommendations, that certain alterations should be made in those instructions which, on leaving England, I had the honour to receive from your Lordship.

Under those instructions, I had successfully contended with democracy in America, and, confident of the eventual result of this noble struggle, I had only required of his Majesty's Government "*the negative assistance of not being undermined at home.*"

The more seriously I contemplate the political tranquillity of this province, the more steadfastly am I confirmed in my opinion, that cool, stern, decisive, unconciliating measures form the most popular description of government that can be exercised towards the free and high-minded inhabitants of the Canadas.

I have, &c.

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

*Toronto, Upper Canada,*  
January 13th, 1837.

MY LORD,

The election of aldermen and common councilmen for the five wards of this city closed yesterday, and the result is creating so much sensation in this province, that I feel it my duty to communicate it to your Lordship.

Ever since the termination of the general elections in July last, the wreck of the republican faction, whose head-quarters are at Toronto, have been endeavouring to demonstrate, that the re-action which has taken place throughout the country was but the momentary effect produced by my replies to the addresses I received, and by the improper issuing of patents, in short, that their outworks had been carried by a mere *coup-de main*; and as the election for the metropolis approached, it was determined by the Radicals to display the power they yet possessed in their citadel, by electing as the new mayor, either M'Kenzie, or one of the three gentlemen (Dr. Baldwin,\* *Mr. George Ridout*, or Mr. Small) who had been dismissed from office by me.

As it mattered but very little to me *who* was mayor of this city, I can assure your Lordship, that I scarcely ever gave the subject a thought, or indeed had time to do so: however, the electors of the city having been eye-witnesses of the conflict I had had with the Republicans—having been made acquainted with all the accusations urged against me by Messrs. Home and Duncombe—having had an opportunity of observing, for two months, the practical working of the new House of Assembly, and of reflecting, for a year, on the course of policy I had adopted, they unequivocally expressed their verdict in my favour, by exterminating the twenty republican candidates from every single ward in the city, and by electing in their stead staunch Constitutionists, who, in every instance excepting one, had majorities of more than two to one over their opponents.

As not a single patent has been issued during the elections, and as almost universal suffrage prevails, the political self-purification of this metropolis offers a moral which, I humbly conceive, does not require a comment.

I have, &c.

F. B. HEAD.

The Lord Glenelg, &c. &c. &c.

\* The name of this gentleman will, in conjunction with that of Mr. Ex-Speaker Bidwell, be shortly brought before the reader's especial attention.

I now transmitted to the Colonial Office a very long despatch, enclosing the minute investigation, and unqualified vindication, by the House of Assembly of the charges brought against me in England, by Mr. Joseph Hume and Dr. Duncombe, of having carried the elections by "*the fabrication of votes.*" As these documents have been laid before the House of Commons, by his Majesty's Government, I need not here insert them.

No. 56.

Upper Canada, Toronto,  
May 5, 1837.

MY LORD,

With reference to your Lordship's despatch of the 12th of January last, No. 130, in which is enclosed a letter from the Deputy Secretary at War, stating, that on being furnished with a list of the military pensioners referred to in my despatch of the 19th of October, 1836, No. 84, with full particulars of each man's case, the Secretary at War will consider whether any mode of relief to any of them is within his power, I have the honour to transmit to your Lordship a report from Emigrant agent A. B. Hawke, affording all the information he is able to impart.

As the three branches of this Legislature have already respectfully supplicated his Majesty in behalf of these miserable men, I feel it would be improper in me to say anything further in their favour. It will appear by Mr. Hawke's report, that an exact list of them cannot be obtained, and, consequently, that full particulars of each man's case cannot be submitted to the Secretary-at-War:—the following general description of their situation will however apply very nearly to them all.

The commuted pensioner in Upper Canada is an improvident veteran with whom the British Government has profitably made a hard bargain; having spent his best days in the service of his country, from severe service and hard drinking he has not remaining strength to gain in this climate sufficient subsistence, and consequently every winter he suffers most bitterly both from cold and hunger.

The braver he is, the less he complains; but his sufferings have at last attracted such general commiseration, that last year the legislature felt it their duty to address His Majesty on the subject.

If relief be withheld from these poor, worn-out, improvident men, another winter or two will be more than many of them can withstand. When all are gone, the transaction, so far as regards the pecuniary saving, will undoubtedly be at an end; but I respectfully assure your Lordship, it is generally considered here that a little blot will remain upon the brilliant history of this province, which it will then be too late to efface.

I have, &c.

F. B. HEAD.

The Lord Glenelg, &c. &c.

No. 66.

Toronto, Upper Canada,  
May 30, 1837.

MY LORD,

I have the honour to inform your Lordship that, with the advice of my Executive Council, I have this day determined to convene the Provincial Parliament of Upper Canada on the 19th of June.

I much regret this measure, as the Council agrees with me in the opinion, not only that there exists no real necessity for convening the Legislature, but that the proclamation will tend to ruffle the commercial tranquillity which at present exists throughout this province.

The apprehension that there would be a run on the chartered banks in Upper Canada, in consequence of their continuing specie payments, has proved to have been groundless.— Nevertheless, your Lordship will easily imagine that it is impossible for me to act contrary to the policy of the surrounding states, without opposing a number of private interests, which have lately been joined in a hue and cry for the assembling of the Legislature; and as I foresee, that whatever embarrassment the trade of this province may have to suffer, in consequence of the present unexampled state of the monied market, would be industriously declared to be the effect of the non-convention of the Legislature, I have deemed it advisable of two evils to choose the least, and meet a real difficulty rather than one which would be intangible.

I have no apprehensions respecting the result, and expect that the session will last only a few days.

I have, &c.

F. B. HEAD.

No. 82.

Upper Canada, Toronto,  
July 12, 1837.

MY LORD,

I have the honour to transmit to your Lordship a copy of my speech on proroguing the Legislature of this province.

In my despatch, No. 66, dated the 30th of May, I explained to your Lordship the reasons which had induced me most reluctantly to convene the Provincial Parliament, and as soon as it assembled I experienced all the difficulties I had anticipated. I will endeavour to explain them to your Lordship.

The rapid improvements which for some years have been taking place in the United States have been a mystery which few people have been able to comprehend. Every undertaking had apparently been crowned with success; every man's speculation had seemed to answer; the price of labour, although exorbitant, had everywhere been cheerfully paid, and money had appeared in such plenty, that it had profusely been given in barter for almost every commodity that came to market. In short, the country was triumphantly declared to be "*going a-head*;" and, as the young province of Upper Canada was observed to be unable to keep up, the difference in its progress was contemptuously ascribed to the difference in its form of government.

Monarchical institutions were therefore ridiculed, republican principles were self-praised, and democratic opinions were not only disseminated over this continent, but, crossing the Atlantic, they made their appearance in our own happy country, where it has lately been deemed by many people fine and fashionable to point to the United States of America as a proof that riveting religion to the state, and that nobility of mind, are to commerce what friction is in mechanics.

In the midst of all this theory, the whole commercial system of the United States suddenly was observed to tumble to pieces, its boasted prosperity being converted into a state of disorder altogether new in the moral history of the world, for the republic declared itself to be bankrupt, without even pretending to be insolvent: in short, its banks simultaneously dishonoured their own notes, keeping specie which belonged to their creditors in their vaults. This example of the banks offered a pretext to any man to absolve himself from his debts by fictitious bankruptcy. The public creditors afar off, as well as those on the spot, had no power to save themselves, and under these circumstances a general distrust prevailed.

This sudden annihilation of national credit in the United States produced of course serious inconvenience and alarm in Upper Canada.

The mysterious prosperity of the Republic was now proved to have been produced by an imprudent and reckless system of discounting, which had supplied the country with more money than it was possible for it to repay: in fact, to lend money having been supposed to be quite as profitable a speculation as to borrow it, one debt had been contracted to pay another; the people had borrowed of the Banks—the Banks had borrowed of each other, and thus the credit system had been strained till it snapped.



whatever direction it took ; and though, upon any other subject, they would totally have failed in their object, yet, in consequence of the feelings I have described, they certainly in this instance were very near obtaining it.

I have now explained to your Lordship the result of the extraordinary session which has just closed, and it only remains for me to state the course of policy I intend to pursue.

I intend to recommend the banks to accommodate the public as far as in prudence they can do so ; but as the penalty which attended the exhaustion of their coffers is now removed, or, in other words, as they would not now be obliged to discontinue their banking in case they should become unable to redeem their notes, it is my opinion that they should make no expensive exertions to obtain any more specie than they now possess, but that what they have got they should freely pay away. If, while they are pursuing this honest course, the United States or Lower Canada (finding that suspended bank notes are not money) should be driven to return to cash payments, Upper Canada will then triumphantly have weathered the storm ; if, on the other hand, no such events should occur, and that their coffers are consequently drained, still the good faith of the province will have been preserved ; and, without desiring to value credit at more than its intrinsic worth, I have reason to believe that the banks themselves feel that the commercial character of Upper Canada is of more value, even to themselves, than the trifling cost of replenishing their vaults whenever this continent shall return to cash payments.

Although a violent and almost universal clamour has been raised against the continuance of cash payments, yet I feel proud in informing your Lordship, that up to the present day no application has been made by any one of the Chartered Banks to the Legislature or to myself for permission to suspend. The power to grant this permission has now been placed by the Legislature into my hands.

If it be sought for, and if, after attentively listening to the arguments urged in its favour, I see reason to grant it, I will not hesitate to do so. On the other hand, your Lordship may depend that I will not be driven by clamour to give up the proud position which, by the integrity of the Chartered Banks, this province has up to the present moment been enabled to maintain.

I have, &c.

F. B. HEAD.

## CHAPTER VIII.

THE Colonial Office again legislate on *ex-parte* statements—Second Memorandum on the political state of the Canadas—Curious question respecting fugitive slaves—Third Memorandum on the political state of the Canadas—Embarrassment produced by the Colonial Office showing their Despatches to the Lieutenant-Governor, before he has received them, to a complaining Colonist.

THE following despatch affords another example of the fatal propensity of the Colonial Office to legislate on *ex-parte* accusations, however small and insignificant the matter itself may be, if it gives the opportunity of casting anything like censure on that branch of the legislature whose duty it is to stand, whenever necessary, against the representatives of the people.

GOVERNMENT HOUSE,  
July 20th, 1837.

MY LORD,

I have the honour to acknowledge the receipt of your Lordship's despatch (No. 73, dated 28th April, 1837), in which is transmitted to me a copy of a letter addressed to your Lordship by Mr. Egerton Ryerson, complaining of the conduct of the Legislative Council in having, "at the eleventh hour of the session, sent a Bill, authorizing a loan of £4100 to the Trustees of the Upper Canada Academy, back to the Assembly, so amended as completely to defeat the object of it, by providing that the Receiver-General should not advance any of the money granted by the Act, unless he had money in his hands for which he had no other use."

Having, as your Lordship is aware, advanced from the Casual and Territorial Revenue Fund the balance necessary for the payment of the war losses, I had no means of immediately paying to Mr. Ryerson the sum of £4100; nevertheless, being desirous that your Lordship's wishes should be carried into effect, I have given to Mr. Ryerson such a statement of my intention to advance the money in question, so soon as it can be procured, as will, I am happy to understand from him, enable him easily to obtain the amount from one of the provincial banks.

Having, I trust, thus fulfilled the spirit (although it has not been in my power to obey the letter) of your Lordship's instructions, I feel it due to the Legislative Council to explain to your Lordship that Mr. Ryerson's declarations against that branch of the Legislature are unmerited and incorrect.

The impression which Mr. Ryerson's letter to your Lordship seems designed to produce is, that the Assembly, being eager to encourage the Upper Canada Academy, had readily passed a bill to that effect through their House, and had in good time sent it up to the Legislative Council—that an amendment was there made to the bill, which was calculated and contrived to defeat it—that the bill and amendment were purposely kept back *till the eleventh hour*, and then sent down to the Assembly, when it was too late to remove any difficulty.

The facts are as follows:—The session commenced on the 8th of November, and ended on the 4th of March. On the 24th of February the bill for granting aid to the Academy came up to the Legislative Council from the Assembly,—that is, within the last eight or nine days of a session of 116 days, and when the Legislative Council had probably forty or fifty other bills before them. It was read a second time on the 25th of February, was discussed in committee on the 27th, (the 26th being Sunday,) and was amended and returned to the Assembly on the 23th. On the same day that bill was sent up among other bills sent from the Assembly; and after the 28th of February, when it was returned amended by the Council, I understand that the Assembly sent no less than twenty-six bills, which, with very few exceptions, were passed through the Council, and became laws.

From the foregoing statement, it is clear—1st, That the Legislative Council *could* not have returned the bill in question *early*, because it came to them *late*.—2ndly, That the bill, when it did come, was passed through all its stages without *delay*.

Now, with respect to the merits of the amendment, on adverting to the Acts passed in the last session, your Lordship will perceive that about a million and a half of money was granted by the Legislature, and the province being already in debt, the Acts, generally speaking, provided for raising by loan the monies required to meet these new grants.

The bill to which Mr. Ryerson refers simply granted £4000 out of the *unappropriated monies* in the hands of the Receiver-General, and made no provision for borrowing the £4000 on debenture.

The Legislative Council knew that, after the grants which the Assembly had made, there would not be 4000*l.* in the Receiver-General's hands unappropriated, and, consequently, that if the bill passed into a law, either it would be a delusion, or the Receiver-General would be embarrassed by the conflicting demands of persons claiming money granted by several Acts passed on the same day.

Under these circumstances the Council added the following proviso to the bill:—“Provided always nevertheless, that the monies granted by this Act shall not be paid by the Receiver-General, unless there shall remain in his hands unappropriated monies, after the payment of the charges imposed upon the provincial revenue under any Act or Acts heretofore passed, and also of any monies granted during the present session for the support of the Civil Government, or to defray any charges attending the public revenue.”

This precautionary limitation, that in case there should not be unappropriated money for all the claimants, the charges for the public service voted during the same session should be first defrayed, is what Mr. Ryerson, in his letter to your Lordship, terms a “proviso, that the Receiver-General should not advance any money granted by the Act unless he had money in his hands for which he had *no other use*.”

I understand that the Archdeacon of York (alluded to so severely by Mr. Ryerson, as having been hostile to the bill) was not even present when the amendment was framed, discussed, and passed. I am informed that he took no part in the bill, except voting for it, as he did for an act of incorporation of a Roman Catholic College, passed in the same session.

that the amendment was framed by the speaker of the Council, who is a private contributor to the building of the Academy, and who, I understand, strongly advocated in the Council the expediency of giving to the institution the public support that had been prayed for.

I feel confident that your Lordship will read with interest and with satisfaction this vindication of a branch of a Legislature which, I respectfully assure your Lordship, requires the firmest possible support, in order to encourage it to continue uncompromising hostility and opposition to the House of Assembly, whenever it may constitutionally be necessary to do so.

I have, &c.

F. B. HEAD.

Having written this despatch, I thought it highly salutary that the principle contained in the *last paragraph* should be promulgated in the colony, and I accordingly sent it in a message to the House of Assembly, who, far from being offended at it, continued, like the free people they represented, to give me their support. I mention this fact, to prove how unnecessary it is, in our North American provinces, unconstitutionally to seek for momentary popularity by making improper and therefore degrading concessions to the representatives of the people.

*Second Memorandum on the Political State of the Canadas.*

*Upper Canada, Aug. 29th 1837.*

MY LORD,

In communicating to me a copy of the Resolutions which it was the intention of her Majesty's Government to bring forward in the House of Commons respecting Lower Canada, your Lordship was pleased to conclude your despatch to me, No.—, dated Feb. 18th, 1837, as follows: "I shall look forward with much anxiety for a full communication from you on the subject, &c."

Besides being thus officially invited to furnish her Majesty's Government with my opinions respecting the measures proposed to be adopted towards Lower Canada, I had a natural inducement to do so, from the political connexion which exists between the two provinces: for I need hardly observe to your Lordship, that it is useless for Upper Canada to be expending £300,000 in rendering the upper portion of the river St. Lawrence navigable, if the lower waters are to remain impassable, our access to the ocean, as well as our prosperity, being dependent on the tranquillization of the Lower Province.

As my residence here had of course enabled me to form an opinion on the measures proposed to be introduced by her Majesty's Government, and as that opinion was solicited, I should not have withheld it, except for the reason that, as your Lordship's communication reached me too late for my opinion to be of any practical use, I felt it would be only vexatiously embarrassing the Government were I to transmit it. I therefore determined to be perfectly silent on the subject, and, if the same reasons existed, I should still remain so; but, seeing that the remedial resolutions of the Imperial Parliament, as I anticipated, have totally failed in their effect; seeing that the House of Assembly of Lower Canada have again refused the supplies; that Mr. Papineau's language has become more insulting than ever, and that his agents here are openly preaching revolt,—I feel that, as her Majesty's Government will be now driven to determine what is next to be done, I have no excuse for any longer withholding my opinions, and I accordingly, reluctantly and respectfully, submit them for consideration.

My Lord, the portion of this globe from which I am now addressing you is the most favoured region which it has ever been my humble fortune to visit. The freshness and elasticity of the Canadian air—the peculiar blueness of the sky—the magnificence and utility of the great lakes—the unexampled exuberance of the soil—the indication of mineral wealth—and the abundance of timber and fuel—form altogether a rich picture, which it is beyond the power of the artist to delineate. With respect to the inhabitants, I will only say that, so far as I am competent to judge of them, they are worthy of the free country they inhabit.

The British population have lost none of the noble qualities which distinguish their race. The French Canadians retain all the social virtues which adorn the character of the French, without their propensity to war.

Blessed with these advantages, the Canadas ought to be happy; but, on the contrary, the Upper Province was, and the Lower is, apparently, on the brink of revolution.

Where, it will be asked, does the blame rest? I respectfully reply, neither upon the surface of the country, nor upon the morals of its people; but upon the *conciliatory* measures which, under successive administrations, have been unremittingly applied by the Colonial Office.

If, in common law, respectable evidence be deemed sufficient to substantiate any accusation, surely, in politics, concurrent opinions such as the following ought not to be rejected.

1. The British population of Lower Canada deeply lament the course of policy which the Home Government, for many years, has been pursuing. 2. So does the loyal British population of Upper Canada. 3. The Chief Justice, the Law Officers of the Crown, every faithful public servant in this province, silently evince their sorrow at the concessions which have been made, and which are still being made, to those few designing men, who for self-interested objects, have been long labouring to subvert the British Constitution. 4. So do I, the Lieutenant-Governor of the province. 5. So does Sir John Colborne, the Commander of the Forces in the Canadas. 6. So do the British troops, who, although, generally speaking, regardless of politics, cannot here avert their minds from circumstances which are so glaringly before them, and which they foresee tend to haul down the colours that from their boyhood they have been taught to venerate.

If her Majesty were suddenly to arrive in the Canadas, there is no one among those I have enumerated who would not be proud to follow her with devotion, from Niagara to Quebec. If a representative of our colonial policy were to appear here, I do declare to your Lordship, that in my humble opinion he would be seen to traverse the Canadas alone. And now, my Lord, who is the individual who ventures to bring these truths before your Lordship's mind? Why, one who is indebted to your Lordship for a selection in his favour almost unparalleled, who has obtained, through your Lordship's recommendation, hereditary rank, and, who at this moment, feels most deeply that all he has ever written, instead of offending your Lordship, has most liberally been pardoned and overlooked.

As your Lordship's accredited agent, as one whose especial duty it is to act towards his principal with honour and fidelity, the evidence I offer to your Lordship is entitled to respect.

The concurrent opinions, which I have just stated to your Lordship, might once have been termed theoretical; but they have now not only been reduced to practice, but the proof has been, as it were mathematically, worked out both positively and negatively.

1. The conciliations which Lord Gosford has been commanded to make in Lower Canada as well as those almost promised by inference in his late speech, have ended in *anarchy*.

His Lordship's generous character, his high-minded integrity, his rank, his fortune, his affability, his amiability, all have failed to produce political tranquillity; his moral power has gradually sunk under the experiment—he has now "*lost all but his honour.*"

Again in New Brunswick, the concessions made to Messrs. Crane and Wilmot have equally failed in satisfying that country. These gentlemen, as agents from the House of Assembly, obtained the surrender of the casual and territorial revenue. When their own scale was thus heavily laden, they next asked that the salary or influence of their Governor might inversely be lightened; when this was granted, they returned in triumph, their Governor, retiring from the conflict, yielding to them the field; but the bonfires were hardly extinguished, when Mr. A. Wilmot, I perceive from the journals, proposed that the Executive Council should be converted into persons "*possessing the confidence of the people,*" which, in these Colonies, means nothing more nor less than that the Governor's head is to be emptied of its contents, and then stuffed with republican brains.

2. In Upper Canada, the opposite or negative process, I mean the unconciliatory course of policy has, it cannot be denied, practically tranquillized the province. It has not only completely overthrown the enemies of the British Constitution, but, in a very great degree, has effected their conversion. Hundreds of men who leaned with their whole weight against the Government, so long as they found it bend to their pressure, suddenly stood erect to defend it, the instant it resolutely commanded them to keep off. People of the most violent politics have lately acknowledged themselves to have been in error; and even the late Speaker, Mr. Bidwell himself, who was the avowed republican associate of Mr. Papineau, now openly declares that he deeply regrets the course he was led to pursue.

I could proceed to prove to your Lordship, that the policy I have humbly pursued has very numerous supporters, even in the United States; but I will not seek for evidence beyond

the limits of her Majesty's dominions. I will merely observe to your Lordship, that the success which has been obtained in Upper Canada is not adventitious; but that it is a result which, in my first despatch, dated the 5th February, 1836, to your Lordship, I distinctly foretold as follows:—

“As far as I have been able to judge, I should say that the republican party are implacable, that no concession whatever will satisfy them, their self-interested object being to possess themselves of the Government of this province, for the sake of lucre and emolument.

Under these circumstances, I conceive that the great danger I had to avoid was the slightest attempt to conciliate any party, and that the only course for me to adopt was to act fearlessly, undisguisedly, and straightforwardly, for the interests of the country—to throw myself on the good sense and good feeling of the people, and abide a result which, I firmly believe, will eventually be triumphant.”

Having concluded the foregoing preliminary observations, I will now very shortly proceed to submit to your Lordship, not my remarks respecting the late resolutions of the Imperial Parliament, for as they have passed it is useless now to discuss them, but my humble opinion of the course which should henceforward be adopted. I therefore respectfully recommend her Majesty's Government to frame their future policy upon two unalterable determinations.

1. NOLUMUS LEGES ANGLIÆ MUTARI.

2. WE WILL NOT RETAIN POSSESSION OF THE CANADAS BY FORCE OF ARMS.

[ I mean by this—

1. We will not mutilate the British Constitution in our Colonies by concessions to Democracy.

2. Let us govern by moral power, and not by military force; (i. e. “Let's clap the padlock” on the affections of the people.) ]

My Lord, I have no hesitation in saying, that if these two maxims are mildly but firmly maintained, truth, reason, and justice will overpower the factious opposition that is now offered to us, and that a splendid moral triumph will be the result.

Much might be written on this subject, but with the voluminous details which are already before the Government, I feel that the deliberate result of my opinion will be less troublesome to your Lordship than a statement of the minute arguments on which it has been founded.

The servants of the Crown in Lower Canada ought, I conceive, to be immediately and for ever made independent of the House of Assembly, by an act of the Imperial Parliament.

I have, &c.

F. B. HEAD.

The above official opinions, like all which I have humbly offered, were deemed unworthy to be laid before the Imperial Parliament. The British Constitution in our colonies was weakened again by concessions, and then, to prevent its falling, it was found necessary to support it by force of bayonets.

No. 112.

*Upper Canada, Toronto, 8th October, 1837.*

MY LORD,

I have the honour to submit to your Lordship sundry documents, as per Schedule, respecting the case of Jesse Happy, a fugitive slave, who has been demanded from me by the Governor of the Commonwealth of Kentucky on a charge of Horse stealing.

Your Lordship will perceive the reasons for which, by the advice of my Executive Council, I declined to deliver up this man, who continues a prisoner in Hamilton Gaol, until he should have had time to procure affidavits of the facts set forth in the various petitions I have received in his behalf.

Your Lordship will also perceive it is by the advice of the Council that I now respectfully beg leave to draw the attention of her Majesty's Government to this case as a matter of general policy.

I believe no one is disposed to deny that the Canadas, as well as the United States, are much benefitted by that portion of the provincial statute which, for the general purification of society, encourages each to claim from the other persons guilty of felony.

To this arrangement I have invariably given all the assistance in my power; and in a late instance, although very great exertions were made to induce me to refuse to surrender a man demanded by the authorities of New York, on a charge of having robbed the Rochester Bank, yet, in spite of the arguments and recommendations in his favour, I gave him up, and have since learned that he has confessed his guilt.

I have also to inform your Lordship that in a case which was brought before me only a few days previous to that which is the subject of this communication, I insisted on giving up to the Governor of the Commonwealth of Kentucky a slave who, in order to effect his escape, had been guilty of stealing his master's horse. I submit to your Lordship a copy of a petition I received in this man's favour, with my reply thereto, and have to inform your Lordship that the under-sheriff was attacked in endeavouring to carry my orders into effect; that two men were killed and others wounded in the affray, which ended in the escape of the prisoner, which is now the subject of judicial investigation.

I mention these facts to satisfy your Lordship that I am by no means desirous that this province should become an asylum for the guilty of any colour: at the same time the documents submitted with this despatch will I conceive show that the subject of giving up fugitive slaves to the authorities of the adjoining republican states is one respecting which it is highly desirable I should receive from her Majesty's Government specific instructions.

It is quite true, that if a white man who has stolen a horse from the Commonwealth of Kentucky comes with it, or without it, to this province, he is by the statute I have alluded to liable to be given up on demand to the neighbouring authorities; and it certainly does seem to follow that a black man ought not to expect, because our laws grant him personal freedom, that he should moreover claim from them emancipation from trial for crimes which even British-born subjects would be held responsible. Yet on the other hand it may be argued that a slave escaping from bondage on his master's horse is a vicious struggle between two guilty parties, of which the slave-owner is not only the aggressor, but the blackest criminal of the two. It is the case of the dealer in human flesh *versus* the stealer of horse-flesh; and it may be argued that, if the British Government does not feel itself authorized to pass judgment on the plaintiff, neither should it on the defendant.

The clothes and even the manacles of a slave are undeniably the property of his master, and it may be argued, that it is as much a theft in the slave walking from slavery to liberty in his master's shoes as riding on his master's horse; and yet surely a slave breaking out of his master's house is not guilty of the same burglary which a thief would commit who should force the same locks and bolts in order to break in!

Besides these observations on the general principle of the measure, the objections urged to its practice are as follows:—

It is alleged, that after a slave surrendered by the Lieutenant-Governor of Upper Canada has been tried in the United States, and acquitted of the offence laid to his charge, he is sure to be taken back to slavery by his old master; and that, to obtain this object, it is notorious that false affidavits can always be obtained, in a slave state, against any runaway slave. It is therefore argued, that giving up a slave for trial to the American laws, is, in fact, giving him back to his former master; and, therefore, that until the republican authorities can separate trial from such unjust punishment, that, however willing we may be to give up a man to the former, we are justified in refusing to deliver him up to the latter, unless sufficient security be entered into in this province, that the person delivered up for trial shall be brought back to Upper Canada as soon as his trial or the punishment awarded by it shall be concluded.

It is argued, that the republican states have no right, under the pretext of any human treaty, to claim from the British Government, which does not recognize slavery, beings who by slave-law are not recognised as *men*, and who actually existed as brute beasts in moral darkness, until on reaching British soil they suddenly heard, for the first time in their lives, the sacred words "Let there be light, and there was light!" From that moment it is argued they were created *men*, and if this be true, it is said they cannot be held responsible for conduct prior to their existence.

Having now furnished your Lordship with the principal arguments which are used against the course I myself have adopted in one slave-case, and have only hesitated to adopt in another, I beg leave respectfully to recommend that instructions on the subject may without delay be transmitted to the Lieutenant-Governor of this province.

I have, &c.

F. B. HEAD.

*Third Memorandum on the Political State of the Canadas.*

Toronto, 18th November, 1837.

MY LORD,

Being sensible that your Lordship will be desirous to receive authentic information not only of the general state of affairs in the Canadas, but of the particular course of policy which is being pursued in each of the provinces, I have the honour to enclose to your Lordship a copy of a second letter, which has been expressly despatched to me by Sir John Colborne, with a copy of my reply thereto.

These letters, short and familiar as they are, contain a moral of considerable importance, for they indisputably shew that the Canadas are each acting on a principle diametrically opposed to the other—the Lower Province centripetally drawing to itself as much military force as it can collect; the Upper Province contrifugally discarding every British Soldier from its territory.

My Lord, it is I conceive undeniable, that for many years Mr. Papineau has been labouring to separate the Canadas from the mother-country. To effect this object by force he has been perfectly sensible would be impossible; he has, therefore, been endeavouring to attain it by means which may almost be termed constitutional, namely, by seeking the intervention and authority of the Imperial Parliament.

For this purpose, a member of the House of Commons (Mr. Roebuck) has been paid by the House of Assembly of Lower Canada to expatiate on grievances, and to declare at all times and in all places to those who have no personal acquaintance with the Canadas, that the people there are *restless, dissatisfied, yearning for republican institutions, and that, unless the never-ending, still-beginning concessions they require are granted, another American war must be the result.*

In order to corroborate these vague statements by evidence, Mr. Papineau's policy has been to involve each succeeding Governor in a quarrel with the House of Assembly, to keep up an endless war between the two Houses of the Legislature, as well as between the Assembly and the Executive Council. Besides this, in order to create discontent among the people, all great improvements have been discountenanced, immigration has been taxed, and every artifice has been resorted to, practically, to convince them that there really must exist something in the management or rather mismanagement of their country, which required "reform."

While Mr. Papineau was himself working out this revolutionary formula in Lower Canada, he well knew it would be absolutely necessary he should promote a conspiracy in the Upper Province—accordingly Mr. Joseph Hume was selected to echo Mr. Roebuck's complaints in the House of Commons, while Mr. Bidwell was to be the mimic in Upper Canada of Mr. Papineau himself.

By pointing out grievances with one hand, and preventing their correction with the other, a small republican party in this province managed to create discontent, and gradually to obtain a majority in the House of Assembly; and the revenue of the province being thus at their disposal, they availed themselves of every possible opportunity to pay and employ those only who, by disseminating falsehood, would create discontent.

Under this malign influence people in the remote districts conceived that every difficulty they met in backwoods proceeded from the British Government; and as it was invariably stated to them that if they were under a republic they would instantly be relieved, they had every possible temptation to revolt. The republican agents had the power of worming their way to these poor people by paths, on which it was believed nothing proceeding from the Government could be made to travel: the rebel party fancying therefore that the ignorance in which their victims were involved could not be dispelled, openly boasted of their triumph, and in the House of Assembly instantly evinced the most treasonable disposition.

My Lord, affairs were in this state : the House of Assembly of Lower Canada had published their ninety-two resolutions ; the Assembly of this province (although they pretended to have attachment to the mother-country) were advocating an Executive Council responsible to the people, an elective Legislative Council, and were openly insulting the Executive when I arrived in this province. And yet with all these advantages Mr. Papineau knew perfectly well that the day had not arrived for attempting to carry his object *by force* ; with every desire to do so, HE WAS AFRAID : in short he knew quite well that, though the dissemination of his poison had sickened loyalty, it was not yet dead !

The result of the exertions which I humbly made proved the accuracy of his judgment.

By addressing the people in homely language I revived the loyal spirit in Upper Canada, and by resorting to reason instead of military force, I became at last enabled by the assistance of the former to dismiss the latter from the province.

I mention these facts to your Lordship for the purpose of shewing the impolicy of our now allowing Mr. Papineau to enjoy the triumph of making it appear that we retain possession of the Lower Province only by force of arms.

If Lower Canada were to be governed by reason instead of by force, I beg leave to ask how could it possibly separate itself from the British Empire !

If the republicans of the two provinces, united, were afraid to attempt it, what chance has one to attain it, now that its comrade has turned against it ! Suppose that by a *coup-de-main* Mr. Papineau could gain forcible possession of Montreal and of the fortress of Quebec, what could they be worth to him but a hempen neck-cloth ! Would the British population be annihilated ! Would there be no re-action ! Would Upper Canada submit to a republic between it and the ocean ! I can assure your Lordship that Mr. Papineau's dominion, like his life, would hang only by a thread. Between the British navy on the one side, and the brave militia of Upper Canada and of New Brunswick on the other, he would find himself a wild elephant between two tame ones.

It may appear strange that Mr. Papineau, whose abilities have been proved by the demoralization they have effected, should at this moment be occupying a position so completely untenable ; but the fact is, he triumphs by the weakness of our conduct, and though he is in reality a ruined man, yet he has managed by impudence and artifice to gain the very darling object he has for so many years ardently been striving for : in short, he has summoned eight British regiments into this province *to fight*, but to be quoted in the House of Commons as undeniable evidence that we require military force to retain possession of that country.

My Lord, although I cannot deny the fact of the presence of the troops, yet I do respectfully submit to your Lordship, that Mr. Papineau has managed to obtain them by illegitimate means and by false pretences.

The force at present in Lower Canada is unnecessary ; but we have had recourse to it from the same unfortunate aberration that has hitherto induced us not only to submit to Mr. Papineau's insults, but to bow before them in proportion to the insolence with which they have been inflicted. From the extreme of submission we have suddenly flown to the extreme of anger ; and influenced in both instances by our passions, Reason and Justice, which in Government are invincible, have passed unheeded.

It is now late in the day to repent of our policy ; but there is yet time not only to confess, but to correct the errors we have been guilty of.

My Lord, I respectfully recommend her Majesty's Government immediately to abstract all the troops from Lower Canada excepting those to garrison Quebec and Montreal.

As soon as the political atmosphere shall be thus purified, let Mr. Papineau, if he dare, attack the Queen's Government, and the British population of our North American Colonies ; let him, if he dare, take forcible possession of the Lower Province.

Instead of encouraging the loyal inhabitants of both provinces ignominiously to lean upon our troops, let us allow them to fight if necessary for themselves, for their families, and for their liberties ; and if this policy be mildly but firmly pursued, the civilized world will cheer us in our path, and, as I have before ventured to assure your Lordship, a brilliant moral victory will be the result.

I have, &c.

F. B. HEAD.

P. S. Since writing the above, I have just received from an officer sent expressly to me from Montreal by Sir John Colborne, a letter urging me to despatch to Lower Canada some companies of our militia for five months' service, as Sir John observes, "*If we do not immediately take active measures to arm and organize our friends, the province will be lost.*"

I have the honour to enclose a copy of Sir John Colborne's communication, with my reply thereto, which will explain to your Lordship the reasons which, in my opinion, forbid me at present to comply with his request.

Notwithstanding the state of the Lower Province as reported to me by the officer commanding the forces, I remain still of the opinion already expressed in this despatch, namely, that Her Majesty's Government should immediately abstract all the troops from Lower Canada, excepting those necessary to garrison Quebec and Montreal.

I am perfectly sensible that this recommendation will appear extraordinary to your Lordship, when contrasted with the pressing exigencies of Sir John Colborne. I will, therefore, endeavour to explain opinions which I can assure your Lordship I have not the slightest desire to advocate.

If Mr. Papineau and his followers were a *foreign enemy*, it would be desirable that the party which possessed the greatest quantity of physical strength should predominate: but the French *habitans* of Lower Canada are as much Her Majesty's subjects as the British troops, and in the present state of the civilised world, I do maintain that a civil war must henceforward be a moral one; and that victory will eventually declare itself in favour of moral and not of physical preponderance. The peace, welfare, and stability of society depend upon the maintenance of this principle; and such is the *momentum* of public opinion, that I feel confident no power on earth can now-a-days prevail which attempts to withstand it.

I submit to your Lordship, that no government is justified in attacking its own citizens until it has previously gone through the forms of endeavouring to govern them by firmness and reason. A government need not be firm, nor need it be reasonable, but the fatal consequence of its being neither one nor the other is, that it exists in an unfit state suddenly to put down rebellion by force; for what is despotism but *government sans reason*?

My Lord, I say nothing against the unfortunate by gone system of conciliation which has hitherto been adopted in Lower Canada—I will even admit, for argument's sake, that the Government was *right* to try the experiment,—but I respectfully maintain that it is not justified in flying from it to the opposite extreme without having had recourse to the middle regimen I have described. But it is argued that the British population is in actual danger, that the Lower Province "will be lost" unless we have immediate recourse to physical force, and, consequently, that it is now too late to philosophise on the subject. I conceive that the argument is the same as if a man who had commenced to build his house on a bog were to insist on continuing it because he had already completed its first story. It is true the removal of the building would be mortifying and expensive, but, if it were impossible for it to stand, the sooner it were abandoned the better.

My Lord, I conceive that no quantity of British troops would be sufficient to put down agitation in Lower Canada, or even to protect every person in that province from open violence. The cumbersome attempt on our part to do all this by soldiers would appear to the world a series of aggression, which would sooner or later excite sympathy in favour of Mr. Papineau and his adherents.

On the other hand, if, sheathing the sword, we were at once to place ourselves on the defensive, and openly await the very evils we are now trying to avert, Mr. Papineau would then be driven either to give up agitation or to *become the aggressor*, in which latter case we (I mean the British population of the North American Colonies) should instantly gain in moral power infinitely more than we had laid aside in military force.

I submit to your Lordship, that in military strength Mr. Papineau has no chance whatever of successfully contending against the British empire. Let us, therefore, equally be his superior in that moral power by which our possession and protection of the Canadas must eventually be decided.

F. B. H.

The foregoing opinions (which by her Majesty's government were not deemed worthy to be included among those submitted to the Imperial Parliament) clearly show that I had totally failed to foresee the invasion of our colonies by our American allies. I own, however (and the confession should shame them), that it never entered into my heart for a moment to conceive that, while American friendship was standing smiling at our side, its hand was only waiting until we faced our difficulties to stab us in the back! "Experience," they say "makes men wise," but where in the page of the history of civilised nations was such experience to be learned! It is recorded for the first time; and I humbly submit that I am much less deserving of blame for not having anticipated this attack than is the British nation, who, although the event has *actually* happened, can scarcely even now, by argument or facts, be persuaded to believe what the conduct of the American authorities has been.

To repel this unprecedented attack of faithless friends the whole energies of the British Empire should, if necessary, be directed, just as they should be directed to repel an invasion of our colonies by the power of France or Russia. But, leaving this unnatural contingency out of the question, and returning to the domestic government of our North American colonies, I beg leave to say that, barring foreign invasion, I most unalterably adhere to the opinions expressed in the foregoing despatch: for I well know that I speak the sentiments of the British population of our North American colonies, when I say that if, instead of sending out seven-and twenty regiments, her Majesty's Government would send out only one man, who, standing alone among them, would promise the people that, while he lived, the institutions of our empire should *never be changed*, a universal British cheer would resound throughout our colonies, and "Reports" of alleged grievances would be heard of no more. When the people of Upper Canada were appealed to, did they not strictly fulfil the prophecy by responding to the call! And is it not an historical fact, that the brave inhabitants of New Brunswick, with their Lieutenant-Governor at their head, stood not only ready, but earnestly *wishing* to be called! Grievances! Separation from the mother country! Hatred to British institutions! *Natural* attachment to democracy! Commissions of Inquiry, one after another, may in our colonies no doubt collect complaints in detail, just as they would be collected from every regiment and every line-of-battle ship in our service, were we to pay people for searching for them; but, let the enemy appear, let the British colours be hauled up, and let our people but see the foe who unjustifiably advances to deprive them of their liberties, and in one moment all complaints are forgotten!

The following despatch affords another sad example of the endless embarrassments which the Lieutenant-Governors of our provinces suffer from the eaves-dropping system of our Colonial Office.

No. 127.

UPPER CANADA,  
27th November, 1837.

MY LORD,

I have the honour to transmit to your Lordship a pamphlet entitled "the Correspondence of the Honourable William Morris with the Colonial Office as the delegate from the Presbyterian body in Canada."

I have also the honour to transmit a copy of a communication which, in consequence of the above publication, I directed my civil secretary to address to the Moderator of the Synod.

Your Lordship will, from the above document, perceive the inconvenience which has arisen from allowing "*a delegate*" from this province the entire perusal in Downing-street of a despatch which it is left to my judgment to determine whether the whole or a part only should be published in Upper Canada.

With respect to the intemperate, uncalled-for language contained in the pamphlet, I have only to request that your Lordship will be so good as to compare it with the accusations lately made against the Attorney-General of this province, from the effects of which that officer as well as her Majesty's Solicitor General are still suffering.

I have, &c.

F. B. HEAD.

Is there another public office in the state—in the world—which would permit its conditional or discretionary orders to its confidential servants to be thus perused, while the matters were still pending, by interested or hostile individuals, whose known purpose was to thwart them?

## CHAPTER IX

Three ultimate causes of my Resignation—1. Dismissal of Judge Ridout—Order from His Majesty's Government for his Restoration—2. Appointments of Attorney and Solicitor General arrested by His Majesty's Government—3. Reasons for not elevating Ex-Speaker Bidwell to the Bench—His Majesty's Government communicate their desires for his Elevation—My refusal to obey their Orders—The Republican Party unmask themselves and attack Toronto—Despatch to His Majesty's Government—Important Moral in it suppressed.

The following despatches will speak for themselves. No preliminary observations are necessary, as the dates will sufficiently explain that, in consequence of the rebellion which had already broken out in Lower Canada, a corresponding insurrection was naturally to be expected in the Upper Province, and, consequently, that it was more than ever politic that I should give encouragement to the loyal, and discouragement to that party who were on the very eve of a rebellion.

If I had been governing by force of arms, *they* would have been sufficient; but, having yielded to the Lower Province Her Majesty's troops, I had nothing left to support me but a strict adherence to that plain moral rule which bids all nations, as well as all individuals, keep up a just distinction between their enemies and their friends.

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No. 72.

(Copy.)

TORONTO, UPPER CANADA,  
12th September, 1836.

MY LORD,

I have the honour to transmit to your Lordship the accompanying memorial from Mr. George Ridout, complaining that he has experienced unjust treatment from me.

The facts attending this gentleman's dismissal from his situations of Judge of the District Court of Niagara, of Justice of the Peace, and of Colonel of Militia, are shortly as follows:—

On the 27th March last, Mr. George Ridout, heading the deputation, read that address to me from a public meeting held at the City Hall, by Dr. O'Grady (the editor of the *Correspondent and Advocate*) and others which I forwarded to your Lordship on the 6th of April last, in my despatch No. 24.

Shortly afterwards Mr. Ridout made a declaration which became the subject of general conversation, that, in the event of his being dismissed by me from office, "*I should deserve to be tarred and feathered, and that he would lend a hand to do so.*"

In one of the public offices in Toronto he declared that we must or should now have "*war to the knife.*"

Mr. George Ridout was a frequent attendant as well as speaker at the Constitutional Reform Society, from which was widely circulated a printed address, signed by Dr. Baldwin, of which the following is an extract:—

"It is our duty solemnly to assure you, that the conduct of Sir Francis Bond Head has been alike a disregard of Constitutional Government, and of candour and truth in his statements."

Mr. Ridout declares he is not a *member* of this society, yet from his frequent attendance and speaking at the meetings of this society, before as well as after it had, for mere electioneering purposes, changed its name (only a few weeks ago) from the "Alliance" to the "Constitutional Reform Society," I felt I had a right to consider him as an active member.

Previous, however, to declaring him to be such, I took the precaution of obtaining a legal opinion on the subject, which was that Mr. G. Ridout most decidedly did *appear* to be an active member of the said Society.

It is perfectly true that old Mr. Ridout was a loyal, gentlemanlike, and estimable man, and it was from a benevolent desire to reclaim Mr. G. Ridout, his son, from radical principles, that the situations he held were successively heaped upon him by Sir Peregrine Maitland and by Sir J. Colborne; but the more he was favoured the more violent he became, and when, as a judge and colonel of militia, he talked about tarring and feathering the King's representative, I considered it was my duty to inform him that his Majesty had no further occasion for his services.

I may add that, shortly after my arrival here, I myself took a great deal of trouble to endeavour to reclaim Mr. George Ridout, and kindly to persuade him of his errors, but in vain.

I have, &c.

(Signed)

F. B. HEAD.

*The Petition of George Ridout, of the City of Toronto, in Upper Canada, Barrister-at-Law,*  
SHEWETH,

That your petitioner, a native of Canada, and son of the late Honourable Thomas Ridout, Surveyor-General, was appointed a Lieutenant in the Militia by the late Major-General Sir Isaac Brock, a name ever dear to this province, and with whom he was present at the battle of Queenston.

By the ordinary progressive steps, and a service of more than seventeen years, your petitioner rose to the rank of Colonel of the 2nd Regiment East York Militia, in the room of the Honourable John B. Robinson, appointed to fill the high office of Chief Justice of this colony in 1830.

That your Petitioner's appointment to the honourable, though not lucrative situation, of Judge of the Niagara District Court, was conferred upon him, in 1828, by Sir Peregrine Maitland, late Lieutenant-Governor of this Province.

During the administration of his successor, Sir John Colborne, your Petitioner discharged the duties of these situations, so much to the satisfaction of that officer, that he was appointed a Justice of the Peace for the Niagara district. That your Petitioner was treated with kind consideration both by Sir Peregrine Maitland and by Sir John Colborne, though he voted for gentlemen who were deemed the Reform candidates.

That thus in practice, as well as by the King's instructions, your Petitioner found the principle recognised, that every elector has a right to exercise his own judgment, without fear or apprehension, and to indulge in such political opinions as are consistent with his duty to his King and country, without fear of proscription.

Aware also of the unrestricted liberty he had enjoyed under the government of Sir P. Maitland and Sir John Colborne, he hesitated not to follow the course he had hitherto pursued; and at the late election for this city gave his vote, for the second time, in favour of his brother-in-law, the late member, and a Reformer, as he believes, in the spirit of Lord Goderich's despatch, and to that only.

The election for the city of Toronto closed on the 23rd June last; but no intimation of the intention of Sir Francis B. Head to punish your Petitioner for his vote reached him until the 15th July, after the result of all the elections had been ascertained; and the time chosen for making this communication was, when your Petitioner was in the discharge of his duty as Judge of the Court at Niagara, although his residence is at Toronto.

The reasons assigned for your Petitioner's dismissal from the various honourable situations he held are totally without foundation, as will plainly appear from the correspondence between your Petitioner and the private secretary of his Excellency, Sir Francis Bond Head. That this may admit of no doubt, your Petitioner submits the evidence hereto annexed.\*—

\* N. B.—The papers appended to this petition are—

1. Communication from Mr. Joseph.
2. Mr. G. Ridout to Mr. Joseph.
3. Colonel Coffin to Mr. Ridout.
4. Mr. Ridout to Colonel Coffin.
5. Mr. Ridout to Colonel Coffin, demanding a Court Martial.
6. Colonel Coffin to Mr. Ridout.
7. Petition to Sir F. B. Head.
8. Certificate, that G. Ridout opposed the formation of the Society, under the principles that Mr. M'Kenzie had moved. Signed by Dr. Morrison.
9. Certificate, that George Ridout does not belong to the Society.
10. Minutes from Osgoode Hall Law Society, that George Ridout was appointed treasurer for 1830.

Your Petitioner respectfully refers the same papers, hereto annexed, shewing the unavailable exertions he made to procure redress from Sir F. B. Head, for the injustice suffered, and the necessity imposed upon him of appealing for that redress to his Majesty's Government.

Your Petitioner feels the injustice done him the more sensibly, not only because he has been punished, although not guilty of the charges alleged to him; but persons who took an active part as members of the societies alluded to, have been permitted to do so with impunity; whilst others holding lucrative and important situations under Government, clerks in offices, and even messengers, in defiance of the King's instructions, have attended the polls from Riding to Riding, during the late elections; and they used every exertion, even to intimidation, in order to obtain votes for the candidates known, or supposed to be acceptable, to Sir F. B. Head.

If the inhabitants of this most important province are to adopt a new line of conduct for every successive Governor that may be ordered out, whose views may differ from each other as to the interpretation of the King's instructions; if proscription is to follow acts previously deemed not only harmless, but constitutional, and even entitled to favour, because a new Governor adopts a policy diametrically opposite to that of his predecessor—then must the situation of the honest inhabitants of Upper Canada be deplorable indeed. The natural consequence must be, that men accustomed to the equal and steady application of known rules and laws, and to the mild sway of the British Government, will abandon the country, and the emigrant will avoid so frightful a tyranny.

Convinced that your Lordship will not sanction injustice, nor permit any man, however exalted in station, to use the power delegated to him for the use of his Majesty's subjects, to be exercised in their oppression, I appeal, with the utmost confidence, from the decision of Sir F. B. Head to the justice of his Majesty's Government, for such redress as a gentleman of unblemished honour, and a loyal British subject, has a right to expect.

All which is humbly submitted.

(Signed)

GEORGE RIDOUT.

Toronto, Upper Canada,  
12th August, 1836.

GOVERNMENT HOUSE,  
12th July, 1836.

SIR,

I am commanded by the Lieutenant-Governor to call your attention to the enclosed printed address, which has lately been widely circulated by, and "on behalf of a" society, of which it appears you are an active member.

The Lieutenant-Governor desires me to observe, that the language contained in this address has hitherto remained unnoticed by him, only from his determination not to interfere with that public verdict which he felt confident the country would clearly express. But as the elections are now over, his Excellency considers that in order to maintain the happy constitution of this province inviolate, it is absolutely necessary, in obedience to the King's instructions, that no person should be permitted to retain any office of trust or confidence under the British Government, who attempts (however unsuccessfully) to insult the Lieutenant-Governor of the province by language such as is contained in your society's address. His Excellency, therefore, deems it his painful duty to direct me to inform you that his Majesty has no further occasion for your services as Judge of the Niagara District Court, and Justice of the Peace.

I have, &c.

George Ridout, Esq. Toronto.

(Signed)

J. JOSEPH.

(COPY.)

*The Constitutional Reform Society of Upper Canada to their fellow Reformers.*

The difference between Sir Francis Bond Head and the House of Assembly, growing out of the resignation of the late Executive Council, has led to a dissolution of Parliament. The unanimous representation of the late Executive Council, severally signed by the Honour-

able Peter Robinson, the Honourable G. H. Markland, Honourable Joseph Wells, Honourable J. H. Dunn, and Robert Baldwin and John Rolph, Esqrs., we declare to be moderate, just, and constitutional. The refusal of Sir F. B. Head to allow the Executive Council to discharge the duties obviously belonging to their office, and imposed by their oath, of advising the Lieutenant Governor upon our public affairs, preparatory to his final and discretionary action upon those affairs, betrays a disposition, as a stranger, to conduct the government in an arbitrary, unsafe, and unconstitutional manner, which the House of Assembly, unless traitors to us, could not sanction or grant supplies to uphold.

The fifty-seven rectories could not by law have been established without the advice and consent of the Executive Council of the province; and their recent establishment and endowment with their exclusive ecclesiastical rights and privileges, is a practical and melancholy proof of the indispensable necessity of a good and honest Executive Council, alike possessing the confidence of the King and the people. It is our duty solemnly to assure you that the conduct of Sir Francis Bond Head has been alike a disregard of constitutional government, and of *candour and truth* in his statements to you. We therefore appeal to you most earnestly not to abandon your faithful representatives at the approaching contest, but by your manly conduct prove yourselves worthy of good government and honest public servants.

(Signed)

W. W. BALDWIN,

President.

(COPY.)

*Adjutant General's Office,*

*Toronto, July 20th 1836.*

SIR,

With reference to the communication which has been made to you this day by Mr. Secretary Joseph, I am commanded by his Excellency the Lieutenant-Governor to acquaint you, that for the reasons assigned in that communication, his Majesty has no farther occasion for your services as Colonel of the Second Regiment East York Militia.

I have the honour to be,

Sir,

Your most obedient servant,

To

(Signed)

N. COFFIN,

George Ridout, Esq.

Adjutant-General of Militia, Upper Canada.

(COPY.)

*Toronto, July 14, 1836.*

SIR,

Whilst in the discharge of my duty as a public officer at Niagara, yesterday, I had the honour of receiving your letter of the 12th instant, communicating to me that for reasons assigned by Mr. Joseph, his Majesty had no further occasion for my services as Colonel of the 2nd Regiment of East York Militia.

As I have fully answered Mr. Joseph's communication, and I hope satisfactorily shown that there was no foundation for the reasons therein assigned, it will be unnecessary for me to add anything farther, than merely to remind you that among the dismissals, no allusion is made to the situation I held of acting Judge-Advocate on the approaching court-martial at Cobourg, and to beg of you to consider this a sufficient notice of my resignation of that office.

I have, the honour to be,

Sir,

Your most obedient servant,

(Signed)

GEORGE RIDOUT.

N. Coffin,

Adjutant-General of Militia.

(COPY.)

Toronto 14th July, 1836.

SIR,

Not being aware that any act of mine could be construed into a sufficient justification for the extraordinary step lately taken in dismissing me from the colonelcy of the Second Regiment East York Militia, unless the vote for my brother-in-law can be considered a sufficient pretext, a privilege it is pretended that every elector has a right fearlessly and independently to exercise, I take the liberty of demanding a court-martial.

I have the honour to be, &amp;c.

(Signed)

GEORGE RIDOUT.

To Colonel Coffin,

Adjutant General of Militia, &amp;c. &amp;c. &amp;c.

A true Copy.

(Signed)

N. COFFIN.

Adjutant General of Militia.

(COPY.)

Adjutant-General's Office,

Toronto, July 20, 1836.

SIR,

I have had the honour to submit to his Excellency the Lieutenant-Governor your letter of the 14th instant, which, I must observe, was only brought to my office by your clerk yesterday; and am commanded by his Excellency to inform you, that as you are no longer an officer of Militia, it would be proper, in order to bring you to court-martial, that you should be reinstated in the rank you formerly held, an arrangement which his Excellency declines to sanction.

His Excellency deems it scarcely necessary to observe to you, that it was not for having voted for your brother-in-law that you were removed from the situations you held in his Majesty's service.

I have the honour to be, Sir,  
&c. &c. &c.

(Signed)

N. COFFIN,  
Adjutant-General of Militia.

A true copy.

(Signed)

N. COFFIN,

Adjutant General of Militia, Upper Canada.

MEMORANDUM.—The original letter, of which this is a copy, was, by his Excellency's commands, returned to the writer the day after its receipt.

J. JOSEPH.

Toronto, 27th July, 1836.

To His Excellency SIR F. B. HEAD, Knight, &c. &c. &c., and Lieutenant-Governor of  
Upper Canada.

MAY IT PLEASE YOUR EXCELLENCY,

I have the honour to state for your information that I find by a letter addressed to me by the Adjutant-General of Militia, that your Excellency refuses me a court-martial, but admits that I have not been removed from the situations which I held in his Majesty's service for voting in favour of my brother-in-law at the late election.

In bringing my case under the notice of his Majesty's Government it is material that the facts should be truly stated. I beg therefore to remind your Excellency that I am fully prepared to prove, as mentioned in a former communication, that the reasons assigned by your Excellency for depriving me of office are totally without foundation. Why should I hesitate to speak the whole truth? They are altogether untrue.

The only other reason which I could think of was my vote, which your Excellency, as appears from the Adjutant General's letter, admits not to have been the case. The clear and undeniable inference therefore is, that, in as far as depends upon your Excellency, I am disgraced and turned out of office under false pretences, and because it is your pleasure.

Such a course of proceeding will not be approved of by my gracious Sovereign, so just and tender in the exercise of his power, nor will his Majesty countenance oppression on the part of those to whom he has delegated a portion of his authority, or suffer them, if guilty of injustice, to pass unpunished.

It will scarcely be credited in the House of Commons, or by the British public, that a man, who has served without a view to reward during a bitter war, should be insultingly oppressed by one—a stranger to the province, as your Excellency is—a stranger to the services of many of its inhabitants—but clothed with a little brief authority, intrusted to you by the Colonial Minister, and listening to evil, irresponsible advisers, exercises that power in the violent reckless manner in which it has been directed against me.

After discovering that the reasons assigned for my dismissal were untrue, and that there was no just ground for such a proceeding, the honourable course would have been to have restored me instantly to my offices, with such apologies for my wounded feelings as one gentleman owes to another whom he has unjustly aspersed.

But as this has not been done I feel myself justified in stating to his Majesty's Government that I have been treated with the grossest injustice, without even the shadow of misconduct on my part, for the reasons assigned are totally without foundation.

If, however, even at this late period, your Excellency has any other reasons than those given, which have been hitherto kept back, I am willing to allow them every weight, nor shall I attempt, when informed of their existence, to suppress or lessen their just influence with his Majesty's Government in the statement which I am about to forward.

If no other reasons are produced, I have a right to consider your Excellency's conduct to me inconsistent with your duty as the representative of my gracious Sovereign; and, as I can expect no redress at your hands, it only remains for me to appeal to the justice of the Imperial Government.

I have, &c.

(Signed)

GEORGE RIDOUT.

Toronto, 18th August, 1836.

SIR,

In compliance with established rule I now enclose to his Excellency the Lieutenant-Governor my memorial to Lord Glenelg, and pray that his Excellency will be pleased to forward the same to his Lordship without delay.

I take the liberty of stating, that by *private conveyance* I send to his Lordship a copy of the memorial now enclosed, and of the papers and evidence attached to it.

I have, &c.

(Signed)

GEORGE RIDOUT.

To John Joseph Esq., Civil Secretary

to his Excellency the Lieutenant-Governor, &c. &c. &c.

Home District.

UPPER CANADA.

Alexander Stewart, of the city of Toronto, Carpenter, maketh oath and saith, that he was present at a large meeting held in the said city, about the month of January, in the year 1835, when William Lyon M'Kenzie, Esq., proposed to form a political society, called the Alliance Society of Upper Canada, and at the same time submitted a series of resolutions for the adoption of the said society. That George Ridout, of the said city, barrister-at-law, was opposed to Mr. W. M. M'Kenzie's resolutions, and opposed the foundation of a society on the principles contained in those resolutions.

This deponent further saith, that he believes the said George Ridout has not, since the above-mentioned period, joined any political society in this province.

(Signed) A. STEWART.

Sworn before me, at the city of Toronto, Upper Canada,  
the Fifteenth day of August, One Thousand Eight  
Hundred and Thirty-six.

(Signed) T. D. MORRISON,  
Mayor.

TO WHOM IT MAY CONCERN.

The subscribers hereto, severally filling the offices attached to their respective names in the Alliance Society of Upper Canada, do declare that George Ridout, of the city of Toronto, barrister-at-law, did not, at any time since the organization of the said society, *become a member thereof*.

Dated this 12th day of August, 1836.

(Signed) T. D. MORRISON, President.\*  
JOHN M'INTOSH, Vice Pres.  
JOHN E. TIMS, Sec.  
T. PARSONS, Sec.

TO WHOM IT MAY CONCERN.

The subscribers hereto, severally filling the situations attached to their respective names, in the Constitutional Reform Society of Upper Canada, do declare that George Ridout, of the city of Toronto, barrister-at-law, did not, at any time since the organization of the said society, become a member thereof.

(Signed) W. W. BALDWIN, Pres.  
FRANCIS HINCKS, Sec.  
JAMES LESLIE, Treas.

City of Toronto, }  
to Wit. }

UPPER CANADA.

I, Thomas D. Morrison, Esq., Mayor of the city of Toronto, do hereby certify that Alexander Stewart, of the city of Toronto, carpenter, whose affidavit, taken before me, is hereto annexed, is a person to me well known—that he is a person of respectable character, and worthy of full credence.

I do hereby also certify that the names, T. D. Morrison, John M'Intosh, J. E. Tims, T. Parsons, W. W. Baldwin, Francis Hincks, and James Leslie, subscribed to the certificates on the preceding page, are of the respective handwritings of the said persons, and they held the several offices mentioned in the said certificates, and placed opposite their respective names, in the societies therein mentioned.

(L. S.) Given under my Hand and Seal of Office, this Fifteenth day of August, in  
the year of our Lord, One Thousand Eight Hundred and Thirty-six.

(Signed) T. D. MORRISON, †  
Mayor.

\* This certificate, from four of the most violent Radicals in Upper Canada, cunningly avoids meeting the accusation against Mr. Ridout, namely, that because he constantly attended and spoke at the meetings in question, he appeared to be an active member.

† Lately tried for high treason, and has since left the province.

Home District, }  
ss. }

## UPPER CANADA.

*Michaelmas Term, 10 Geo. IV.*

At a convocation of the Law Society, held in the Court House, on Monday, the 1st day of Michaelmas Term, in the tenth year of the reign of King George the Fourth,—

## PRESENT—

HENRY JOHN BOULTON, Attorney-General,  
CHRISTOPHER ALEX. HAGERMAN, Solicitor-General,  
WILLIAM WARREN BALDWIN, Esq.,  
D'ARCY BOULTON, J., Esq.,  
GEORGE RIDOUT, Esq.,  
THOMAS WARD, Esq.,—

It was moved by W. W. Baldwin, Esq., seconded by the Solicitor-General, C. A. Hagerman, that George Ridout, Esq., be appointed Treasurer for the remainder of the year, ending in Hilary Term next; a vacancy having occurred by the elevation of the former Treasurer, John B. Robinson, to the Bench as Chief Justice; and resolved accordingly.

*Hilary Term, 10 Geo. IV.*

At a convocation held at the Law Society Library, on Monday, 28th day of December, 1829, being in the Term in Hilary, in the tenth year of the reign of King George the Fourth,—

## PRESENT—

HENRY JOHN BOULTON, Esq., Attorney-General,  
CHRISTOPHER ALEX. HAGERMAN, Esq., Solicitor-General,  
WILLIAM WARREN BALDWIN, Esq.,  
JONAS JONES, Esq.,  
JOHN ROLFE, Esq., and  
SIMON WASHBURN, Esq.,—

It was proposed by the Solicitor-General, that George Ridout, Esq., be Treasurer for the ensuing year, that is, until Hilary Term next; and resolved accordingly.

*Hilary Term, 1 William IV.*

At a convocation held at the Law Society Library, on Monday, the 27th day of December, 1830, being in the Term in Hilary, in the 1st year of the reign of King William the Fourth,—

## PRESENT—

GEORGE RIDOUT, Esq., Treasurer,  
WILLIAM W. BALDWIN, Esq.,  
SIMON WASHBURN, Esq.,  
JAMES E. SMALL, Esq.,  
ROBERT BALDWIN, Esq.,  
WILLIAM H. DRAPER, Esq.,—

It was moved by Simon Washburn, Esq., and resolved, That George Ridout Esq., be continued Treasurer for the ensuing year, that is, until Hilary Term next.

*Treasurer's Office, Osgoode Hall,*  
CITY OF TORONTO.

I hereby certify the above to be a true extract from the Journals of the Law Society of Upper Canada.

Given under the Seal of the Society at Osgoode Hall, this 20th day of August, 1836.

(L.S.)

(Signed)

R. B. SULLIVAN,  
Treasurer.

(Copy.)

*Government House, August 22d, 1836.*

SIR,

I have the honour to acknowledge the receipt of your letter of the 18th inst., enclosing a memorial to Lord Glenelg, with the accompanying documents, which you request the Lieutenant-Governor to forward without delay.

I beg leave to inform you that I placed them in his Excellency's hands on Saturday evening, as he was preparing for his journey to Kingston, and was directed by his Excellency to acquaint you that he would transmit your Memorial, with its enclosures, to the Secretary of State, as soon as he should return to the Government House.

I have, &amp;c.

(Signed)

J. JOSEPH.

George Ridout, Esq., Toronto.

## REPLY TO THE ABOVE CASE.

No. 113.

(Copy.)

*Downing-street, Aug. 29th, 1835.*

SIR,

I have received your despatch of the 10th September, No. 72, enclosing a memorial addressed to myself, by Mr. George Ridout, dated on the 12th of the preceding month of August, in which Mr. Ridout appeals to his Majesty's Government, against your removal of him from the offices of Colonel of the Militia, Judge of the District Court of Niagara, and Justice of the Peace.

In deliberating on the advice which it became my duty to submit to the King on this occasion, I have thought myself obliged to exclude from my consideration, every ground which has been alleged in defence of your proceeding against M. Ridout, which was not assigned by yourself, in your correspondence with that gentleman.

In general, I should consider it unjust to subject any man to humiliation and punishment, for reasons which he has not had an opportunity of controverting; but in Mr. Ridout's case, there are peculiar motives for adhering to this principle.

In his letter of the 27th July, he combatted both by argument, and by evidence, the single charge preferred in your private secretary's letter, and then proceeded as follows:

"If, however, at this late period, your Excellency has any other reasons than those given, which have been hitherto kept back, I am willing to allow them every weight; nor shall I attempt, when informed of their existence, to suppress or lessen their just influence with his Majesty's Government, in the statement which I am about to forward."

Thus, distinctly apprised, that Mr. Ridout proposed to appeal against your decision, and with so unequivocal a demand for an opportunity of repelling every accusation which you might design to bring against him, I think you were reduced to the alternative, either of disclosing to him *all* the grounds of your proceeding, or of leaving the appeal to be decided by his Majesty, upon those grounds exclusively, which you had so disclosed.

Adverting, then, to the only charge against Mr. Ridout, and of which he was apprised in your private secretary's letter of the 1st of July, I find it to have been, that he was an active member of a society, by which a very objectionable address had been widely circulated.

Mr. Ridout does not deny either that the address was indefensible, or that it had been widely circulated, or that it had originated with the society in question. But he does, in the most positive terms deny, that he was a member of that society, or that he had even seen the address, until it met his eyes in a printed form, in the course of its circulation through the province, or that he was in any sense responsible for it, either as author or publisher. To these peremptory contradictions of the facts alleged against him, he adds, that he attended at the meeting at which the society in question was established, and opposed its formation.

on the principles contained in the resolutions brought forward by its author. This statement is corroborated by the affidavit of Mr. Stewart, who states himself to have been present on the occasion.

Such is the state of the question, as it is presented to me by your despatch and its enclosures. I have sought in vain for any proof that Mr. Ridout was a member of this society, or that he in any manner partook in the publication of the objectionable address. I am compelled, therefore, to come to the conclusion, that the charge is not only unsupported by proof, but that, to a great extent, it is actually disproved, as it is in every point directly contradicted.

But, in absence of evidence as to the fact, you have referred me to the legal opinion of the Solicitor-General of Upper Canada, who states, that Mr. Ridout most decidedly did appear to be an active member of that society.

It will, of course, not be ascribed to any want of respect towards Mr. Hagerman, if I observe, I do not understand why any legal reference is necessary in this case. The question involves no legal principle, but relates to a simple matter of fact. Mr. Stewart, though describing himself as a carpenter is, I think, far more entitled to speak with authority on this occasion than the Solicitor-General of the province, because the former possesses, and the latter does not possess, a personal acquaintance with what actually occurred, and, because Mr. Stewart was present, and Mr. Hagerman was absent when the society was formed, and when Mr. Ridout is said to have protested against its formation.

It is with the deepest reluctance that I overrule a decision publicly adopted by you, especially in a case of the present nature. I have, on every occasion, felt and, as I trust, have evinced, the utmost solicitude to afford you all the support and countenance in my power in the discharge of your arduous duties. But it is superfluous to say, that every consideration must yield to the irresistible claims of justice, and for the reasons which I have mentioned, I find it impossible to dispute Mr. Ridout's pretensions to be reinstated in his various offices. I have accordingly, to convey to you his Majesty's commands, that Mr. Ridout should be permitted to resume the various employments from which he had been removed. I refer to your own judgment the mode of proceeding to carry these instructions into effect.

It will afford me most sincere pleasure, if you shall be able to reconcile the prompt and complete execution of them, with the protection of your own authority from the danger to which I am well aware it may be exposed by the measure which I am thus compelled to adopt.

I have, &c.

(Signed)

GLENELG.

SIR FRANCIS B. HEAD, K. H., &c. &c. &c.

No. 13.

(Copy.)

Toronto, Upper Canada,

6th February, 1837.

MY LORD,

I have the honour to acknowledge the receipt of your Lordship's despatch, No. 113, which only arrived here on the 6th instant, in which, referring to my having removed Mr. George Ridout from the offices of Judge of the District Court of Niagara, Colonel of Militia, and Justice of the Peace, your Lordship states, "It is with the deepest reluctance that I overruled a decision publicly adopted by you, especially in a case of the present nature \* \* I have therefore, accordingly to convey to you his Majesty's commands that Mr. Ridout should be permitted to resume the various employments from which he has been removed."

As the refutation of the last set of accusations made against me, namely, those made by Messrs. Hume and Duncombe, were despatched to your Lordship only two days ago, (thus completing the victory which, after a year's hard fighting, I have managed to gain over the opponents of the British constitution,) it was with some little disappointment and surprise, that I received from his Majesty's Government a communication amounting almost to a dismissal, not in the lenient form of being relieved, but by being publicly rendered incompetent to retain my station.

When my predecessor, Sir John Colborne was ordered by your Lordship to lay before the House of Assembly of the province he governed your Lordship's decided disapprobation of his conduct, he preferred at once to tender his resignation, a course which I believe almost every man of honour, who has ever been placed in similar circumstances, has deemed it incumbent upon him immediately to adopt.

I feel however so confident that I can succeed in bringing conviction to your Lordship's mind that I am as innocent of having acted unjustly towards Mr. Ridout, as I have been proved to be innocent of the various allegations brought against me by Messrs. Hume, Duncombe, Baldwin, Bidwell, Rolph, &c., that I have determined to submit to the consideration of his Majesty's Government the following statements and observations.

It is perfectly true that in the month of July last I dismissed Mr. Ridout from the situations of Judge of the District Court of Niagara, Colonel of the Militia, and Justice of the Peace, alleging to him, as the grounds of my doing so, that he Mr. Ridout *appeared* to be an active member of a society which had widely circulated a printed Address signed by Dr. Baldwin, Judge of the Surrogate, of which the following is an extract :

"It is our duty solemnly to assure you that the conduct of Sir F. B. Head has been alike a disregard of Constitutional Government, and of candour and truth in his statements to you."

It is also true that Mr. Ridout declares he "had nothing to do with drawing up the Address alluded to—that he had never seen it, until it met his eyes in a printed form—that he was not a member of the Society from which it had proceeded—and that at the meeting at which the Society in question was established, he opposed its foundation on the principles contained in the resolutions brought forward by its author (which latter statement, I admit, is corroborated by the affidavit of Mr. Stewart, a carpenter, who declares he was present on the occasion)."

If your Lordship will be so good as to refer to the letter from my Secretary to Mr. Ridout, you will perceive that it was not stated by me that Mr. Ridout had drawn up the Address alluded to, or that he had ever seen it till it met his eye in a printed form, or that he was a member of a Society from which it proceeded. All that was declared was, that the paper "had been published by a Society" of which Mr. Ridout, long after it had been placarded all over the province, continued to "*appear to be an active member.*"

I need hardly observe to your Lordship, that Mr. Ridout, as a Judge of the District Court, must have known perfectly well that many a man has been hanged as an accomplice in a murder, who never saw it committed; and that when a Society of avowed republican principles has placarded and published in the newspapers a gross and wilful insult upon the King's representative, any officer in the service of his Majesty's Government might even legally be considered an accomplice by constantly attending the said meeting, most especially if, like Mr. Judge Ridout, he was heard to utter the most inflammatory speeches; but the following instructions to me from your Lordship on this subject admit of no misinterpretation.

"I further unreservedly acknowledge that the principle of effective responsibility should pervade every department of your Government, and for this reason, if for no other, I should hold that every public officer should depend on his Majesty's pleasure for the tenure of his office. If the head of any department should place himself in decided opposition to your policy, *whether that opposition be avowed or latent*, it will be his duty to *resign his office into your hands*; unless this course be pursued, it would be impossible to rescue the head of the Government from the imputation of insincerity, or to conduct the administration of public affairs with the necessary *firmness and decision.*"

I most respectfully submit to your Lordship whether his Majesty's Government, after giving me the above instructions to act with firmness and decision, is justified in suddenly turning upon me for having obediently carried them into effect?

I most respectfully ask, whether, in framing the above instructions, it ever occurred to your Lordship, for a moment, to conceive that I could possibly meet with such an extreme case of "opposition, avowed or latent," as that of two judges, who, above all people, ought to be immaculate from political sin, openly attending a republican society, which at every meeting grossly and publicly insulted the King's representative; the one judge actually affixing his name as chairman to a most infamous placard; the other constantly haranguing the people.

Supposing, instead of being members of the Judicial Bench, the especial duty of whom, by example as well as by precept, is, to maintain the King's authority, they had been officers of the army or navy, would any quibble or subterfuge whatever be sufficient to screen them from dismissal?

Mr. Judge Ridout's legal talents are sufficiently demonstrated by the craftiness of his defence and evidence, which insidiously attempt to prove "that he had attended at the meeting at which the society in question was established, and *opposed its formation* on the principles contained in the resolutions brought forward by its author." He conceals, however, from your Lordship the following important explanation.

Until Mr. Bidwell delivered to the House of Assembly Mr. Papineau's letter, openly proposing to the North American Colonies to unite together for a revolutionary purpose, the society in question was known by the name of the "Alliance Society,"

On my dissolving the House of Assembly, the Constitutionals formed a "Constitutional Society," for the express purpose of opposing the unholy doctrines of this "Alliance Society," some of the members of which, finding that it required a veil, proposed to change its name from the "Alliance" to the "Constitutional Reform Society." The most reckless and violent of the party opposed this change, preferring what is vulgarly termed here "to go the whole hog." Of this number was Mr. Ridout, who truly enough informed your Lordship "that he opposed the formation of *the society in question.*"

Having given this short elucidation of the letter of dismissal which my secretary addressed to Mr. Ridout, as also of his reply, I respectfully proceed to your Lordship's observations thereon.

Your Lordship states, "In deliberating on the advice which it became my duty to submit to the King on this occasion, I have thought myself obliged to exclude from my consideration every ground which has been alleged in defence of your proceedings against Mr. Ridout, which is not assigned by yourself in your correspondence with that gentleman."

"But, in the absence of evidence as to the fact, you have referred me to the legal opinion of the Solicitor-General of Upper Canada, who states, that Mr. Ridout *most decidedly did appear* to be an active member of the said society. It will of course not be ascribed to any want of respect towards Mr. Hagerman, if I observe that I do not understand why any legal reference is necessary in this case." The question involves no legal principles, but relates to a simple matter of fact. Mr. Stewart, though describing himself as a carpenter, is, I think, *far more entitled to speak with authority on this occasion than the Solicitor-General of the province.*

I cannot but believe that, on reflection, it will be evident to your Lordship that, if the solemn, deliberate judgments of the King's representative in a British colony, without any opportunity being afforded to him for explanation, be suddenly overruled by his Majesty's Government, or the mere denial of the individual sentenced to punishment, supported only by a witness of unknown character,—if going still further, it be decreed that the Governor's official explanatory despatches on the subject are to be treated by his Majesty's Government, to whom they are respectfully addressed, as mere hearsay evidence, which must not affect the merits of the case,—if the deliberate judicial opinion given by his Majesty's Attorney (not Solicitor) General to the King's representative, be declared to possess no more weight in the mind of his Majesty's Government than the evidence of a common carpenter, I state with deference, that the dignity, honour, and authority of the Governor are virtually extinct.

I respectfully submit, that, in no department of the state, not even in your Lordship's own office, has it ever been deemed necessary, or even advisable, that every reason for which an individual is to be relieved from office must be stated to him.

It may be necessary to remove a public servant for many reasons, which it may not be desirable to explain to him. But, in maintaining the dignity of the station of Lieutenant-Governor of this province, I am, by your Lordship's own instructions, especially absolved from any such necessity; for it is distinctly stated, "It is the duty of the Lieutenant-Governor of Upper Canada to vindicate to the King and to Parliament every act of his administration."

"To his Majesty and to Parliament the Governor of Upper Canada is at all times fully responsible for his official acts;" and yet, when I proceed to do so, his Majesty's Government cast my official vindication aside, and pass a severe judgment upon me, with the following preamble:—"In deliberating on the advice which it became my duty to submit to the King on this occasion, I have thought myself obliged to exclude from my consideration every ground which has been alleged in defence of your proceedings against Mr. Ridout, *which was not assigned by yourself in your correspondence with that gentleman.*"

The following circumstances officially detailed to your Lordship in my despatches, Nos. 72, 62, and 57, must have been accordingly "excluded from your consideration, in judging of the propriety of Mr. Judge Ridout's dismissal."

1. "That on the 27th March, Mr. Ridout, heading the deputation, read that Address to me from a Public Meeting held at the City Hall, by Dr. O'Grady, (the Editor of the *Correspondent and Advocate*,) and others, which I forwarded to your Lordship on the 6th April.\*

2. "That shortly afterwards, Mr. Judge Ridout made a declaration which became the subject of general conversation, that in the event of his being dismissed by me from office, I should deserve to be tarred and feathered, and that he (Mr. Judge Ridout) would lend a hand to do so.

3. "That in one of the Public Offices, he (Mr. Ridout) declared that we must or should now have *war to the knife*."

4. "That from a benevolent desire to reclaim Mr. Ridout from radical principles, the situations he held were successively heaped upon him by Sir P. Maitland, and by Sir John Colborne; but the more he was favoured, the more violent he became.

5. "That shortly after my arrival here, I myself took a great deal of trouble to endeavour to reclaim Mr. George Ridout, and kindly to persuade him of his errors, but in vain."

6. In my despatch to your Lordship, No. 57, I stated, "I will therefore merely assure your Lordship, that in the elections, as well as in the prompt dismissal of a few of the ring-leaders of the Republicans, I have acted cautiously and conscientiously."

7. That Mr. Judge Ridout, in a letter dated 27th July, which he addressed to me as the Lieutenant-Governor of this Province, declared that the reasons assigned by me "*are altogether untrue*;" that I have turned him out of office "*under FALSE pretences*;" that, "clothed with a little brief authority," I am "exercising my power in a violent, reckless manner," &c.

If the foregoing extracts from public despatches, all directly bearing upon the subject in question, be deliberately excluded from your Lordship's consideration, I cannot but most respectfully repeat, I am at a loss to understand why, in your Lordship's instructions to me, after distinctly stating, that unless I had power to dismiss from office any person who might openly or *latently* oppose my policy; "it would be impossible to conduct the administration of public affairs with the necessary firmness and decision." It is added, "that it is the duty of the Lieutenant-Governor of Upper Canada to vindicate to the King and to Parliament, every act of his administration;" for, how can I possibly vindicate my dismissals, but by despatches which I have the high privilege and honour of addressing to your Lordship.

I had certainly conceived, that as long as I was deemed worthy of the confidence reposed in me, independent of the production of facts and arguments, the mere expression of my opinion of the absolute necessity of the dismissal from office of any person, who, from my local knowledge, I deemed hostile to the British Constitution, would have carried with it infinitely more weight than the individual's denial of his own guilt.

The dangerous duty imposed upon me, of selecting for office those who are most fit for it, and of dismissing those who are unfit, requires the coolest deliberation and judgment: my very appointment to the station I hold presupposes my competence to the task; and it will now be my endeavour respectfully to demonstrate to your Lordship that, as regards the dismissal of Mr. Ridout, I have discharged this duty conscientiously and correctly.

Your Lordship must be aware that I succeeded in defeating the Republican party in this province, by calmly appealing to the judgment and good sense of the people. It was not,

\* To this insolent Address I returned a calm answer, to which, contrary to all precedent, I received a communication, termed "a rejoinder," of which the following is an extract:—

"We cannot altogether agree with your Excellency, that 'the only consolation which should support an honest man in an arduous duty is the reflection that he is ready to atone for every error he commits and that he is subject to arraignment if he offend.' *The highwayman and the pirate might, and often have, pleaded the same—have even been ready to make atonement, by restitution, and after 'arraignment,' expiated their crimes according to law.*"

I ask whether, when such language as the above had been addressed to the King's representative, it was not the bounden duty of his station to dismiss from his Majesty's service him who had headed and read the original Address? Is it not incomprehensible, that his Majesty's Government should, at such a time, have joined with such a man against me?

therefore, very likely that, when the victory was established, I should suddenly lose the equanimity by which I had gained it. But, because I had defeated the political machinations of my opponents, I was in all directions assailed by language, which gradually increased in virulence, until it became evident to me, that for the dignity, and even maintenance, of the King's authority, it was absolutely necessary I should check it.

Inasmuch, however, as the danger of doing so was apparent, I deeply reflected on the course which it would be most prudent for me to adopt.

The press—the shameless and traitorous language of which it would be impossible to describe—I determined to let alone; I also resolved not to notice affidavits and other evidence which I received, concerning individuals of low station, who, although holding commissions in the militia, publicly declared, "*The Lieutenant Governor was the d—est liar and d—est rascal in the province.*" I considered these persons as not worthy to be made examples of; but the two individuals whom I eventually determined to select for punishment were Mr. Ridout and Dr. Baldwin, because I considered that, as Judges of the land, they had no excuse whatever for the offensive conduct they had been pursuing.

Instead, however, of at once following my own judgment, which, on the subject in question, I never once mistrusted for a moment, my first course was to seek the advice of my Council, who, with the facts existing before their eyes, deliberately and unanimously *approved* of the dismissal of Dr. Baldwin and Mr. Ridout. Not satisfied with their concurrence, I deemed it necessary to consult his Majesty's Attorney-General on the whole subject, and especially whether I should be authorised in declaring, that Mr. Ridout "*appeared to be an active member*" of the Association, at which he had been, and still was, a constant attendant.

The Attorney-General made every due inquiry, the result of which was, a deliberate confirmation of my views on the subject.

I accordingly publicly dismissed Mr. Ridout and Dr. Baldwin from the offices which they respectively held under his Majesty's Government, and though, like Dr. Duncombe, Mr. Bidwell, Dr. Rolph, &c., Mr. Judge Ridout has framed a remonstrance to his Majesty's Government, yet *in this country* neither he nor Dr. Baldwin presumed to get up even a petition to the House of Assembly on the subject.

The people of any British colony are always ready enough to espouse the cause of an injured man; and, trusting to inflammatory speeches, &c., an attempt was made to stamp the disapprobation of this capital upon my conduct, by returning Dr. Baldwin, Mr. Ridout, and Mr. Small, (whom I had also dismissed) as Aldermen for the city. Your Lordship knows the result, which has only just taken place, namely, that in spite of Dr. Baldwin's wealth, in spite of Mr. Ridout's efforts—in short, in spite of everything, they completely failed in their object; and, though they have sought the crown of martyrdom in England, they failed in being dubbed even Aldermen in Toronto!

If I have unjustly treated them, it cannot be a secret to the House of Assembly; but the opinion which that branch of the Legislature has just forwarded to your Lordship, as well as to both Houses of the Imperial Parliament, states—

"Few Governors of a Colony were ever placed in circumstances of greater difficulty than those which assailed Sir Francis Head within three months of his assuming the Government of the province; and it is, perhaps, not too much to say, that no man could have met those difficulties (ungenerously and unreasonably thrown in his way) with more temper, firmness, and judgment, than he did."

Not satisfied with these concurrent verdicts in my favour, on receiving Your Lordship's despatch, ordering Mr. Ridout to be restored to his offices, I again assembled my Council, who, without having been made acquainted with your Lordship's decision, forwarded to me this morning the following minute of their opinions:—

(Copy.)

IN COUNCIL, 9th FEBRUARY, 1837.

His Excellency the Lieutenant-Governor was pleased this day to come down to the Council, and to inform them that the case of Mr. George Ridout, late Colonel of Militia, and Judge of the Niagara District Court, had been referred to his Excellency, by his Majesty's Government, on an application to his Majesty by Mr. Ridout, praying for redress.

His Excellency, referring to the circumstances under which Mr. Ridout's removal took place, and to the fact that, at the time the advice of the members of the Council, as to the question whether there was any thing in Mr. Ridout's statements, and whether any circumstances have transpired in the knowledge of the Council, since Mr. Ridout's removal, which, in their opinion, ought to induce his Excellency to make a report to his Majesty's Government, or to come to any determination respecting his case, more favourable to Mr. Ridout than those already made, and resolved upon:

The members of the Council in office at the time of Mr. Ridout's removal, feel bound to say, that to their knowledge, the conclusion to remove him from office was not arrived at without much deliberation, and even reluctance, on the part of his Excellency.

Under the conviction that, if officers in the employment of his Majesty, were to be permitted to express themselves, without measure or discretion, as to the conduct of his Majesty's representative, and to join with others, in endeavouring to destroy the respect and confidence, on the part of the people, which are so necessary to the well-being of any government, it would be almost impossible that the affairs of the colony could be conducted, for any length of time, successfully.

The members of the Council then in office performed what they felt to be a disagreeable and painful duty, in recommending to his Excellency the dismissal of Mr. Ridout.

The Council are now unanimously of opinion, that the power vested in his Excellency, of removing any officer holding a situation during pleasure, when his remaining in office is considered injurious to his Majesty's Government, and to the tranquillity and peace of the country, was in this instance exercised judiciously, and when it scarcely could be avoided, without bringing the Government into contempt. If Mr. Ridout disapproved of the measures adopted by the Lieutenant-Governor, he was not called upon to support them, or even to refrain from opposition, or claim of redress, preserving the decorum and decency of language which must, under any circumstances, be considered as due to the representative of the King.

When, however, a gentleman holding an official situation, departs from the rules which are dictated by the most ordinary considerations of propriety, and sets an example to others of disrespect and insubordination, which the ignorant and evil-disposed are but too apt to follow, the Council cannot but feel that it is no less due to the dignity of the Crown than to the feelings of those who desire that the Government under which they live should be respected, that the offending individual should be removed from a place in which his example is calculated to be so peculiarly injurious.

The Council, therefore, feeling the greatest regret that Mr. Ridout's conduct should have rendered such a course advisable, cannot at present recommend his Excellency to advise his Majesty to restore Mr. Ridout to the offices from which he has been removed.

(Signed) R. B. SULLIVAN, P. C.

And now, my Lord, I beg to show who these gentlemen of my Council are who originally concurred, and who still concur with me, in the propriety of the dismissal of Dr. Baldwin and Mr. Ridout.

1. The first on the list is the Hon. R. B. Sullivan, Dr. Baldwin's own nephew, whose sister was married to Mr. Ridout's own brother.

2. The Hon. Captain Baldwin, of the Royal Navy, actually the brother as well as the friend of Dr. Baldwin, whom I dismissed! Captain Baldwin also, for many years, has been the intimate friend of Mr. Ridout.

3. The Hon. William Allan, for many years President of the Bank of Upper Canada, a man whose character for probity would be admired in any country in the world.

4. The Hon. John Elmsley, an officer in his Majesty's Navy, a person of considerable property, and perhaps the most ultra-reformer in the Legislative Council.

5. The Hon. W. H. Draper, who has lately joined the Executive Council, and who is member or representative for this metropolis, where every fact concerning Mr. Ridout's dismissal is of course known and at hand.

I have now submitted to your Lordship the leading reasons for which I deemed it necessary to dismiss Mr. Ridout from the offices he held under His Majesty's Government; and I have only to add, that had I not done so, I have reason to know the principal members of the Bar would have declined to appear in the Court of Niagara, on account of the reprehensible conduct of Mr. Judge Ridout.

With respect to the order which I have received from your Lordship to restore this gentleman to the offices from which he has been removed, I have only to state that if such should continue to be His Majesty's desire, I will obey the command: it is not my intention petulantly to tender my resignation because my judgments have been overruled; at the same time, I feel perfectly confident that, the moment Mr. Ridout's authority is restored to him, I shall be deprived of my own, as well as all power or possibility of carrying on the government of this province.

As I expect every hour to hear of the arrival of my family at New York, they having sailed from England on the 10th of January, I can have no desire they should recross the Atlantic; but I am not ashamed to say that I have not courage to face the difficulties which from all sides would assail me the moment it become known that His Majesty's Government had openly declared itself opposed to one of the most prominent measures of my administration of this government.

I have, &c.

(Signed) F. B. HEAD.

The following despatch is a sample of the able style of special pleading exercised by the Colonial Office towards Colonial Governors. Instead of, in a moment of mutiny, supporting me in my station, and of giving proper weight to my opinions, I submit that Her Majesty's Government treated me and Mr. Ridout just as a police magistrate would deal with the case of two unknown persons, brought before him for having been found quarrelling in the street.

DOWNING STREET,

5th April, 1837.

SIR,

I have received your despatches of the 6th of February last, No. 13, on the case of Mr. Ridout. In order to explain clearly the view which I have taken on this subject, I must begin with a short retrospect of what has hitherto occurred, although it will perhaps involve me in the repetition of some statements already addressed to you.

Mr. Ridout's dismissal from his office was communicated to him on the 12th of July last, in letters written to him by your Secretary, and by the Adjutant-General of Militia. In your Secretary's letter this measure was attributed to the circumstance that Mr. Ridout appeared to be a member of the Constitutional Reform Society of Upper Canada, by and on behalf of which had been circulated the printed address of which reference was then made. The Adjutant-General's letter stated that Mr. Ridout was deprived of his Commission in the militia for the reasons mentioned in your Secretary's letter.

On the 14th July, Mr. Ridout transmitted to your Secretary an answer, denying that he was a member of the society in question, or that he had ever seen their address until it was in circulation in print through the city of Toronto. His answer to the Adjutant-General suggested that the real cause of his dismissal was a vote which he had given at the general election. The Adjutant-General replied by contradicting the truth of this surmise.

On the 22nd of July Mr. Ridout announced to you his intention to bring his case under the notice of his Majesty's Government, and made an application to be furnished with an explanation of any other reasons for your conduct which might have been kept back.

No notice having been taken of this letter, he placed in your hands, for transmission to this country, his petition of the 12th of August, in which he offered to prove that he had refused to connect himself with the Constitutional Reform Society, because he disapproved of its constitution. He attached to that document the affidavit of Alexander Stewart, in which the deponent confirmed Mr. Ridout's statement, alleging that he was present at the formation of the society, and heard Mr. Ridout oppose that measure.

In your despatch of the 12th of September, you enclose the preceding correspondence, and imputed to Mr. Ridout various acts of misconduct, to which that correspondence contained no allusion.

In my despatch of the 29th of November, I stated that I had thought myself obliged to exclude from my consideration every ground alleged in defence of your proceeding against Mr. Ridout, which had not been assigned by yourself in your correspondence with that gentleman. For this decision I gave three distinct reasons. They were, first, that it seemed to me unjust to subject any man to humiliation and punishment, for reasons which he has not

had an opportunity of controverting; secondly, that Mr. Ridout had combated, both by argument and by evidence, the single charge preferred in your Secretary's letter; and thirdly, that, with a view to an appeal to his Majesty's Government, he had demanded an opportunity of repelling any other accusation which you might have to bring against him.

In reference to this statement, you have, in your despatch of the 9th February, observed that, in no department of the State, not even in my own office, has it ever been deemed necessary, or even advisable, that every reason for which an individual is to be relieved from office must be stated to him; that it may be necessary to remove a public officer for many reasons, which it may be desirable to explain to him; and that you were expressly absolved from such necessity by any other instructions to you.

You must permit me to state unreservedly, that this answer appears to me inadequate; first, *I am totally ignorant of the existence either in this office or any other department of the State, of any such practice as that to which you refer.*

I am not aware of so much as a single instance, in which a public officer has been dismissed as a punishment, and on the ground of misconduct, without the most explicit disclosure to him, of the reasons by which his superior vindicated such an exercise of authority.

Secondly.—I cannot concur with you in opinion, that any man ought to use, or possess such a power over those serving under him.\* The only difficulty of supporting my opinion on this subject by argument is, that so simple and elementary a principle of justice, would rather be obscured than illustrated by a statement of the reasons which instantly suggest themselves in support of it. There are indeed official relations of such a nature, that it is necessary to confine to the superior officer the right of dissolving them at once, without assigning any cause whatever to the sufferer. Thus, for example, a public officer should be at liberty instantly to remove his private secretary for mere incogruity of habits of temper, or for want of some peculiar talent, or qualification, causes which, in such a relation, are of the uttermost weight, but which could scarcely be drawn out into a specific charge or statement. In such cases this is mutually understood as the necessary condition and tenure of the service; yet even in this intimate and confidential relation, if the removal should be made avowedly on the ground of misconduct, the superior would be bound in common justice to explain unreservedly, in what the imputed fault consisted. If not, any man's character and happiness might be sacrificed by vague suspicion, and by surmises, infamous in proportion to the station and character of the accuser.

Thirdly.—I cannot allow that the instructions from me which you have quoted, absolve you from this obligation.

On the contrary, I think they clearly impose it on you, they declare your responsibility to the King, and to Parliament. In Mr. Ridout's case notice was given to you that an appeal was about to be made to his Majesty; To acquit yourself of the responsibility which I declared you to owe to the King; it became incumbent on you to establish the fact, that Mr. Ridout had merited the severe punishment which had been inflicted on him.

To substantiate that conclusion, it was necessary to show that he had really been guilty of the offences laid to his charge, and this could be proved only by showing what he was alleged to have said or done admitted of no satisfactory explanations, a result which could not be established, until an opportunity of making such explanation had been afforded to him.

Fourthly.—If I could admit that you were entitled to inflict a punishment without a distinct statement to the accused party, of the causes which had provoked it, I should yet limit that admission to cases in which an entire silence had been maintained.

Instead of this, however, you communicated to Mr. Ridout a single charge, which he contradicted, and applied himself to disprove.

He was thus, I think, warranted in believing that, if successful in refuting that accusation, his exculpation was complete. Finally, I thought that, in what related to the Constitutional Reform Society, Mr. Ridout's defence was conclusive,† and I could not therefore but doubt, whether he might not have been equally successful in vindicating himself against the other charges, if they had been made known to him.

\*It was a moment of mutiny.

† Mr. Ridout's defence on this subject, far from being conclusive, was a glaring quibble. He answered the accusation, that, by constantly attending and speaking at a meeting, he *appeared* to be an active member, by merely declaring that he was *not* an actual member of the society; and it was exactly because I *knew* he was not, that I had applied to the Attorney-General on the subject. This officer's official opinion, that Mr. R. decidedly "*appeared to be an active member,*" I forwarded to the Colonial Office, who had it before them while writing this despatch.

For these reasons, I adhere to my first opinions, that I was bound to exclude from my consideration every allegation against Mr. Ridout, of which he had not been apprised.

You, however, maintain that your despatch of the 12th of September ought to have satisfied me of the truth of the accusation preferred in your secretary's letter of the 12th of July. Two reasons are assigned for this conclusion. First, I had before me the statement of your own conviction that the charge was well founded; and, secondly, I knew that you had obtained a legal opinion to the same effect.

It would be more than superfluous to declare my perfect reliance on the accuracy of every assertion of yours, respecting any matter of fact which has fallen within your own personal observation; neither is it necessary for me to disclaim altogether the idea of impeaching in any degree, the legal knowledge or the talents of the Attorney-General. But neither you nor the Attorney-General offered yourselves as witnesses to the matter of fact, namely, whether Mr. Ridout was or was not a member of the Constitutional Reform Society. You laid claim to no *personal knowledge*\* of his conduct in reference to that body.

The Attorney-General was quoted, not as a witness of the fact, but only as an interpreter of the law. Consequently, notwithstanding the strong dissent which you have expressed, I must continue to think that the authority of Stewart, though a common carpenter, when speaking on his oath respecting an occurrence which passed in his own presence and hearing, is entitled to much more weight on the question of fact than can be assigned to the opinion even of the the Attorney, who appears to have had not the slightest *personal knowledge*† of what took place at the meeting. This is a conclusion to which, in so far as regards the facts in question, no one, I am inclined to think, would more readily subscribe than the Attorney General himself.

From your despatch of the 6th of February, I now, however, for the first time, learn that Mr. Ridout's removal from office was recommended by the Executive Council, and I further learn that they adhere to their original opinion.

On this subject I have to state, that I have never expressed, nor do I now entertain, any judgment opposed to theirs; on the contrary, I entirely agree with them that, the various acts of misconduct ascribed to Mr. Ridout, in your despatch of the 12th of December, and still more fully stated in your despatch of the 6th of February, are such as would, if substantiated on proper inquiry, justify the very severe penalty inflicted on him.

If I am to understand the Council as thinking that such an inquiry was needless, I must, with whatever reluctance, differ from them. The grounds of that difference I have already in part explained; but I must add, that if there be any one class of public officers, in whose case it is especially incumbent on the Executive Government to proceed with caution, circumspection, and with a strict observance of all the essential forms of proceeding on such occasions, it is the class of those who are intrusted with the administration of justice.

In avowing my opinion, that the matters laid to the charge of Mr. Ridout, would, if established, justify his dismissal, I wish to be understood as not referring to the intemperate terms in which he addressed you after his removal from office; *much allowance is to be made for natural feelings*, under a sense of supposed injury. It is to the other allegations that my remark applies. It is, I can assure you, painful to me to take any course of conduct which may aggravate the difficulties of your situation, yet I feel myself bound, by the paramount obligations of justice, still to withhold my approbation of the measures adopted in Mr. Ridout's case. On the other hand, his restitution to office may, I think, be properly made to depend upon his ability to exculpate himself from the various charges preferred against him in your despatches of the 12th of September and the 6th of February. To this extent, the instructions conveyed to you in my despatch of the 29th of November, are withdrawn and qualified.—Further than this it is impossible for me to advance. You will, therefore, in whatever mode you shall think best, put Mr. Ridout in possession of those accusations, and after weighing his answers, and the evidence by which it may be supported, you will communicate to me the result.

I cannot close my answer to your despatch of the 6th of February, without adverting to some of the general topics to which you have there taken occasion to advert.

\* I told the Government that he constantly attended and harangued the meeting; this was notorious. Surely her Majesty's Government did not mean to insist that I ought to have acquired *personal knowledge* of the fact by attending the meeting *myself*.

† The Attorney-General did not attend these meetings, but, in consequence of my calling upon him for his opinion, he made necessary inquiries of those who had been present, and who had witnessed Mr. Ridout's behaviour there.

You complain that the Governor's official explanatory despatches have been treated by me, in this case, as mere hearsay evidence, which must not affect the merits of the case. I may, perhaps, misunderstand the precise meaning of this remark, but if it be that statements made by a Governor to me on the authority of third persons, are entitled to the same weight as if they referred to facts of which he was the personal observer and witness, I can only say, that I am not aware of any reason which would justify me in so regarding them.

If I might interpret some other passages of your despatch, you understand me to have authorised you to dismiss from office any person who should openly or latently oppose your policy. If you will again refer to the instructions which you have thus quoted, you will perceive that the officers to whom I referred were not of the class to which Mr. Ridout belonged, but persons whose public offices bring them into a confidential or immediate connexion with your administration of the affairs of the province. I certainly never contemplated that every officer of the militia, every district judge, and every justice of the peace, should hold his office on the condition of being dismissed if he should happen to oppose the policy of the Lieutenant Governor for the time being. To urge the rule which I have laid down to such consequences is at once to misapprehend my meaning, and to establish a principle which would bring almost every gentleman in the province into such relations with the local Government as no man of independent character and principles could be expected or desired to maintain. The instructions to which you have referred were intended to apply (and I think that intention sufficiently manifest) to those high and confidential officers of your Government only with whom you are habitually brought into confidential intercourse upon the general interests of the province. If there be any ambiguity in my instructions to you, which I do not perceive, you will hereafter understand them in this limited sense only.

You further express your expectation that the "mere expression of your opinion of the absolute necessity for the dismissal of any person from office whom, from your local knowledge, you deemed hostile to the British constitution, would have carried with it infinitely more weight than the individual's denial of his own guilt." From this and other passages in your despatch, I infer that you regard the Secretary of State as virtually bound to adopt your opinions in individual cases as conclusive, even upon an appeal against your decision. But such is not my estimate of the duties of my office: I act under a strict and effective responsibility to the King and to Parliament. Of every measure which I take, or which, when taken by others, I approve, I must be prepared to produce the vindication. But I should ill acquit myself of that duty if I attempted to rest my justification on an implicit confidence in the judgment of the officer against whose acts an appeal had been brought before me. Cherishing as I do the strongest presumption in favour of every decision of yours, I must yet, as often as your sentence is impeached, examine into the merits of the question with strict impartiality, and with a jealousy of those prepossessions in favour of your opinions from which I can never be exempt. In our relative position in his Majesty's service, I could not act on any other principle without abandoning my duty to the King and to his Majesty's subjects, and I trust that, on your part, the just and lively estimate which you have formed of the importance and responsibility of your own duties will be combined with a due allowance for the not less arduous and responsible nature of mine.

I have, &c.

(Signed) GLENELG.

*Extracts from a Despatch to the Right Honourable the Lord Glenelg, dated 5th April, 1837*

No. 41.

MY LORD,

I have the honour to transmit to your Lordship, a copy of a Gazette Extraordinary, by which it will appear that I have made the following appointments, until the King's pleasure be made known.

Robert S. Jameson, Esq., Vice-Chancellor;

Archibald McLean and Jonas Jones, Esquires, Judges in the Court of King's Bench;

Christopher Alexander Hagerman, Esq., Attorney-General; and,

William Henry Draper, Esq., Solicitor-General.

As regards Mr. Hagerman, I can say, that I have not been in the habit of seeing or consulting him, excepting on such cases as have especially belonged to his station, and accord-

ingly, during the whole of last session of the Legislature, I did not, I think, send for him four times. Mr. Hagerman's claims, as brought under my consideration, are shortly as follow:— He was present at the actions of Chrysler's farm—the taking of Oswego—and in several engagements on the Niagara frontier, during the year 1814, and was recommended for a gold medal by Sir Gordon Drummond, on whose staff he served as provincial aide-de-camp. He was first elected representative for the town of Kingston in 1826; since that period he has been three times returned, and has held the situation of Solicitor-General nearly eight years.

On the 30th November, 1829, Sir John Colborne received from Sir George Murray a despatch, No. 48, relating to the disappointment which Mr. Hagerman had experienced, in consequence of not having been confirmed by his Majesty in the office of judge, to which he had been temporarily appointed on the removal of Mr. Willis, of which the following is an extract:—

“At the same time I readily admit that the case, as regards Mr. Hagerman, is one of some hardship, and I have to request you will assure that gentleman, that I regret extremely that he should have suffered any inconvenience, in consequence of the arrangements which I felt it my duty to recommend, and that I shall be very ready, at a future opportunity, to give his claims every consideration.”

I believe Mr. Hagerman to be warmly and enthusiastically attached to the British Constitution, and to the connexion of this province, of which he is a native, with the mother-country; I consider him to have been a faithful servant of the Crown. The assertion of his principles has drawn upon him in the House of Assembly the whole fire of the Republicans; and in these actions, although he has shown considerable powers of defence, he has occasionally evinced an impetuosity which it would have been prudent to have restrained. I believe, however, that his moral character is respected even by his opponents; and therefore, on the whole, considering that no just reason existed why, on the promotion of the Attorney-General, he should not be appointed as his successor, I felt it to be my duty to name him as such until the King's pleasure should be known.

Having submitted to your Lordship the grounds upon which I have made the appointments in question, I think it proper to state, that it is with unfeigned regret I have omitted to recommend to your Lordship's notice the name of Mr. Bidwell. That gentleman's legal acquirements are, I consider, superior to at least one of the individuals whom I have elevated. His moral character is irreproachable, and though he was ostensibly the leader of a party who have offered me every possible insult and indignity, yet I can assure your Lordship that I entertain towards Mr. Bidwell no feeling of animosity; and that, even if I could desire to triumph over a person whom I have publicly disarmed of his power to oppose me, I should feel that that triumph would be infinitely more grateful to his Majesty by forgiveness than by revenge. But, anxious as I am to give to talent its due, yet I cannot but feel that the welfare and honour of this province, depend on *his Majesty never promoting a disloyal man.*

Divested of all its objectionable language, Mr. Bidwell's object (so far as it could be elicited by the conduct of his associates) was to separate this colony from the parent state; to create disaffection for the paternal government of the King, and, by forming an alliance with Mr. Papineau's party in Lower Canada, to exchange the British constitution for the low, grovelling principles of democracy.

I therefore considered that publicly to elevate Mr. Bidwell to the Bench would deprive me of the respect and confidence of this country; and I believe your Lordship will agree with me in opinion, that, where a man acts with disloyal associates, his talents aggravate, rather than extenuate his offence.

Having afforded your Lordship all the information in my power respecting the law appointments I have made, it only remains for me respectfully to express my hope that his Majesty will be graciously pleased to confirm them.

I have the honour to be,

My Lord,

Your Lordship's

Most obedient humble Servant,

(Signed)

F. B. HEAD.

No. 200.

DOWNING STREET,

July 14th, 1837.

SIR,

I have had the honour to receive your despatch of the 5th of April last, No. 41, enclosing the copy of a gazette extraordinary, notifying certain legal appointments which you had made, in conformity with an Act passed by the Legislature of Upper Canada, during the last session. The public events which have occurred since my receipt of that Act have hitherto rendered it impossible to submit it for the Royal sanction. But I trust that I shall have it in my power to communicate to you the Queen's pleasure respecting it at an early period. In the mean time her Majesty commands me to express her approbation of the appointment of Mr. Jameson to be Vice Chancellor, and of Messrs. A. Maclean and Jonas Jones to be Judges in the Court of Queen's Bench, and I shall take an early opportunity of transmitting to you the necessary warrants under the royal sign manual conferring those appointments. \* \*

The selection of Mr. Hagerman to be Attorney-General appears to be more open to question. I am fully prepared to admit, as a general rule, the claim of the Solicitor-General not to be passed over in any new arrangements such as those to which your despatch refers, and I am of opinion that such a claim should not be set aside without some strong and paramount reason. I am also willing to give the greatest weight to the representations which you have addressed to me in Mr. Hagerman's favour, founded both on his private character and public merit. It is, however, essential that the gentleman who fills the high and responsible office of Attorney-General should hold opinions on questions of general policy, and relating to the administration of the affairs of the province, in unison with those of the Executive Government.

I have no reason to doubt that you have received the utmost support and co-operation from the Solicitor General, but I am bound to add that, if the sentiments ascribed to Mr. Hagerman in the resolutions, a copy of which I have the honour to enclose, be really entertained by him, and have been publicly expressed by him in his place as a member of the provincial Legislature during the last session, a very wide difference exists between his view and that of her Majesty's Government, supported by the Law Officers of the Crown in 1819, as to the rights of the Church of Scotland in Upper Canada under the Act of 1791.\* As these resolutions have been transmitted to me by *an individual member of the General Assembly of the Church of Scotland*, and as I have not received any information from you on the subject, I am willing to hope that some misapprehension may have existed as to the real nature of the language employed by Mr. Hagerman. I shall therefore suspend my opinion as to the propriety of his advancement to the office of Attorney-General, until he shall have had an opportunity of offering any explanation which he may desire to give with reference to this subject. You will communicate to Mr. Hagerman a copy of so much of this despatch as relates to him, together with a copy of the enclosed paper.

There is another subject noticed in your despatch, to which it is necessary that I should advert. You state that it has been with unfeigned regret that you have omitted to recommend for one of the new legal appointments Mr. Bidwell, whose professional talents you consider superior to those of at least one of the gentlemen selected by you, while his character is irreproachable. You observe, however, that Mr. Bidwell's object, "so far as it could be elicited by the conduct of his associates," was to separate Canada from the parent state, and you claim my assent to the proposition, that, "where a man acts with disloyal associates, his talents aggravate rather than extenuate his offence." I need not assure you of the great weight which I attach to any opinion respecting the affairs of Upper Canada deliberately expressed by you, and I have accordingly felt bound in the present instance to defer to your judgment relative to Mr. Bidwell. But, considering that the disloyalty which is imputed to Mr. Bidwell's associates is not charged against himself, or attempted to be proved by any act of his; † that he has, for the present at least, withdrawn himself from political strife; and that his legal abilities and high moral character are acknowledged and respected even by his political opponents; I cannot regard the part which he ‡ *formerly* took in local politics as an insuperable

\* The offensive sentiment which Mr. Hagerman, in a most angry discussion in the House of Assembly, is accused of having uttered, was as follows:—"The Church of England is the Established Church,—the Roman Catholic Church is an Established Church, but the Church of Scotland is no more an Established Church than that of any other dissenting body in the province."—Mr. Hagerman denies having uttered these words.

† See the insulting accusations made against me to the King and to the House of Commons (page 81,) both signed *Marshal Spring Bidwell*.

‡ Mr. Bidwell's opposition to monarchical institutions had not ceased.

barrier to his future advancement in his profession. *On the contrary*, advertng to the general estimate of his qualifications for a seat on the Bench, it appears to me that the public interests would be *promoted* by securing his services; nor would it be of slight importance to convince the inhabitants of Upper Canada that, in the selections for judicial offices, the Executive Government is actuated by no other feeling than an anxiety to promote the welfare of all classes of her Majesty's subjects. If therefore, as you appear to anticipate, another vacancy should occur among the Judges of the Court of King's Bench, it is the wish of her Majesty's Government *that the situation should be offered to Mr. Bidwell, and they will hear with much pleasure that he has accepted it.*

I have the honour to be,  
 Sir,  
 Your Obedient Servant,

GLENELG.

No. 99.

GOVERNMENT HOUSE,  
 Toronto, 10th September, 1837.

MY LORD,

I have to acknowledge the receipt of the following despatches, which I have had the honour to receive from your Lordship :

1st. Despatch, No. 158, dated 5th April, 1837, repeating to me that the reasons I submitted to your Lordship for having removed Judge Ridout from office, appear to your Lordship inadequate, and that your Lordship still withholds your approbation of the measures adopted in Mr. Ridout's case.

2nd. Despatch, No. 200, dated 14th July, 1837, informing me that your Lordship has not been pleased to confirm the appointments of the Attorney and Solicitor General, which, on the 5th of April last, I had the honour to notify to your Lordship, in a Gazette extraordinary, but that it is the wish of her Majesty's Government that the situation of Judge of the Court of King's Bench should, in case of an expected vacancy, be offered to Marshall Spring Bidwell, the Speaker of the late House of Assembly, the leader of the Republicans in this province, and the fellow-labourer and correspondent of Mr. Speaker Papineau.

As, after very deliberate consideration, I have determined to take upon myself the serious responsibility of positively *refusing* to place Mr. Bidwell on the Bench, or to restore Mr. George Ridout to the Judgeship from which I have removed him, I feel it my duty, not only respectfully to explain to your Lordship the reason of my conduct, but frankly to disclose to your Lordship opinions and sentiments which, being hostile to the policy of the Colonial Office, ought not to be withheld from your Lordship.

I feel confident that your Lordship will, with the equanimity which distinguishes your character, calmly listen to the observations I am about to make, and I can assure your Lordship that at the present instant there is no feeling more strongly impressed in my own mind, than that, in the utterance of strong opinions, which I feel most deeply, I may not be led away to use an expression which can in any way be considered as evincing a want of that respect which is justly due to your Lordship, as well as to the high station you hold.

My declining, or, in plain terms, my *refusing*, to carry your Lordship's orders into effect, would, I am aware, commonly be considered as an overt act of hostility, but when it is considered that the population of our colonies amounts to 99,000,000 of people, scattered over thirty-five portions of the globe, it must be evident that their prosperity depends, not only on the Colonial Minister commanding what he deems to be right, but on the Colonial Governors refusing, *at their peril*, to execute what they conscientiously believed to be wrong.

In a conflict of this nature, it does not therefore necessarily follow that disobedience in a Lieutenant-Governor is disaffection to the Minister; and, although I am sensible that your Lordship has power abruptly to terminate such objection on my part, by immediate dismissal, yet I have no observations to offer on that subject, as it is my own duty, and not your Lordship's, that I am at present desirous to perform.

My Lord, in my despatch, dated 18th Nov. last, (page 204,) I respectfully informed your Lordship "that, in my humble opinion, the whole blame of the dissensions which exist in the Canadas rests neither upon the surface of the country, nor upon the morals of the people, but on the conciliatory measures which, under successive administrations, have been unremittingly applied by the Colonial Office."

I stated to your Lordship that "the British population of the Canadas, the Chief Justice, the Law Officers of the Crown, and every faithful public servant, were of this opinion; and that, although her Majesty were suddenly to arrive in the Canadas, there was no one of those I had enumerated who would not be proud to follow her with devotion from Niagara to Quebec; yet that, if a representative of our colonial policy were to appear here, "I declared to your Lordship" that, in my opinion, "he would be seen to traverse the Canadas alone."

In this statement I communicated to your Lordship the truth, but not the *whole* truth.—Your Lordship's late despatches oblige me to supply the deficiency.

My Lord, there exists in this country no personal feeling against your Lordship, but the loyal British population of the Canadas loudly complain that there exists in the colonial department an invisible over-ruling influence, which either favours the introduction of republican principles as productive, in theory, "of the greatest happiness to the greatest number," or, acting under the mistaken persuasion that democracy must inevitably prevail over this continent, deems it politic to clear the way for its introduction, rather than attempt to oppose its progress; in short, it has for many years been generally believed, that however loyal may be the HEAD of the colonial department, its HEART is in favour, not only of republican institutions, but of the expediency of assisting rather than of retarding the launching our North American Colonies into that vast ocean of democracy, upon which the United States, the cable of their public credit having snapped, are at this moment driving without rudder or compass.

If a statement of the above opinions were to reach your Lordship anonymously, or bearing the signature of a few individuals, or even of a large body of individuals, it would, of course, be cast aside as contemptible; but your Lordship, whose attachment to the British Constitution is well known, will, I conceive, be startled when I tell you, not only that the British population of the Canadas partake largely of this opinion, but that I, her Majesty's representative in this province, am of that opinion; that the late Lieutenant-Governor, Sir John Colborne, who had eight years' experience, is of that opinion; that Lieutenant-General Sir Peregrine Maitland, who, as Lieutenant-Governor, had ten years' experience, is of that opinion; I believe Lord Aylmer, Lord Dalhousie, Sir A. Campbell, (the late Lieutenant-Governor of New Brunswick), to be of that opinion; and, moreover, that if the Lieutenant-Governors of *all* the British Colonies were to be examined by your Lordship, their testimony would, generally speaking, substantiate rather than deny what I have stated.

If your Lordship believes the statement I have made, the concurrent opinions I have quoted must be conclusive; if, on the other hand, your Lordship doubts the accuracy of my statement, I beg your Lordship to examine the witnesses, whose names I have submitted to you. I have had no communication with any of them, but from the seat of Government of this province, where the sentiments of my predecessors are recorded, I clearly see what is passing before my eyes, I plainly hear what is sounding in everybody's ears.

Your Lordship must, of course, be aware, that a monarchy may be mechanically lowered into a republic, by means of an inclined plane, the angle of which may be so acute, that the surface to a common observer appears to be level; but lest this metaphor should not be clear to your Lordship, I will state in still plainer terms, that the way to convert a monarchy into a republic, is to take every opportunity to subtract power from the Crown, in order to add or give it to the people.

Now, it must be evident to your Lordship, that this arrangement may be practically effected by a secret influence, which it may be almost impossible to detect. For instance, there may be appointed to the Government of her Majesty's Colonies a series of military men, each ignorant of the principles of civil government, as well as unacquainted with the various classes of society of which it is composed. During their initiation to their new professions, every encouragement may be given, at your Lordship's office, to representations arriving there from any portion of "the people;" while, on the other hand, every possible discouragement may be given to the friends and supporters of monarchy. A man, asking for concessions, may invariably be represented to your Lordship as highly intelligent and respectable; a man stanchly recommending their refusal, may be termed politically biassed,

The Lieutenant-Governors, observing that they are applauded whenever they concede any thing to the House of Assembly, and that, somehow or other, they invariably get themselves into difficulty whenever they support the Legislative Council, may, for a long time, be led unconsciously to do what all military men are naturally disposed to do, namely, recklessly to carry into effect the *spirit* of their instructions.

So long as they do this, they may peacefully enjoy their stations; but when experience in their new professions opens their eyes,—when reflection staggers their judgment,—when beginning to perceive that concessions to what is falsely called “the people” increase rather than satiate the appetite,—they appeal to the Colonial Office, and, in language military rather than diplomatic, bid them “*be firm*,” then, and from that moment, they may immediately find themselves unaccountably afflicted with a sweating sickness, which is a sure precursor of their removal. The language of praise ceases to cheer them,—they may receive slight rebukes,—objections may be raised to the appointments which they make,—people who oppose them in the colony may be raised to distinction,—any trifling disputes in which they may be involved may invariably be decided against them,—their tiny authority in the colony may continually be shaken, until, by a repetition of petty circumstances, which mortify rather than offend, they may become disgusted with their duty, they may intemperately proffer their resignation, a new man may be appointed, and the same process may be renewed.

The whole of these circumstances may occur, the democratic power may gradually be increased, the influence of the executive may gradually be diminished, the whole loyal population may become indignant at observing their inevitable declination towards democracy, and yet there may be no particular moment, or no one particular circumstance sufficiently strong to arouse the Colonial Minister to a knowledge of the dreadful fact, that the tendency of his own office is republican, and that, while on its surface is seen flowing towards the throne, a strong under-current is absolutely carrying everything away from it!

The case I have just sketched may be merely one of imagination; but I beg your Lordship to keep it in mind, as I bring before your patient consideration the following statements and observations:—

My Lord, on my assuming the government of this province, I was desired by your Lordship to consider as the guide of my proceedings Lord Gosford’s instructions, in which were contained the following words:—“In every part of the instructions with which, either as Chief Commissioner or as Governor, you are charged, *conciliation*, and the reconciliation of all past grievances, are studiously presented as the great object of your mission.”

Being convinced that the concessions which had been made in our colonies to the advocates of democracy had been the sole cause of the disturbances in the Canadas, I, very shortly after my arrival here, expressed myself to your lordship as follows:—

“The more seriously I contemplate the political tranquillity of this province, the more steadfastly am I convinced in my opinion, that cool, stern, decisive, unconciliatory measures form the most popular system of government that can be exercised toward the free and high-minded inhabitants of the Canadas.”

I need not observe to your lordship that it is impossible for two systems to be more diametrically opposed to each other than that prescribed to Lord Gosford and that which I had determined to pursue.

I had not the slightest intention to rebel against what I considered to be your Lordship’s policy, (namely, the maintenance of the King’s authority in the Canadas,) but, being convinced that this object could only be obtained by the means I have explained, I did not hesitate to inform your Lordship of the course I had deliberately determined to pursue.

My policy having been shortly explained, I beg leave to bring before your Lordship’s mind the following sketch of my principles, as they have been avowed to your Lordship in my various despatches.

[Long extracts of my despatches are here quoted, which, having been already submitted to the reader, it would be tedious to repeat.]

I have now recapitulated to your Lordship a plain statement of the policy and principles which have regulated my proceedings; and, without advocating any political theory, I only refer to the practical result of the conciliatory system which has been adopted in Lower Canada, and of the non-conciliatory system which has been adopted in Upper Canada, and respectfully say to your Lordship, “look on this picture and on that!”

As far as regards your Lordship's approbation of my services, I have every reason to be grateful for the terms in which it has been expressed, and for the distinction which his late Majesty has graciously conferred upon me; but I have now arrived at the point of my narrative in which I think it will appear what sort of reception my principles and policy have met with from the Colonial Office.

[Long extracts of my despatches, all complaining of want of support, are here quoted, but, as they have been already before the reader, it would be tedious to repeat them.]

It being very desirable that I should secure the services of my Presiding Councillor, the Honourable R. B. Sullivan, a lawyer of considerable eminence, who of course could not devote to me his whole time for the councillor's salary of £100 a-year, I gave him an appointment, which, as he immediately quitted his profession, I requested might be confirmed. A technical objection was immediately raised in your Lordship's office to this recommendation; and, though I earnestly repeated it, Mr. Sullivan's appointment has not, at the expiration of fourteen months, even yet been confirmed.

I have now to proceed to your Lordship's despatch No. 200, dated 14th July, 1837, in which I learn that her Majesty's Attorney and Solicitor-General of this province, both of whom were lately appointed by me, have not been confirmed by your Lordship. My presiding Councillor, and both my law officers, thus stand at this moment before the public in the equivocal situation of having been countenanced by me, and being discountenanced by the Colonial Office, the moral of which evidently appears to the public to be, that her Majesty's Government has no confidence in the Lieutenant-Governor of this province.

My Lord, I refer with satisfaction to the despatch I had the honour to address to your Lordship on the subject of the late law appointments, as my conscience tells me that the difficult duty I was then called upon to perform was executed with caution, reflection, and strict impartiality.

With respect to the Attorney-General, whose feelings at this moment must be suffering severely from the indignity which has so publicly been offered to him, I find from your Lordship's despatch that, although it is admitted that as the late Solicitor-General of this province he (Mr. Hagerman) had a claim not to be passed over on the promotion of the Attorney-General, Mr. Jameson, to be Vice-Chancellor (an appointment which your Lordship has confirmed,) although your Lordship acknowledges Mr. Hagerman's public and private merit, as also that as Solicitor-General he has afforded me the utmost support and co-operation, yet, in spite of all this, and I must respectfully add, in spite of the shock which the marked disapproval of the Colonial Minister gives to my administration, yet Mr. Hagerman's promotion has been publicly stopped merely because, in some resolutions passed by the congregation of a single church, in a *single* town in this province, it was printed in a newspaper that, in a religious discussion in the House of Assembly, he uttered an opinion concerning the rights of the Church of Scotland which was illegal.

My Lord, the story of Mr. Hagerman's conduct on the great subject of the clergy reserves, was shortly as follows:—When that question was about to be brought before the Assembly, I foresaw it would give rise to a most angry debate, which would probably end in nothing. I, therefore, although I had no precise instructions on the subject, determined to use all the influence in my power to help the question to a conclusion; and I accordingly determined to recommend that the reserves should be divided among the churches of England, Scotland, Rome, and Wesleyan Methodists, in the proportions which the population of those great sects relatively bear to each other in the mother-country.

On submitting this abstract proposition to Mr. Hagerman, he at once assented to the church of England, the church of Scotland, and the Methodists sharing the reserves; but he avowed to me that, unless strong arguments were adduced, he could not conscientiously be the advocate of the Roman church. The more I argued in favour of that part of my proposition, the more did Mr. Hagerman urge his objections to it; and I can truly add, the more did I respect him for doing so. He firmly adhered to his opinion; but he concluded by observing, that, though he could not promise to vote in favour of the Catholics, yet, for my sake, he would retire from opposing their admission. I conceived that, on a question of conscience, Mr. Hagerman ought not to have done more than he did. However, after all, the proposal never came to a division.

Finding that party-feeling was running so high that it was impossible for any man breathing to guide it, I became of opinion that it would be prudent to abandon the contest, by placing

the reserves at the disposal of his Majesty, or, in other words, by reinvesting them in the Crown. This proposition I explained to Mr. Hagerman, who brought it forward in the House of Assembly, advocated it most ably, and failed in carrying it only by one vote.

The great discussion having thus failed, it was, therefore, abandoned in despair by all parties; but a memorial was addressed to the House of Assembly by the ministers, elders, and congregation of Lancaster, in connection with the Church of Scotland, complaining that "*there appeared to have been an organised system pursued by the different Provincial Administrations, of thwarting them in the attainment of their just and legal rights:*" that the endowment of the fifty-seven rectories was "*unjust, illegal, and unconstitutional;*" and "*that your memorialists complain especially of the power which the Act under which these rectories have been established gives to the Church of England, of lordling it over our consciences, and exercising a spiritual tyranny over us, to which, as conscientiously attached to the doctrine, discipline, and worship of the Presbyterian Church, we cannot submit.*"

It was impossible for any one acquainted with religious feelings which existed at that moment in the House of Assembly to read the language of this petition without foretelling that it would be productive of a violent religious debate; and, accordingly, as soon as the subject was broached the conflict began. Sometimes the Scotch got uppermost—sometimes the English—but what was ejaculated by either I believe no man living can declare. However, it happened that Mr. M'Kenzie's newspaper came out next day, and, as he is not only a Scotchman, but one of Mr. Hagerman's bitterest enemies, your Lordship may easily conceive that Mr. Hagerman's speech was purposely and mischievously made as offensive as possible to the Scotch. As I never do read the debates—which I know to be inaccurately reported—I have not the most distant idea of what was published on this subject, but I understand it was transferred from Mr. M'Kenzie's paper to others; and the consequence was, that the congregation of St. Andrew's Church, in the town of Kingston, at an evening meeting, passed ten resolutions, two of which censured the Solicitor-General, Mr. Hagerman, for the incorrect statements and intemperate language he had been declared to have uttered respecting the church and clergy of Scotland.\*

I have now detailed to your Lordship Mr. Hagerman's conduct as regards the great question of the clergy reserves, and I cannot but feel most deeply the treatment he has received.

Mr. Hagerman's whole life in this province has been one of loyalty to his Sovereign, and of national attachment to the mother-country.

In the field, as well as on the floor of the House of Assembly, he has done his duty; and while the republican majority were against him, night after night was he seen fearlessly standing, as Solicitor General of the Province, against language which would have disheartened almost any man.

On the promotion of the Attorney General he naturally looked for distinction and reward; but it is sickening to the heart to observe that all his services have been forgotten, that he has been publicly discountenanced by the Government he had served, for no other reason than because, by some channel or other, a newspaper account of a common religious squabble was allowed to enter the Colonial Office! My Lord, this very man, McKenzie, who published the statement to which I allude, is known to every one to be the disseminator of falsehoods of the grossest description, and I have no hesitation in saying, that no man's character or promotion is safe in this Province if extracts from his newspaper are to be received at the Colonial Office as evidence of guilt.† But even supposing the speeches of the Members of the House of Assembly were correctly reported, surely it cannot be desirable to establish as a precedent that every word that in the heat of debate may be uttered by a member on the floor of that

\* The words imputed to Mr. Hagerman—who denies to have uttered them—were: "The Church of England is the established Church; the Roman Catholic Church is an established Church; but the Church of Scotland is no more an established Church than any other dissenting body in the province."

† As a specimen of Mr. McKenzie's falsehoods, I may state that one morning while I was in Toronto, there appeared in his paper a detailed account of my having been taken before a magistrate in the province for horse-stealing. Minute circumstances were detailed, my examination was given, and eventually the words by which it was stated I had at last made myself known to the magistrate.

The story from beginning to end being a falsehood, Mr. M'Kenzie was asked how he could possibly have made such a statement, to which he answered, "*Oh, it served my purpose!*" which was, to circulate the libel in the back woods. It however went much farther, for it got into the London "Times" newspaper, and consequently went round the world.

House, flies to the Colonial Office, to arise in judgment against him, in case he be recommended for reward. But in this particular case of Mr. Hagerman's a most singular circumstance has occurred. The statement concerning the rectories submitted by your Lordship for opinion to the crown officers of England has completely overlooked Lord Bathurst's despatches, dated 2nd April, 1818, and 22nd July, 1825, which contain the very authority in question. The decision of the crown officers of England is consequently erroneous; and, in reading the despatches alluded to, your Lordship will at once perceive that what they declare to be "not valid or lawful" is in fact both one and the other. This error may throw the whole of this province into commotion; and I mention this circumstance as a strong proof that, as mistakes, even in deliberately written documents, must occasionally occur, how hard it is to punish the Attorney General of Upper Canada for an illegal opinion, which is merely reported in a newspaper to have escaped him in the anger of debate, and which after all he DENIES TO HAVE UTTERED.

I respectfully submit that your Lordship should look to the Lieutenant-Governor, and not to the editors of provincial newspapers, for the fitness and character of an Attorney-General to the Crown.

I have already stated to your Lordship, that I have only official acquaintance with Mr. Hagerman, but I deeply feel for him, because I know him to have served faithfully, and it is my duty to protect those who have honestly served the King's Government.

Of the Solicitor-General, W. H. Draper, who is also another public sufferer from this newspaper report, I have but little to say, as your Lordship has just had an opportunity of judging for yourself how far the description I had given to your Lordship of that gentleman was correct. He has said not one word to me on the subject of his appointment as Solicitor-General not having been confirmed, but I know that he must feel deeply mortified.

As far as regards my government, the non-confirmation of my law officers *shakes it to the foundation*—it encourages the republicans—it disheartens the constitutionalists.

The despatch in which your Lordship informs me of the reasons which have arrested the appointments of the Attorney and Solicitor General of this Province, concludes by your Lordship announcing to me the desire of Her Majesty's Government that Mr. Marshal Spring Bidwell, the leader of the republican party of this Province, should, contrary to my recommendation, be raised to the Bench!

My Lord, among the various difficult duties which I am called upon to perform, there is no one which requires cooler judgment than the impartial selection of individuals for office: the duty is at all times invidious, but there is no part of it more painful to my feelings than the bad custom which exists of giving a description of the various individuals to her Majesty's Government; and I have often almost determined to request that, so long as confidence be reposed in me, my appointments may be confirmed on the faith of my recommendation.

To describe behind his back the character of every individual selected for office, as well as rejected by me—to point out the qualifications of the one, and to record for ever the failings of the other—is an occupation revolting to my feelings; for, however violently a man may have opposed the King's Government, to paint all his faults, to delineate all his weaknesses, and to make accusations against him, which I know he has no power to contradict, is a service which I think no man of honour should ever be called upon to perform. In the case of Mr. Bidwell, I drew his character to your Lordship with a light, and I must say a feeling hand; I wished to avoid saying more of him than was absolutely necessary to show your Lordship that I had sufficient reasons for not having selected him for promotion.

I accordingly acknowledged Mr. Bidwell's ability and moral character, but added, "*yet anxious as I am to give to talent its due, I cannot but feel that the welfare and honour of this Province depend on His Majesty never promoting a disloyal man.*"

"*I therefore consider that publicly to elevate Mr. Bidwell to the Bench, would deprive me of the respect and confidence of the people of this Province.*"

I certainly considered that the whole tenor of my observations respecting Mr. Bidwell would have satisfied Her Majesty's Government that, in not selecting him for promotion, I had reluctantly performed a necessary duty; however, having failed in my expectations, I have now to detail to your Lordship circumstances respecting this gentleman, which it is most painful to me to record.

Mr. Bidwell's father, who was a prominent member in Congress, was long distinguished in the United States for his detestation of Great Britain. After having taken the oath of allegiance to the Republic, and of abjured allegiance to the Crown of England, it became necessary for him, on account of conduct which I need not relate, to abscond from justice; and being, in consequence, outlawed by the States, he became an inhabitant of Upper Canada.

On being called upon by Sir Gordon Drummond, during the invasion of this country by the Americans, to take the oath of allegiance to our Sovereign, he at first refused, claiming to be a natural-born British Subject; but it being resolutely required of him, he did so, protesting, however to the magistrate, that the oath was not binding, inasmuch as it had been compulsory; and, on being returned a member of the Provincial Parliament, he was expelled, and never re-elected. To the last hour of his life his hatred to the British Constitution was consistent and unchanged.

His principles were inherited by his son, whose talents, as your Lordship perfectly well knows, have been unceasingly exerted in endeavouring, by subverting the Constitution, to dethrone our Sovereign from this portion of his dominions. He has been the untired advocate of republican government, and by his ability, and by his eloquence, he rose to become the leader of the republican party, and eventually he became Speaker of the House of Assembly.

Whenever he had an opportunity of expressing his sentiments, they were in favour of an elective Legislative Council, of an Executive Council "responsible to the people"—and, just as I was arriving in Upper Canada, he declared in the House of Assembly, that "the King had insulted the Legislature by appointing Commissioners to enquire into the affairs of the province."

In his capacity of Speaker he delivered to me, to be transmitted to the King, one of the most insulting addresses that ever has been offered to the British Sovereign. It declared that I was "*despotic,*" "*tyrannical,*" "*unjust,*" "*deceitful,*" that my conduct had been "*derogatory to the honour of the King,*" "*demoralizing to the community,*" and that I had treated the people of this province as being "*little better than a country of rogues and fools.*"

Not satisfied with this, Mr. Bidwell, on the last night of the session, presented to the House of Assembly a traitorous communication addressed to him from his fellow-labourer and colleague Mr. Speaker Papineau.

This letter impeached the King's ministers, accused your Lordship of "*arrogance,*" termed the Royal Commissioners the King's "*deceitful agents,*" and was altogether of a purely rebellious character. On my dissolving the parliament and appealing to the people of Upper Canada for redress, they completely overturned the republican party in general, and Mr. Bidwell in particular. In vain he attempted to retain his station, but he was driven by the people not only from the Speakership, but from the House of Assembly itself—in fact, he actually lost his election.

My Lord, the whole of the above facts are known to your Lordship, and yet in the very same despatch in which I learn that the promotion of her Majesty's Attorney and Solicitor-General has, after a whole life of loyalty and devotion to our Sovereign, been arrested, from a newspaper statement of an erroneous opinion said to have been uttered in the heat of a religious debate, I am informed that, in opposition to my recommendation to the contrary, it is the wish of Her Majesty's Government that Mr. Bidwell should be raised to the bench!

In my former despatch on this subject I submitted to your Lordship that "*publicly to raise Mr. Bidwell to the bench would deprive me of the respect and confidence of the people of this province, the welfare and honour of which depended on his Majesty's never promoting a disloyal man.*"

To these principles and opinions I respectfully but unalterably adhere; and nothing is therefore left for me but to declare to your Lordship, with the deepest regret, that so long as I remain Lieutenant-Governor of this province, I will *never* raise Mr. Bidwell to the bench; and I think it proper to confess to your Lordship that I have at this moment two appointments to make of King's Counsel, neither of which can I, conscientiously, bestow upon that gentleman, who has not, as your Lordship seems to conceive, "*at least for the present withdrawn himself from political strife,*" but who, in a moral conflict, has been forcibly driven from the field: Seeing that I have prevented him from becoming President of the republican state of Upper Canada, he might now, no doubt, be happy to become a judge under the monarchy. I know

that he expresses his regret at having written to your Lordship a letter of accusation against me, which, when called upon by your Lordship's desire to furnish me with a copy of, he deemed it prudent to decline, but he has never yet publicly recanted his principles or disavowed his party, and his name is at this moment appearing uncontradicted in the Radical newspapers of this province as follows:—

*“Resolved, that reposing the greatest confidence in our fellow citizens,—*

*John Rolph, M. P. P. (now an absconding traitor)*

*Marshal Spring Bidwell, (left the province)*

*S. D. Morrison, M. P. P. (tried for treason)*

*James Leslie,*

*James H. Price, } (notorious republicans)*

*John Edward Sims, and*

*Robert M'Kay, Esquires;*

*“We do hereby nominate and appoint them Members of the Provincial Convention for the city of Toronto; carried unanimously and by acclamation.”*

I have now to reply to your Lordship's despatch, No. 158, dated 5th April, 1837, respecting Mr. G. Ridout, which involves constitutional principles of the same vital importance as those which relates to Mr. Bidwell.

Mr. Ridout's case is shortly as follows:—

On the 12th July, 1836, my Secretary addressed to Mr. Ridout a letter, of which the following is a copy:—

GOVERNMENT HOUSE,

July 12th, 1836.

SIR,

I am commanded by the Lieutenant-Governor to call your attention to the enclosed printed address, which has lately been widely circulated by and “on behalf” of a society of which it appears you are an active member.

The Lieutenant-Governor desires me to observe that the language contained in that address has hitherto remained unnoticed by him only from his determination not to interfere with that public verdict which he felt confident the country would clearly express; but as the elections are over, his Excellency considers that in order to maintain the happy constitution of this province inviolate it is absolutely necessary, in obedience to the King's instructions, that no person should be permitted to retain any office of trust or confidence under the British Government, who attempts (however unsuccessfully) to insult the Lieutenant Governor of this province by language such as is contained in your society's address. His Excellency therefore deems it his painful duty to direct me to inform you that his Majesty has no further occasion for your services as Judge of the Niagara District Court and Justice of the Peace.

I have, &c.

J. JOSEPH.

“On the 12th September, 1836, I transmitted to your Lordship a Memorial from this gentleman, complaining that he had experienced unjust treatment from me, in having been dismissed from the situations of Judge of the District Court of Niagara, of Justice of the Peace, and Colonel of Militia. Conceiving that your Lordship had confidence in my character and judgment, and having neither time nor inclination to detail the many reasons which had induced me, after mature deliberation, to determine on Judge Ridout's dismissal, I deemed it sufficient merely to inform your Lordship

“That on the 27th March last Mr. George Ridout, heading the deputation, read that address to me from a public meeting held at the City Hall, by Dr. O'Grady, (Editor of the *Correspondent and Advocate*,) and others, which I forwarded to your Lordship on the 6th of April last, in my despatch No. 24.

Shortly afterwards Mr. Ridout made a declaration which became the subject of general conversation, that in the event of his being dismissed by me from office, “*I should deserve to be tarred and feathered and that he would lend a hand to do so.*”

“In one of the public offices at Toronto he declared that we must or should have “*War to the knife.*”

"Mr George Ridout was a frequent attendant as well as speaker at the Constitutional Reform Society, from which was widely circulated a printed address, signed by Dr. Baldwin, of which the following is an extract :

*"It is our duty calmly to assure you that the conduct of Sir F. B. Head has been alike a disregard of constitutional Government and of candour and truth in his statements,"*

"Mr. Ridout declares he is not a *member* of this society, yet from his frequent attendance and speaking at the meetings of this society before as well as after it had, for mere electioneering purpose, changed its name (only a few weeks ago) from the "Alliance" to the "Constitutional Reform Society," I felt I had a right to *consider* him as an active member. Previous, however, to declaring him to be such I took the precaution of obtaining a legal opinion on the subject, which was, that Mr. Ridout did appear to be an active member of the said society.

"It is perfectly true that old Mr. Ridout was a loyal gentlemanlike, and estimable man, and it was from a benevolent desire to reclaim Mr. George Ridout, his son, from Radical principles, that the situations he held were successively heaped upon him by Sir Peregrine Maitland and by Sir John Colborne; but the more he was favoured, the more violent he became, and when a judge and colonel of militia he talked about tarring and feathering the King's representative, and I considered it was my duty to inform him that his Majesty had no further occasion for his services.

"I may add, that shortly after my arrival here, I myself took a great deal of trouble to endeavour to reclaim Mr. George Ridout, and kindly persuade him of his errors, but in vain."

In reply to the above communication, which contained an outline of the charges against Mr. Ridout, as well as what he has alleged in his defence, your Lordship was pleased to command me to replace Mr. Ridout in the various employments from which he had been removed. It being utterly impossible for me to obey this order, and retain my authority in the province, I immediately addressed to your Lordship a very long despatch, No. 13, dated 5th February, 1837, to which I particularly beg leave to refer your Lordship, that far from having acted hastily, I had not dismissed Judge Ridout until I had consulted and received the concurrent advice of the Attorney-General of this province, as also of my Executive Council.

I also referred your Lordship to an extraordinary document in my favour, transmitted by the House of Assembly not only to your Lordship but to both Houses of the Imperial Parliament, of which the following is an extract:—"Few Governors of a colony were ever placed in circumstances of greater difficulty than those which assailed Sir Francis Head within three months of his assuming the government of this province; and it is perhaps not too much to say, that no man could have met those difficulties, *ungenerously and unreasonably* thrown in his way, with more temper, firmness, and judgment, than he did."

My despatch contained many other documents, all supporting me in the course I had adopted; however, after having maturely considered this evidence, your Lordship was pleased again to reply, that you "felt it your duty still to withhold your approbation of the measures adopted in Mr. Ridout's case."

It is useless for me to presume to argue any longer with your Lordship, or with Mr. Ridout, on this subject, Mr. Ridout resting his whole defence upon two quibbles:—1st, That he was not a *member* of the Constitutional Reform Society, which I have always admitted, having merely said that, by constantly attending and speaking there, he *appeared* to be a member; and, 2nd, That he opposed the name of the society being changed from the "Alliance Society" to the "Constitutional Reform Society;"—which latter argument, as I have already explained to your Lordship, is the same as if a clergyman, on being expelled by his bishop for attending an irreligious meeting, were to prove that he had opposed the society becoming deistical, because he wished it to remain atheistical.

I have no further accusations to make against Mr. Ridout; I have nothing further to urge against what he has said in his defence, but having, as Lieutenant-Governor, by the advice of my Council, deliberately selected him for punishment, as the most intemperate of my opponents, I feel it necessary, as in the case of Mr. Bidwell, respectfully, but explicitly, to declare to your Lordship, that, so long as I am deemed competent to be Lieutenant-Governor of this province, I decline to have any further communication with Mr. Ridout, and must decline to restore him to the stations from which I have removed him.

My Lord, I have many similar subjects to those which I have already introduced, but will trouble your Lordship with only one more, namely, your Lordship's despatch of the 6th June, 1837, in which I am censured by your Lordship for not having sent Mr. — with my despatches respecting the monetary affairs of Upper Canada, instead of the Honourable W. H. Draper, a member of my Executive Council.

Your Lordship is already aware that Mr. — as a member of my late Executive Council, signed that hostile document which involved me in one of the greatest struggles recorded in the colonial Office, and that he was subsequently appointed, by the late House of Assembly, as an associate with Mr. Bidwell and others, to meet Mr. Papineau and others, on the part of Lower Canada.

I have never complained to your Lordship of Mr. —, or have ever shown him any feeling of hostility; but to have selected him out of the whole province as my messenger to your Lordship, in preference to the confidential members of my own Council, would have been an act of inconsistency, which would have deprived me of the confidence of this country.

It was with regret I observed that, after I had sent from Upper Canada to your Lordship Mr. Draper, as a member of my government, possessing my confidence, that that gentleman should have been allowed to return without being the bearer to me of a single line from your Lordship on the subject of his especial mission, or any other subject, and yet that despatches, in which Mr. Draper himself was particularly concerned and even named, were given to a military officer who was a passenger in the very same packet with Mr. Draper.

It is perfectly well known in your Lordship's office that in a colony very considerable importance is assumed by any one who has the honour to be bearer of your Lordship's despatches to the Lieutenant-Governor, and I need not say that these despatches having been withheld from my Executive Councillor, and given to another, forms one of the proceedings of the Colonial Department, which, to the people of this province, appears as if it were intended to discountenance my administration.

My Lord, I have now finished my statement, and although I am sensible it may offend your Lordship, yet I have the consolation of reflecting that I have acted on the defensive solely for the benefit of this noble province.

I have no complaints whatever to make against your Lordship, whose intentions I am perfectly confident are pure and just; but it is impossible for me to observe the support which, not only in this province, but elsewhere, is invariably given to the republican party, and the discouragement which is shown to the supporters of the British constitution, without becoming of opinion, that in the Colonial Office an invisible republican influence exists under which Governor after Governor has succumbed.

It may be said that no one of the statements I have made, taken separately, supports so serious an accusation, and freely I admit it; but I ask your Lordship to consider whether the innumerable official obstructions which I have found in my path could all possibly have come there *by chance*?

Whatever may be the opinion of her Majesty's Government on this subject, I do declare to your Lordship that I join the loyal British population of the Canadas in believing that such obstructions have been intentional, and that any Governor who acts as I have done, although he may receive honours from his sovereign, and thanks from the Colonial Minister, will experience, as I have done, an intangible power which, though it never looks him in the face, will unequivocally decree,—

"I will drain him dry as hay—  
Sleep shall neither night nor day  
Hang upon his pent-house lid;  
He shall live a man forbid;  
Weary seven nights nine times nine,  
Shall he dwindle, peak, and pine."

My Lord, I can truly say that my spirits, as well as my strength, are worn out by the minute vexations I have met with, and among them there is nothing that I feel more deeply than the mortification which those who have faithfully served the King's Government are now feeling at the non-confirmation of their appointments. I am not, however, writing under

the influence of temper, but my judgment calmly warns me that it is impossible for any government on earth to be carried on without the maintenance of a firm and consistent system of rewards and punishments, and that, if the Colonial Office reward those I punish, and punish those whom I reward, my authority here, as well as my character, must be ruined.

I have not been hasty either in my opinions or in my measures, for from the moment of my arrival to the present day, my despatches have invariably expressed to your Lordship sentiments such as are contained in the following extract, which was addressed to your Lordship *seventeen months ago*.

"It is out of my power to describe to your Lordship, without the appearance of exaggeration, the joy and gladness expressed to me by all parties at the constitutional resistance I have made. But I will not conceal from your Lordship that there is one question at this moment in almost everybody's mouth, namely, '*Will the Lieutenant-Governor be supported by the Home Government?*' 'HE NEVER WILL!' say the Radicals; 'WE FEAR HE WILL NOT!' say the Constitutionalists.

"Your Lordship has to settle this question; and, in my humble opinion, upon your decision rests our possession of the Canadas."

With the deepest regret, I have at last been driven deliberately to refuse to carry into effect your Lordship's instructions, and having done so, and having avowed opinions hostile to the colonial policy, but which I can assure your Lordship are accompanied with no angry feelings towards any man, I feel it to be a duty which I owe to your Lordship, as well as to myself, respectfully to request that your Lordship will be pleased immediately to tender to her Majesty my resignation of the station which I have the honour to hold.

My Lord, I belong to no political party in England; and even if I did, the British distinction between Whig and Tory, like our London fog, does not cross the Atlantic. The two parties here are constitutionalists on the one side, and democrats on the other. The dispute on this continent is not, as it is in England, which of two parties shall attain the honour of conducting the government of their sovereign; but here the great mass of society is striving to secure to their children the blessings of the British constitution, which a small party, from self-interested motives, is endeavouring to pull down. The idle, the profligate, and the unprincipled, see that democracy in the United States is rapidly hurrying to anarchy, and they well know, or rather they reckon, that anarchy, or in other words, *plunder*, is the shortest method of obtaining wealth.

I have with attention personally observed the effects of democracy in both continents of America, and, having reason to feel deeply attached to the people of Upper Canada, I have determined for their welfare to do all in my humble power to arrest a course of policy which in my opinion has long tended to the subversion on this continent of British institutions.

No one can read an account of the early stages of the American Revolution, without being struck with the resemblance of much that we now witness to that unfortunate period of our history.

It was then a capital error in the Government of the mother-country, that they seemed to believe the Americans to be sincerely contending for the single object of freedom from taxation by the British Parliament, and they imagined that by renouncing that power, and by disabling themselves (by 18 Geo. III.) from raising money in the Colonies, even for the necessary support of the Government, they would overcome all difficulties. But it was soon evident that the outcry raised about taxation was but the means to another end. Separation from the mother-country was, from the first, the self-interested object of the few ruling demagogues who gave the impulse; and they persevered just as resolutely *after* the ostensible ground of difference had been renounced as before. The Government soon learnt that their measures of conciliation availed them nothing.

So here, in our time, the Government has gone back step by step for years, giving ground before the pretensions of Mr. Papineau and the Assembly, however insolently advanced; weakening by each concession the confidence of the King's loyal and attached subjects, and encouraging as well as strengthening an unprincipled faction avowedly hostile to British rule. No approach to an amicable adjustment has followed any or all of these concessions. On the contrary, they have been so many unprofitable sacrifices of principles and usages necessary to the maintenance of good government, and at the last an end is arrived at, when the King's Ministers are reduced to choose between an unequivocal and direct violation of

the Colonial Constitution, or an abandonment of the power of governing. A firm determination early evinced to yield nothing to clamour, to surrender nothing for the mere sake of conciliation, would have secured to the Government the respect of all classes, and would have averted the necessity of resorting to measures which admit in principle of no defence.

Whatever may have been the brilliant theory of subverting the British Constitution in America, we who are living on this continent clearly see before our eyes its effects; namely, that in the United States the will of the people has become stronger than the power of the law. Public credit, life, and property hang therefore upon the conduct of a dense mass of men, in no one of whose hands can it be wise that such vast interests should be committed.—The only remedy is in a revolution, of which it is easier to foresee the beginning than the end.

*To save the people of Upper Canada from following in the footsteps of the United States*, has been the object of every act of my administration.

I have the honour to be,

My Lord,

Your Lordship's

Most obedient Servant,

F. B. HEAD.

No. 132.

TORONTO, 19th December 1837.

MY LORD,

I have the honour to inform your Lordship that on Monday, 4th inst. this city was, in a moment of profound peace, suddenly invaded by a band of armed rebels, amounting, according to report, 3000 men (but in actual fact to about 500,) and commanded by Mr. M'Kenzie, the editor of a republican newspaper; Mr. Van Egmond, an officer who had served under Napoleon, Mr. Gibson, a land-surveyor; Mr. Lount, a blacksmith; Mr. Loydd, and some other notorious characters.

Having, as I informed your Lordship in my despatch, No. 119, dated 3rd ultimo, purposely effected the withdrawal of her Majesty's troops from this province, and having delivered over to the civil authorities the whole of the arms and accoutrements I possessed, I of course found myself without any defence whatever, excepting that which the loyalty and fidelity of the province might think proper to afford me. The crisis, important as it was, was one I had long earnestly anticipated, and accordingly I no sooner received the intelligence that the rebels were within four miles of the city, than, abandoning the Government House, I at once proceeded to the City Hall, in which about 4000 stand of arms and accoutrements had been deposited.

One of the first individuals I met there, with a musket on his shoulder, was the Chief Justice of the province, and in a few minutes I found myself surrounded by a band of brave men, who were of course unorganized, and generally speaking, unarmed.

As the foregoing statement is an unqualified admission on my part that I was completely surprised by the rebels, I think it proper to remind, rather than to explain to your Lordship, the course of policy I have been pursuing.

In my despatch, No. 124, dated 18th ult., I respectfully stated to your Lordship, as my opinion, that a civil war must henceforward everywhere be a moral one, and that, in this hemisphere in particular, victory must eventually declare itself in favour of moral, and not of physical preponderance.

Entertaining these sentiments, I observed with satisfaction that Mr. M'Kenzie was pursuing a lawless course of conduct which I felt it would be impolitic for me to arrest.

For a long time he had endeavoured to force me to buoy him up by a Government prosecution, but he sunk in proportion as I neglected him, until becoming desperate, he was eventually driven to reckless behaviour, which I felt confident would very soon create its own punishment.

The traitorous arrangements he made were of that minute nature that it would have been difficult, even if I had desired it, to have suppressed them; for instance, he began by

establishing union lists (in number not exceeding forty) of persons desirous of political reform; and who, by an appointed secretary, were recommended to communicate regularly with himself, for the purpose of establishing a meeting of delegates.

As soon as, by most wicked misrepresentations, he had succeeded in seducing a number of well-meaning people to join these squads, his next step was to prevail upon a few of them to attend their meetings armed, for the alleged purpose of firing at a mark.

While these meetings were in continuence, Mr. M'Kenzie, by means of his newspaper, and by constant personal attendance, succeeded in inducing his adherents to believe that he was everywhere strongly supported, and that his means, as well as his forces, would prove invincible.

I was not ignorant of these proceedings; and in proportion as Mr. M'Kenzie's paper became more and more seditious, and in proportion as these armed meetings excited more and more alarm, I was strongly and repeatedly called upon by the peaceable portion of the community forcibly to suppress both the one and the other. I considered it better, however, under all circumstances, to await the outbreak, which I was confident would be impotent, inversely as it was previously opposed; in short, I considered that, if an attack by the rebels was inevitable, the more I encouraged them to consider me defenceless the better.

Mr. M'Kenzie, under these favourable circumstances, having been freely permitted by me to make every preparation in his power, a concentration of his deluded adherents, and an attack upon the city of Toronto, was secretly settled to take place on the night of the 19th instant. However, in consequence of a militia general order which I issued, it was deemed advisable that these arrangements should be hurried, and, accordingly, Mr. M'Kenzie's deluded victims, travelling through the forest by cross-roads, found themselves assembled, at about four o'clock in the evening of Monday, the 4th instant, as rebels, at Montgomery's Tavern, which is on the Young Street Macadamized road, about four miles from the city.

As soon as they had attained this position, Mr. M'Kenzie and a few others, with pistols in their hands, arrested every person on the road, in order to prevent information reaching the town. Colonel Moody, a distinguished veteran officer, accompanied by three gentlemen on horseback, on passing Montgomery's Tavern, was fired at by the rebels, and I deeply regret to say that the Colonel, wounded in two places, was taken prisoner into the tavern, where in three hours he died, leaving a widow and family unprovided for.

As soon as this gallant, meritorious officer, who had honourably fought in this province, fell, I am informed that Mr. M'Kenzie exultingly observed to his followers, "*That, as blood had now been spilled, they were in for it, and had nothing left but to advance.*" Accordingly, at about ten o'clock at night they did advance; and I was in bed and asleep when Mr. Alderman Powell awakened me to state that, in riding out of the city towards Montgomery's Tavern, he had been arrested by Mr. M'Kenzie and another principal leader; that the former had snapped a pistol at his breast; that his (Mr. Powell's) pistol also snapped, but that he fired a second, which, causing the death of Mr. M'Kenzie's companion, had enabled him to escape.

As soon as Mr. Powell reached Toronto, the alarm-bell was rung, and, as Mr. M'Kenzie found we might be prepared for him, he forbore to proceed with his attack.

On arriving at the City Hall I appointed Mr. Justice Jones, Mr. Henry Sherwood, Captain Strachan, and Mr. John Robinson, my aid-de-camps. I then ordered the arms to be unpacked, and, manning all the windows of the building, as well as those of opposite houses which flanked it, we awaited the rebels, who, as I have stated, did not consider it advisable to advance. Besides these arrangements, I despatched a message to the Speaker of the House of Assembly, Colonel the Honourable Allan M'Nab, of the Gore District, and to the Colonels of the militia regiments in the Midland and Newcastle Districts: an advanced piquet of thirty volunteers, commanded by my aid-de-camp, Mr. Justice Jones, was placed within a short distance of the rebels.

By the following morning (Tuesday) we mustered about 300 men, and in the course of the day the number increased to about 500; in the night, an advanced picquet, commanded by Mr. Sheriff Jarvis, was attacked within the precincts of the city by the rebels, who were driven back, one of their party being killed and several wounded.

On Wednesday morning we were sufficiently strong to have ventured on an attack, but, being sensible of the strength of our position, being also aware how much depended upon the

contest in which we were about to be engaged, and feeling the greatest possible reluctance at the idea of entering upon a civil war, I despatched two gentlemen to the rebel leaders, to tell them that, before any conflict should take place, I parently called upon them, as their Governor, to avoid the effusion of human blood. In the mean while, however, Mr. M'Kenzie had committed every description of enormity; he had robbed the mail with his own hands,—had set fire to Dr. Horne's house,—had plundered many inoffensive individuals of their money,—had stolen several horses,—had made a number of respectable people prisoners; and, having thus succeeded in embarking his misguided adherents in guilt, he replied to my admonition by a message, that he would only consent that his demands should be settled by a national convention, and he insolently added that he would wait till two o'clock for my answer, which in one word was, "*Never.*"

In the course of Wednesday the Speaker of the House of Assembly, Colonel the Honourable Allan M'Nab, arrived from the Gore District at the head of about sixty men, whom he had assembled at half an hour's notice; and, other brave men flocking in to me from various directions, I was enabled by strong piquets to prevent Mr. M'Kenzie from carrying into effect his diabolical intention to burn the city of Toronto, in order to plunder the banks; and, having effected this object, I determined that, on the following day I would make the attack.

Accordingly, on Thursday morning, I assembled our forces, under the direction of the Adjutant-General of militia, Colonel Fitzgibbon, clerk of the House of Assembly.

The principal body was headed by the Speaker, Colonel Allan M'Nab, the right wing being commanded by Colonel Samuel Jarvis, the left by Colonel William Chisholm, assisted by the Honourable Mr. Justice M'Lean, late Speaker of the House of Assembly; the two guns by Major Carfrae of the militia artillery.

The command of the militia left in the city remained under Mr. Justice Macaulay, and the protection of of the city with Mr. Gurnett, the mayor.

I might also have most advantageously availed myself in the field of the military services of Colonel Foster, the Commander of the forces in Upper Canada, of Captain Baddeley of the corps of Royal Engineers, and of a detachment of eight artillerymen, who form the only regular force in this province; but, having deliberately determined that the important contest in which I was about to be engaged should be decided solely by the Upper Canada militia, or, in other words, by the free inhabitants of this noble province, I was resolved that no consideration whatever should induce me to avail myself of any other assistance than that upon which, as the representative of our gracious Sovereign, I had firmly and implicitly relied.

At twelve o'clock the militia force marched out of the town, with an enthusiasm which it would be impossible to describe, and in about an hour we came in sight of the rebels, who occupied an elevated position near Gallows Hill, in front of Montgomery's tavern, which had long been the rendezvous of Mr. M'Kenzie's men. They were principally armed with rifles, and for a short time favoured by buildings, they endeavoured to maintain their ground; however, the brave and loyal militia of Upper Canada, steadily advancing with a determination which was irresistible, drove them from their position, completely routed Mr. M'Kenzie, who, in a state of the greatest agitation ran away, and in a few minutes Montgomery's tavern, which was first entered by Mr. Justice Jones, was burnt to the ground.

Being on the spot merely as a civil Governor, and in no way in command of the troops, I was happy to have an opportunity of demonstrating to the rebels the mildness and beneficence of her Majesty's Government, and, well knowing that the laws of the country would have ample opportunity of making examples of the guilty, I deemed it advisable to save the prisoners who were taken, and to extend to most of these misguided men the royal mercy, by ordering their immediate release. These measures having been effected, and the rebels having been deprived of their flag (on which was inscribed in large letters

"BIDWELL, and the glorious minority!  
"1837, and a good beginning!")

the militia advanced in pursuit of the rebels about four miles, till they reached the house of one of the principle ringleaders, Mr. Gibson, which residence it would have been impossible to have saved, and it was consequently burned to the ground.\*

The infatuated followers of Mr. M'Kenzie were now completely dispersed; deceived and deserted by their leaders, they sought for refuge in all directions; ashamed and disgusted

\* By my especial orders.

with the murder, arson, highway and mail robbery, which he had committed before their eyes, and detesting him for the overbearing tyranny of his conduct towards them, they sincerely repented they had ever joined him; and I have been credibly informed that their wives and children now look upon Mr. M'Kenzie as their most malignant enemy. Mr. M'Kenzie has fled to the United States—Mr. John Rolph has absconded—Mr. Bidwell,\* who took no part in the affray, has amicably agreed with me to quit, and has quitted this province for ever—Dr. Morrison and the Captain Van Egmont are our prisoners—Mr. Lount and Mr. Gibson have fled, and I understand are making for the United States. As Mr. M'Kenzie had been particularly active in disseminating his principles throughout the London District, and as Dr. Duncombe, well known to the House of Commons in England, was reported to be there with a body of armed rebels, I deemed it advisable, as soon as the militia returned to Toronto from driving Mr. M'Kenzie from Gallows Hill, to order a body of 500 men to proceed immediately to the London District. I placed this corps under the command of the Hon. the Speaker of the House of Assembly, Colonel Allan M'Nab, who, with great promptitude, marched with it to the point of its destination.

On the day of Mr. M'Kenzie's defeat, as well as on the following morning, bands of militia-men, from all directions, poured in upon me, in numbers which honourably proved that I had not placed confidence in them in vain.

From the Newcastle District alone 2000 men, with nothing but the clothes in which they stood, marched, in the depth of winter, towards the capital, although nearly 100 miles from their homes.

From the Gore, Niagara, Lake Simcoe, and from various other places, brave men, armed as well as unarmed, rushed forward unsolicited; and, according to the best reports I could collect, from 10 to 12,000 men simultaneously marched towards the capital *to support me in maintaining for the people of Upper Canada the British Constitution.*

The numbers which were advancing towards me were so great that, the day after Mr. M'Kenzie's defeat, I found it absolutely necessary to print and circulate a notice declaring "*that there existed no further occasion for the resort of militia to Toronto;*" and the following day I was farther enabled to issue a general order, authorising the whole of the militia of the Bathurst, Johnstown, Ottawa, and Eastern districts, to go and lend their assistance to Lower Canada. I have now completed a plain statement of the events which have occurred in this noble province during the last week, and have done so at some length, as the moral they offer is most important.

Your Lordship knows that at the last election Mr. M'Kenzie, and those of his party who advocated murder, plunder, equal rights, and revolution, under the mask of reform, in vain applied to farmers and yeomen of this country to support them, instead of supporting me. Driven by the voice of the people from their seats in the House of Assembly, they declared that they had only been defeated by the influence of a corrupt Government. However, the moment the charges made against me in the House of Commons reached this country, the House of Assembly deliberately investigated the whole affair, which they proved and pronounced to be a series of wilful and premeditated falsehoods.

Mr. M'Kenzie and his party, finding that at every point they were defeated in a moral attack which they had made upon the British constitution, next determined to excite their deluded adherents to have recourse to physical strength. Being as ready to meet them on that ground as I had been ready to meet them in a moral struggle, I gave them every possible advantage. I in no way availed myself of the immense resources of the British empire; on the contrary, I purposely dismissed from this province the whole of our troops. I allowed Mr. M'Kenzie to *write* what he choose, *say* what he chose, and *do* what he chose; and, without taking any notice of his traitorous proceedings, I waited, with folded arms, until he had collected his rebel forces, and had actually commenced his attack.

I then, as a solitary individual, called upon the militia of Upper Canada to defend me, and the result has been as I have stated, viz., that the people of Upper Canada, came to me when I called them; that they completely defeated Mr. M'Kenzie's adherents, and drove him and his rebel ringleaders from the land.

(When her Majesty's Government published this despatch, they omitted the following paragraphs and words printed in italics):—

\* The gentleman whom I had been directed to raise to the bench.

\* " *These are historical facts which it is impossible to deny; and the plain inference is, that the inhabitants of Upper Canada, as I have often publicly declared, detest democracy, and revere the noble monarchical institutions of the British Empire.*

" *My Lord, what a serious lesson have the inhabitants of Upper Canada offered to their mother-country! Our evidence, humble as it is, will surely bring conviction to the minds of those misnamed reformers, who, ignorant of the blessings they enjoy, desire to adulterate the purity of our revered institutions: situated as we are here, surely we are better able to judge between monarchical and republican Government than the people in England, who are acquainted only with the former. The faithful attachment which this province has evinced to British justice, to British juries and to the British Sovereign, is the noblest instance of independence I have ever witnessed, and it induces me to tell your Lordship, plainly and unequivocally, that neither the Legislature nor the people of Upper Canada will any longer submit to the base conciliations which have long disgraced the Colonial Office.*

" *My Lord, it has long been notorious to every British subject in the Canadas, that your Lordship's Under-Secretary, the author of our Colonial despatches, is a rank republican. His sentiments, his conduct, and his political character, are here alike detested, and I enclose to your Lordship Mr. M'Kenzie's last newspaper, which, traitorous as it is, contains nothing more conducive to treason than the extracts which as its text it exultingly quotes from the published opinions of her Majesty's Under Secretary of State for the Colonies!*

" *These sentiments have already been very clearly expressed by me to your Lordship, especially in my despatch dated 10th September, 1837; and I am perfectly confident that the triumph which this noble province has gained will never be complete until the Government shall remove from office a man who, by discouraging the loyal and encouraging the disaffected, has at last succeeded in involving the Canadas in civil war.*" It now only remains for me to inform your Lordship that Mr. M'Kenzie, who is escaped to Buffalo, in the United States, has by falsehood and misrepresentations, almost succeeded in exciting a large body of labourers out of work to invade Upper Canada for the purpose of plundering the banks and of gaining possession of the crown lands, [which your Lordship is aware I have been desired to surrender to the Provincial Legislature.] This [new feature in "reform"] is [one which] at this moment [is] causing throughout the province considerable excitement, and I must say that, for the sake of humanity, I earnestly trust and hope the attempt will not be made.

I entertain the utmost reliance that the Government of the United States will nobly prevent any such invasion. I am persuaded that all Americans of intelligence and propriety will feel that the character of their country requires them to discountenance a lawless and unprincipled aggression [which would bring upon them the execration of the civilised world; for where would they stand in the estimation of mankind if they were to be seen, ungratefully repaying the high-minded and successful exertions which Great Britain lately made to save them from war, by steeping her colonies in blood and misery?]

Should, however, any of the inhabitants of Buffalo, or other frontier towns, regardless of these sentiments, [presume,] for the sake of plunder, to invade the free and independent people of Upper Canada, I feel confident that every man in the province, Indians and black population included, will assemble together in one band to exterminate the invaders, or to perish in the attempt.

I have, &c.

F. B. HEAD.

The LORD GLENELG, &c.

No. 133.

TORONTO, 28th December, 1837.

MY LORD,

I have the honour to transmit to your Lordship a copy of the speech with which I have this day opened the Legislature of this province, together with copies of sundry documents, which will explain to your Lordship—firstly, that the rebellion which has broken out here has been effectually put down, with the loss on the side of the Constitutionists of only one man killed; and, secondly, that an unprovoked attack has been made upon our territory by American Citizens, who have succeeded in taking possession of Navy Island (which is about two miles above the cataract,) have entrenched and garrisoned it, have planted thirteen

\* For want of this moral, or explanation, my policy in quelling the mutiny has been severely condemned.

pieces of cannon upon it, and in fact, have thus formed a camp upon our territory, to which people, by handbills termed proclamations of the Provisional Government, are publicly invited under the promise that "three hundred acres of the most valuable land in Canada, and one hundred dollars in silver, will be given to each volunteer who may join the Patriot forces in Navy Island."

I have communicated these facts to His Excellency the Earl of Gosford, and to Sir John Colborne, and have addressed communications to the Governor of the State of New York, and to her Majesty's Minister at Washington, copies of which I have the honour to enclose. I have stationed a militia force of about 2000 men on the Niagara frontier, and have made all the arrangements in my power for calling out the militia of the province, in case their services should be required.

Having thus done all in my power to withstand the invasion of a foreign enemy, which was never contemplated in my despatch to your Lordship, No. 124, dated 18th November, I feel it my duty to recommend, contrary to the suggestions contained in that despatch, that her Majesty's Government should afford to the Commander of the Forces every possible assistance, promptly and affectually, to put down this attack by American Citizens, unauthorised by their Government, and in open violation of the laws of nations.

I have, &c.

F. B. HEAD.

The LORD GLENELG, &c.

NIAGARA FRONTIER, UPPER CANADA,  
16th January, 1838.

MY LORD,

I have great pleasure in communicating to your Lordship that the pirates have been driven from Navy Island, which is now in possession of her Majesty's forces on this frontier.

I have also the satisfaction to state that the gallant militia of Upper Canada have also driven the pirates, who had taken possession of Bois Blanc Island, from that position, and in a most gallant manner have captured a schooner off Malden, which is on the St. Clair river, about sixteen miles below Amherstburg.

As this vessel contained three pieces of artillery, 200 stand of arms, and most of the principal officers of the pirate force, her loss will discourage them; and, finding that at both ends of the province they have been discomfited by its brave inhabitants, I trust they will find it necessary to abandon the infamous attempt, which has been made by the citizens of the United States, to plunder the property and overrun the institutions of a province with which they were, politically, existing in friendly alliance.

I have, &c.

(Signed) F. B. HEAD.

The LORD GLENELG, &c.

## CHAPTER X.

Order back the Militia.—Address the Governor of the State of New York.—H. S. Fox, Esq, Her Majesty's Minister at Washington.—Despatch to Her Majesty's Government.—American pirates forced to abandon Navy Island.—Receive Despatch accepting my resignation.—Important reply thereto.—Allegations against one of Her Majesty's Under-Secretaries of State for the Colonies.—Nature of evidence.

By people in England I have been generally blamed for allowing treason to come to a head. But the fact is, the province had suffered quite enough from agitation: and, as I had carefully tested the materials with which I had to work, I felt that, instead of either trying to conciliate Mr. M'Kenzie, or make his fortune by a Government prosecution, I had better let him come within the reach of the law and then let it hang him. His legs saved him from the latter fate; but so faithfully did the brave and loyal militia of Upper Canada respond to the confidence that had been reposed in them, that the insurrection was no sooner quelled than we were threatened with being absolutely overwhelmed at Toronto by those who were rushing for-

ward to die, if necessary, in defence of monarchical institutions. The general order already alluded to was accordingly instantly promulgated, besides which, expresses were sent in all directions, of which the following is a specimen :—

SIR, No. 14.

Enclosed I send you a copy of his Excellency's order issued after the defeat of the rebels, to prevent the recourse of the immense number of loyalists flocking to the capital. They are not now required; and his Excellency being informed that you are upon your march to this place, with a body of fine fellows, I am desired to express to you and your men the high sense his Excellency entertains of your loyalty and zeal, and to thank you and your men for this evidence of their determination to put down rebellion, and to desire that you will return to your respective homes, holding yourselves in readiness to act when called upon.

I have the honour to be,

Sir,

Your obedient servant,

JONAS JONES,

A. D. C.

COLONEL M'DONELL,  
2nd Northumberland Militia.

The following despatches, written on the exigency of the moment, will, I believe, faithfully portray the hydra-headed difficulties which the loyalty of the people of Upper Canada, one after another, triumphantly overcame.

No. 31.

*To his Excellency Governor Marcy, State of New York, Albany.*

GOVERNMENT HOUSE,  
13th December, 1837.

SIR,

Your Excellency has doubtless received intelligence, though not of an authentic character, of an insurrectionary movement which within the last few days has been made in this province, and which the loyal feeling of a great mass of her Majesty's subjects has enabled me promptly to suppress. Though an occurrence of this particular nature in a country immediately adjoining the state under your Excellency's government must naturally excite a considerable degree of interest, I might not have felt myself called upon to communicate with your Excellency upon the subject, if I had not received an official report from the magistracy of the district of Niagara, that efforts are made by calling public meetings in Buffalo to procure countenance and support among the inhabitants of that city to the efforts of the disaffected in Upper Canada.

I am perfectly persuaded that, under any circumstances, the public authorities in the United States would exert themselves to strengthen, rather than to disturb, the kind feeling which has for so many years united the natives of Great Britain and the United States in the most amicable relations; and when I acquaint your Excellency that the armed party of traitors who are now dispersed, during the few days that they remained embodied, were guilty of such unprovoked and wanton acts of murder, arson, and robbery, as disgusted their adherents, and occasioned their rapid desertion, I feel no doubt that whatever may be justly done by the Government of one friendly and enlightened nation towards restraining its subjects from disturbing the peace and injuring the unoffending inhabitants of another, may confidently be expected of your Excellency.

It is fit I should apprise your Excellency that there is not at this moment to my knowledge, within the whole extent of Upper Canada, a single body of men assembled with arms, or otherwise in opposition to the Government. Before the 6th of December there had been about 500 or 600 men hastily got together, at the instigation of a Mr. M'Kenzie, the editor of a seditious newspaper here; but these have been wholly dispersed, and their leader, we understand, is now in Buffalo, endeavouring to excite there a support which he fails to meet with in this province.

I have the honour to be,

Your Excellency's most obedient,  
humble servant,

F. B. HEAD.

No. 88.

*To His Excellency Governor Marcy.*

TORONTO, 23rd December, 1837.

DEAR SIR,

I take the liberty of introducing to your Excellency the Honourable Archibald McLean, late Speaker of the House of Assembly of this province, who is the bearer of a communication from me to her Britannic Majesty's Minister at Washington, on the same subject on which I had the honour to address your Excellency on the 13th instant; a copy of which communication Mr McLean takes to Washington.

Mr. McLean will inform your Excellency, that the party of Americans who, under the command of Mr. VanRensalaer, have taken possession of Navy Island, have issued a proclamation, hoisting in Canada the flag of independence, offering a reward of five hundred pounds for my apprehension, with three hundred acres of our crown lands to every volunteer who will join in the invasion of this province.

I have not yet had the pleasure of hearing from your Excellency (which, indeed, time has not admitted of,) but I feel confident your Excellency will, by the most energetic means, put an immediate stop to proceedings, which must otherwise inevitably lead to a national contest.

Mr. McLean will have the honour to submit to your Excellency any further information which you may desire.

I remain, with much consideration,

Your Excellency's,

Very faithful and obedient servant,

F. B. HEAD.

No. 89.

(Private.)

*To His Excellency Henry S. Fox, Washington.*GOVERNMENT HOUSE, TORONTO,  
23rd December, 1837.

SIR,

I beg leave to introduce to your Excellency, the Honourable Archibald McLean, late Speaker of the House of Assembly of this province, and now one of its Judges.

My official communication will explain the object of his mission, which, I regret to say, is, I conceive, of a very alarming nature.

The little outbreak in this province has been completely put down by the people themselves, for I had no other assistance. But the case has assumed a new feature. A number of American citizens of wealth and intelligence are desirous to get possession of this fine province, and to swamp our institutions; they willingly afford money, and as thousands of people are every where out of work in the United States, an invasion may be made, which it would be out of our feeble power to resist.

I trust I am not apt to be unreasonably alarmed, but I can sincerely assure you that, unless the American Government take *immediate* measures to put down the invasion of this territory by *force of arm*, I think the worst will happen.

A body of Americans, headed by an American, have now, with about 700 men, taken possession of Navy Island, which belongs to Great Britain. They have issued there a proclamation declaring the independence of Canada; have offered a reward of five hundred pounds for my apprehension; and 300 acres of the richest lands of the crown to whoever will volunteer to assist them in invading this territory.

The people of the United States are so excited on the subject, and so ripe for plunder, that no words or writing will, in my opinion, stop them. I consider that the United States Government must either put down the aggression by force, or be held responsible for the consequences.

I remain, with great consideration,

Your obedient servant,

F. B. HEAD.

No. 113.

NIAGARA, *January 16th 1838.*

MY LORD,

I have great pleasure in communicating to your Lordship that the pirates have been driven from Navy Island, which is now in possession of Her Majesty's forces on this frontier.

I have also the satisfaction to state that the gallant militia of Upper Canada have also driven the pirates, who had taken possession of Bois Blanc Island, from that position, and in a most gallant manner have captured a schooner off Malden, which is on the St. Clair river, about sixteen miles below Amherstburg: as this vessel contained five pieces of artillery, 200 stand of arms, and most of the principal officers of the pirate force, her loss will discourage them; and, finding that at both ends of the province they have been discomfited by its brave inhabitants, I trust they will find it necessary to abandon the infamous attempt which has been made by citizens of the United States to plunder the property and overrun the institutions of a province with which they were politically existing in friendly alliance.

I have the honour, &amp;c.

F. B. HEAD.

The LORD GLENELG, &amp;c.

(COPY.) No. 238.

DOWNING STREET,  
26th October, 1837.

SIR,

I have the honour to acknowledge the receipt of your despatch, No. 99, of the 10th September last.

I will not conceal from you the surprise with which I have perused that despatch, nor my sense of the degree of public inconvenience likely to ensue from so abrupt a termination of your administration of the affairs of Upper Canada, at a period when the result of your policy in several important questions remains undecided, and when it is obviously of the greatest consequence that measures recommended and initiated by yourself should be followed up under your own superintendence in the approaching session of the provincial Legislature. I therefore feel it my duty to abstain from laying your resignation before the Queen until I shall have had an opportunity of consulting my colleagues collectively as to the course which it will be right for me to adopt. The absence of several of them from London at the present moment precludes my doing this immediately, although the delay, I trust, will be of very short duration. In the mean time I purposely abstain from adverting to any of the topics which you have introduced into your despatch.

I have, &amp;c.

(Signed)

GLENELG.

Lieutenant-Governor SIR FRANCIS BOND HEAD,  
&c. &c. &c.

No. 247.

DOWNING STREET,  
24th November, 1837.

SIR,

In my despatch of the 26th of October, No. 238, I acknowledged the receipt of your despatch of the 10th of September, No. 99, and informed you that I had felt it to be my duty to abstain from laying before the Queen your resignation of the office of Lieutenant-Governor of the province of Upper Canada, until I should have had an opportunity of consulting my colleagues, collectively as to the course which it would be right for me to adopt. Her Majesty's confidential advisers having now bestowed their careful attention on the whole subject, I proceed to communicate to you the result of their deliberations. It is due to my own character, and to the station which I have the honour to hold, that I should connect this communication with an explicit reference to the various grounds which you have assigned in explanation of your conduct on this occasion. The first of these topics, however, I shall pass over with a very few words. To those who have intrusted me with the office which I now fill I have given the most precise explanation of the mode in which I have executed the duty of superintend-

ing your administration of the affairs of Upper Canada. But to an officer serving under my immediate authority, who charges me with having surrendered the exercise of my own independent judgment to some invisible and everruling influence, exerted for the introduction of republican principles into British North America, I need make no reply—contented to refer to his more calm and deliberate judgment the question whether it is fitting that so serious a charge should be conveyed in such a form and on such an occasion.

Commencing with this topic, you next proceed to announce that the system of policy pursued by my predecessors and by myself, in reference to British North America, is essentially opposed to your own. This declaration naturally leads to the inquiry whether, during the period of our official connexion, there has ever arisen, until the present time, any material question of practical conduct on which we have differed. Our abstract principles may not have been the same: in our official correspondence you may have occasionally advanced doctrines to which I have not been able to give my assent. Such disagreements are more or less inseparable from every discussion between those who at once assert for themselves, and respect in others, the free exercise of an independent judgment.

Habitually indisposed to make my official correspondence the channel for the debate of abstract questions of policy, I have been content to know that you were prepared to obey my instructions, and have felt comparatively very little concern as to the light in which you might regard my opinions. Whatever theoretical distinctions may have existed between you and me, it is at least clear that, subject to the exceptions to be noticed in the sequel, you have avowed your entire acquiescence in the whole tenor of my instructions, and that every act of which you have been the author, involving any of the general and permanent interests of the province, I have sanctioned and approved.

[After replying to nine trifling subjects of complaint the despatch proceeds as follows.]

X. Another specific complaint urged in your despatch is, that I employed, not Mr. Draper, but another gentleman, as the bearer of my despatches to you respecting the financial affairs of the province. Even this complaint, slight as it may appear, must not pass unnoticed.

I fully intended to make Mr. Draper the bearer of my despatches in question. With that view he was requested to attend at this office. He promised to do so, but, from causes unexplained and unknown to me, Mr. Draper left England without presenting himself at this office; and the employment of another messenger was therefore a matter of inevitable necessity. These facts were communicated to you on the 4th of August. When you wrote your despatch of the 10th of September, you had probably not received that communication.

In the preceding observations I beg to state that I mean to make no complaint of Mr. Draper, nor to imply the slightest reflection upon him of any kind. My opinion of that gentleman has been sufficiently attested by the confirmation, since that time, of his appointment as Solicitor-General of the province.

The next topics to which I have to advert demand the more particular notice, as they appear to be regarded by you as the more immediate and prominent grounds of your resignation.

XI. You remonstrate against my instruction on the subject of Mr. Bidwell's eventual promotion to the bench, in case of a future vacancy; and you declare your determination never to carry that instruction into effect. Your opposition is vindicated by the objections which you make to the political career of Mr. Bidwell, and which, you insist, ought to have forbidden the adoption by her Majesty's Government of any resolution favourable to that gentleman's employment in the service of the Crown.

My estimate of Mr. Bidwell's character and claims to advancement to the bench had been derived chiefly from your own despatches. It was on no lower authority that I adopted the opinion that he was properly eligible for that distinction. You now inform me that you had drawn his character with a light and feeling hand. You had, however, acknowledged Mr. Bidwell to be a gentleman of great abilities, of the first eminence in his profession, and of irreproachable private character. I knew, indeed, that he had formerly taken a very prominent part in opposition to your own measures, and those of your immediate predecessor. You had stated that his object "so far as it could be elicited by the conduct of his associates," was to separate Upper Canada from the parent state; and you had claimed my assent, in reference to this gentleman, to the proposition, "that, where a man acts with disloyal associates, his talents aggravate rather than extenuate his offence." I had further been apprized that

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Mr. Bidwell had entirely retired from political life, confining himself to the duties of his profession, and had ceased to act with the party of which he had formerly been a member.— Such was my information when I instructed you eventually to offer to Mr. Bidwell a seat on the bench. I confess that it did not appear to me fit that, under such circumstances, he should be punished by a permanent and irreparable incapacity for a promotion to which, on the grounds of private character, no objections could be raised, and to which, on the grounds of professional eminence, he had the highest possible title. It appeared to me dangerous, or rather impracticable, to govern the province on the principle of a proscription of the whole of one large body of the inhabitants. You now indeed make the additional statement that Mr. Bidwell was a member of a revolutionary society called the "Provincial Convention!" Of this fact I was totally ignorant until the receipt of the very despatch now under consideration. By a despatch from you of a still later date, namely of the 22nd of September, it appears that a letter bearing the date of the 3rd of August, and the signature of Mr. Bidwell, was published at Toronto on the 20th of September, in which Mr. Bidwell expressly declines to be a member of that society, and complains of the unauthorized use of his name for that purpose. In reporting this fact, you assume that the date which the letter bears was purposely falsified; that Mr. Bidwell had heard of the intentions in his favour, and had published his letter with a false date, in order to remove an objection which might have obstructed his advancement. On what authority this accusation is made you have not explained; and without some such explanation I could not impute what would be in effect a wilful violation of truth to a gentleman whose moral character is unimpeached by his most decided political antagonists. If, however, the only practical ground of difference between you and me had been the promotion of Mr. Bidwell, I should have been anxious, for the present at least, to defer to the strong opinion which you have expressed against my recommendation. Mr. Bidwell had certainly no claim of strict right to the promotion in question. Every selection of that kind is an act of discretionary authority in which the Government is not only at liberty, but is bound, to weigh all conflicting prudential considerations on either side; and, whatever may have been my views respecting Mr. Bidwell's appointment, I do not scruple to admit that, if I had been to make my choice between the execution of that purpose and your continuance in office, I should not have hesitated to prefer the latter alternative.

XII. But Mr. Ridout's case is of a different complexion, and with respect to it I am compelled to acknowledge my irreconcilable dissent from your judgment and conclusions.

In the despatch to which I am now replying, the particulars of this case are recapitulated but briefly, and therefore with that kind of inaccuracy which is inseparable from the abridgment of any considerable extent of detail. On the other hand, in the correspondence which has taken place on this subject, and which is comprised in the despatches referred to in the margin,\* will be found a full and careful investigation and statement of every material circumstance. To that correspondence I reply with confidence, as proving that the course which I pursued was imperatively forced upon me by the duties of my office, and by the obligations of justice to Mr. Ridout, and of good faith to the province at large.

I think it necessary, however, to preface the remarks I have to make on this subject by a short summary of the facts as they are to be collected from the papers before me.

You dismissed Mr. Ridout from the offices of Colonel of Militia, Judge of the District Court of Niagara, and Justice of the Peace, and caused a letter to be addressed to him, in which that measure was stated to have been taken on the ground that it appeared that he was an active member of a society which had circulated an address insulting to your person and office. Mr. Ridout distinctly denied that he was a member of that society; that he had anything to do with drawing up the address in question; or that he had even seen it, until it was in circulation in print through the city of Toronto. He transmitted to you evidence on oath in corroboration of his statement. As you took no notice of his complaint, he placed in your hands an appeal to myself, having first requested, in terms to which no possible objection could be made, that, if there were any other reasons for his dismissal than that which you had assigned to him, he might be informed of them. You did not comply with this request, but, in transmitting to me his appeal, you imputed to Mr. Ridout various acts of misconduct to which

\* Sir F. Head, 12th Sep. 1836, No. 72. Lord Glenelg, 29th Nov. 1836, No. 113. Sir F. Head, 6th Feb. 1837, No. 13. Lord Glenelg, 5th April, 1837, No. 158.

† Is it not astonishing that, notwithstanding the uncommon ability with which this despatch is written, the Colonial Office should persist in not seeing the real bearing of the case, namely, that Mr. Ridout cunningly answers the charge that "he appeared to be an active member," by stating (what was quite true) that he was not a member of it?

no allusion had been made in your correspondence with him. I answered you by stating in effect that, in deciding on Mr. Ridout's appeal, it was impossible for me to advert to any other grounds of accusation than that which had been made known to Mr. Ridout as the cause of his dismissal.

I explained the reasons which led me to regard as satisfactory Mr. Ridout's defence against the charge of which alone he had been informed, and I signified to you his late Majesty's commands that Mr. Ridout should be permitted to resume the various employments from which he had been removed. Against this decision you remonstrated in your despatch of the 6th of February. You then, for the first time, informed me, that you had acted on this subject with the advice of the Executive Council. In my reply of the 5th of April, after stating my dissent from some of the principles which you had maintained with reference to this case, I further addressed you in the following terms:—

“From your despatch of the 6th of February, I now, however, for the first time, learn that Mr. Ridout's Removal from office was recommended by the Executive Council; and I further learn that they adhere to their original opinion.” [See the despatch already before the reader.]

I have entered on the preceding statement as necessary to explain and justify the very material fact which I am desirous to record. That fact is, that the instructions which you now refuse to obey do not direct Mr. Ridout's reinstatement. In the exercise of the authority with which I was invested, I directed you to place a Judge, whom you had dismissed from office, in possession of the grounds of that very grave proceeding, before I could confirm his removal. I called upon you to render to him that measure of justice which the humblest member of society is entitled to demand, by making known to him what were the reasons on which the representative of his Sovereign had sentenced him to degradation and punishment.\* This is the instruction which you meet with a direct and positive refusal. Such is one of the most prominent grounds on which, at a moment of extreme embarrassment and difficulty, you have resigned the administration of the Government of Upper Canada. Your deliberate refusal to obey my instructions of the 5th of April is communicated to me for the first time in a despatch dated on the 10th of September. It is to be collected, from other communications of yours which are recorded in this office, that my despatch of the 5th of April had reached your hands on the 26th June; that is, between two and three months before the date of the peremptory declaration that on this point, at least, you would not conform to the unequivocal instructions of your official superior. You must permit me to say that your purpose ought to have been much sooner announced. I cannot acknowledge the justice or propriety of leaving me so long in ignorance of such a decision, and of the resignation, which you represent as immediately and unavoidably connected with it.

I have thus noticed, separately and distinctly, the various accusations of which, in your despatch of the 10th of September, you have made me the object. I have not stopped to comment on particular expressions, or on the general tone and style of that communication. The respect with which her Majesty's Government have invariably acknowledged your public services is too sincerely entertained to leave room for any other feeling than that of regret, in contemplating the position which you have thought it proper to assume with relation to them. So long as I could rely on your assurance that your policy would be regulated by the instructions which you had received from me, I felt fully justified in continuing in your hands the administration of the province. You now, however, inform me that you have felt it your duty frankly to disclose to me opinions and sentiments, which, being hostile to the policy of the office over which I preside, ought not to be withheld from me. You have accompanied this disclosure with a positive refusal to carry my instructions into effect, in a case in which that refusal involves not only disobedience to my directions, but actual injustice to an individual who has appealed to me for redress.

Under these circumstances her Majesty's Ministers have, after the fullest deliberation, thought it their duty to tender to the Queen their advice that your resignation should be accepted; and I have received her Majesty's commands to signify to you her acceptance of it accordingly.

\* This despatch had scarcely left the Colonial Office when Toronto was attacked by the rebels. Surely this fact ought to vindicate the very few dismissals which I had previously made.

If I had been arbitrary or unjust, could I have withstood the rebellion without troops?

In conformity with your request, your successor will proceed to Upper Canada with the least possible delay. In the mean time, I rely on your devoting the short period of your future administration of the affairs of Upper Canada to the protection and advancement of those highly important interests which, during the last two years, have been intrusted to your guidance with so much advantage to the public service.

I have, &c.

(Signed)

GLENELG.

(Copy.)

No. 11.

TORONTO, January 26th, 1838.

MY LORD,

I have the honour to acknowledge the receipt of your Lordship's despatch, (No. 247,) dated 24th November, 1837, in which you inform me that her Majesty has been graciously pleased to accept my resignation, and that my successor will proceed to Upper Canada with the least possible delay.

As I had not only tendered my resignation, but had deliberately refused to carry into effect the commands I had received from your Lordship, respecting the restoration of Judge Ridout to the offices from which I had removed him, and respecting the elevation of Mr. Bidwell to the Bench, I was quite prepared to have received from her Majesty's Government, with the utmost submission, the above communications, and I can truly assure your Lordship that, expecting they would have been delivered to me without comment, I was also not only prepared but desirous to have expressed to your Lordship and to her Majesty's Government my deep regret at having from a sense of public duty been obliged to place myself in opposition to their wishes. I was further prepared to have begged your Lordship to pardon any expression which, in the conscientious resistance of your Lordship's policy, I might inadvertently have made use of, and to be assured that it had never been my intention or desire to appear wanting to your Lordship in respect for your private character or public station.

These feelings I continue to entertain; but your Lordship's late communication having coupled the acceptance of my resignation with certain remarks, I feel it due to the station I yet hold to record the requisite explanation, particularly because it is evident to me, from the ingenuity of the extracts quoted in your despatch, that they have been selected, dovetailed, and then brought before your Lordship's consideration by some person of considerable ability and experience in what is commonly called "special pleading."

I. In your Lordship's despatch it is stated, "with the solitary exception of the proposed surrender of the territorial revenue, I had not, from the commencement of your administration until my receipt of your despatch of the 10th September, 1837, the slightest reason to know or to surmise that, among the measures prescribed for your adoption in my *original instructions*, there was any one to which you did not completely and cordially subscribe; and your Lordship added, "therefore the contrast which you declare to have existed between your *policy* and mine has really prevailed in reference to the specific measures indicated by my *original instructions*. I can only state that my ignorance of the fact has been as unavoidable as it has been complete."

In order to support this view of the case, which of course tends to show that I acted irrationally in tendering my resignation, a few extracts are selected from two or three of my despatches, in which it is perfectly true that I distinctly avowed my approbation of the *original instructions* which, on my appointment, I had had the honour to receive from your Lordship. Nevertheless, notwithstanding this avowal, the whole series of my despatches continuously prove that I much more explicitly avowed my disapproval of your Lordship's *policy*; and, though I do not presume to blame your Lordship, yet I feel I have reason to complain that extracts, showing my approbation of my *instructions*, are quoted against me in your Lordship's despatch, for the apparent purpose of convicting me of having expressed my approval of your *policy*, whereas the disagreement which existed between your Lordship and myself (not respecting my instructions, but the impolicy of conciliation) has never subsided for a moment since the first day of my arrival in this province.

I could quote from my despatches, if it were necessary, a series of extracts which would indisputably show that, from the date of the elevation to the Bench in Lower Canada of the author of the 92 resolutions, down to the period of your Lordship's proposed restoration in this

province of Judge Ridout, and of the proposed elevation of Mr. Bidwell, I opposed, in the strongest possible terms, the fatal system of conciliation; and, far from my not having differed from your Lordship, I am sure it must have been notorious throughout the British North American Colonies, and even in England, that I was in this province openly pursuing a course of policy diametrically opposite to that which was theoretically advocated by the Colonial Office, and practically carried into effect in Lower Canada.

It is true that, on being supported by the people of Upper Canada, and on gaining by a dissolution of the Provincial Parliament an overwhelming constitutional majority in the House of Assembly, I felt it proper, on the common principle of official courtesy, to ascribe the whole credit of the victory to the instructions (not the policy) which had emanated from her Majesty's Government; but I certainly did not expect that this compliment would have been quoted against me with a view to show that your Lordship had received no notice or warning that I was hostile to the policy of her Majesty's Government, until you were suddenly embarrassed by the receipt of my unexpected resignation, dated 10th September, 1837.

2. Your Lordship's despatch next proceeds at great length to show "that there is no one of my reputed acts or proceedings in which the general interests of the province were involved which has not received your sanction."

Your Lordship's despatch supports this assertion by quotations from your own despatches, which, as far as the *words* go, clearly substantiate the fact, but your Lordship's despatch has omitted the *dates*, which, had they been quoted with the *words*, would have proved the accuracy of my complaint, which was, not that support had been altogether denied me, but that it had been withheld from me during the various struggles in which I had been involved; and, as Lord Chesterfield granted it to Johnson, only bestowed when success had considerably impaired its importance.

I have before me a quantity of minute evidence on this subject, but, casting it aside, I appeal at once to the English Government newspapers and to the Journals of the House of Commons—both of which I am sure will prove to any unprejudiced person that, ever since my arrival in this province, a most remarkable silence has shrouded every victory which I have gained over the Republicans; and, as one instance of this discouraging system, I may observe that Mr. Hume was allowed, on the floor of the House of Commons, to act in the fictitious character of accredited agent or representative of the people of Upper Canada, long after her Majesty's Government were in official possession of my despatch concerning a report from the House of Assembly, which in the strongest possible terms repudiated Mr. Hume as well as the treasonable language which he had addressed to Mr. M'Kenzie, for whose apprehension, as an absconded traitor, the sum of one thousand pounds is at this moment offered by the Executive Government of this province.

As the above observations will, I conceive, sufficiently prove what, in British North America, is perfectly notorious—namely, that in the arduous struggles in which I have been engaged here, I have *not* received from her Majesty's Government opportune support, I feel it unnecessary to notice the particular cases of Captain Macaulay, the Executive Council, the loyal addresses, the speech from the Throne, and Mr. Sullivan's appointment, which are adverted to at great length in your Lordship's despatch, and which, I can assure your Lordship, would appear to you under a very different aspect were I, by a proper adjustment of dates and facts, to lay the subjects fairly before you. I will, therefore, at once proceed to the non-confirmation of her Majesty's Attorney and Solicitor-General, which, in my despatch of the 10th of September I so seriously complained of.

Your Lordship's observations on this subject, in your late despatch, require but little reply, as it appears that all I complained of is, in fact, admitted by your Lordship, that is to say, you admit that both these important appointments were suspended merely because "A member of the General Assembly of Scotland had transmitted for your Lordship's information certain printed resolutions of the Presbytery of that Church in Upper Canada, which resolutions represented that in the session of 1836, Mr. Hagerman had, in his place in the House of Assembly of Upper Canada, held language and pursued a line of conduct highly injurious to the character and interests of the Scotch Church, and in direct opposition to the avowed policy and recorded opinions of the Ministers of the Crown."

It has now turned out that your Lordship's solitary self-interested informant (a Scotchman, whose accusations were founded on some extract he had read from a most profligate

newspaper) was in error; but, even had he been right, I respectfully repeat and maintain, that so long as a colony has a provincial legislature which can read, write, and speak for itself, no private individual who gets worsted in a religious squabble should be allowed to arrest, in opposition to the recommendation of the Lieutenant-Governor, the promotion of both her Majesty's Attorney and Solicitor-General, until they can publicly vindicate themselves from the poisonous accusations which the secret informer has been allowed to pour into the ear of the Colonial Minister.

The Attorney General (Mr. Hagerman) is known at your Lordship's office to be a staunch uncompromising supporter of British principles, and I have no hesitation in repeating, that the marked indignity which he and the Solicitor General have received, has had a bad moral effect.

3. With respect to the reception which was given at your Lordship's office to the Solicitor General, the Honourable W. H. Draper, who, as a member of my Executive Council, was especially despatched by me to your Lordship, to explain the views which the Executive Government here took in opposition to the departmental conduct of Mr. ———, (who was consequently exactly the last individual in the province whom it would have been proper to have selected for such a mission,) I have only to inform your Lordship that Mr. Draper, whose mild inoffensive character, and sound constitutional principles, are highly admired here, on his return to Toronto from England, confessed to me, rather than complained, that in the course of his life-time he had never had so much difficulty in suppressing his feelings as on his first interview with your Lordship's Under-Secretary, Mr. Stephen, whose whole manner towards him was not only repulsive but highly offensive.

Had Messrs. ———, and Draper been mere private individuals, the eulogium which your Lordship's despatch passes on the former, and the neglect which was shewn to the latter, would interest no one; but, while Mr. Draper appeared at the Colonial Office as a member of my Executive Council, and as an individual devotedly attached to constitutional principles, Mr. ——— appeared there recorded as one of the five members of my late Executive Council, who, shortly after my arrival, had made an attack upon the constitution, which, being immediately backed by the then House of Assembly, obliged me to dissolve the Parliament and appeal to the people (who supported me,) which had the effect of discarding Mr. Speaker Bidwell and other republican members from the House of Assembly.

It was also recorded in your Lordship's office that Mr. ——— had been named with Mr. Bidwell, Mr. Papineau, and others of the same politics, as commissioners for an object which, though artfully veiled, was very generally and naturally here believed to be revolutionary. Under these circumstances, surely it must be very evident to your Lordship that it would have appeared a measure of conciliation highly offensive to my Council had I, as Lieutenant-Governor of this province, selected Mr. ——— as the individual in Upper Canada most worthy of my confidence: and it certainly remains for whoever may have advised your Lordship on this subject to explain why, when all these facts were recorded in the Colonial Office, your Lordship's despatch should persist in giving so decided a preference to Mr. ———, at the expense of Mr. Draper, a loyal member of my Executive Council, whom I had especially despatched to your Lordship to explain the precise views of the Executive Government, of which he officially was cognizant.

With respect to the despatches on the subject of Mr. Draper's mission, which were given to Major Bonnycastle instead of to Mr. Draper (although it was known at the Colonial Office that both these gentlemen were to sail for New York in the same packet,) your Lordship states,—

I fully intended to make Mr. Draper the bearer of the despatches in question. With that view he was requested to attend at this office. He intended to do so, but, from causes unexplained and unknown to me, Mr. Draper left England without presenting himself at this office, and the employment of another messenger was therefore a matter of inevitable necessity.

If the united testimony of Mr. Draper and of Major Bonnycastle be correct, your Lordship's obliging intentions towards Mr. Draper have been frustrated in a manner which I think it but proper your Lordship should be made acquainted with.

Mr. Draper admits that, by appointment, he was to have called at the Colonial Office on the day before the packet sailed; that he did call accordingly, but not at the appointed hour. Major Bonnycastle, however, states that your Under-Secretary, Mr. Stephen, told him, two or three days previous to the sailing of the packet, that he (Major Bonnycastle) would be the

bearer of the despatches; that he accordingly asked Mr. Murdock (a clerk in your Lordship's office, who, he was informed, had charge of the Upper Canada correspondence) for them; that Mr. Murdock told him that the despatches would not be given to him; that he (Major Bonnycastle) went and told Mr. Stephen what Mr. Murdock had said, upon which Mr. Stephen sent for Mr. Murdock, and, in his (Major Bonnycastle's) presence, told Mr. Murdock, very angrily, that he, Mr. Murdock, ought to obey the instructions he had received, and that *he was to give the despatches to Major Bonnycastle.*

4. I will now proceed to the two principal topics in your Lordship's despatch, namely, my refusal to raise Mr. Bidwell to the Bench, or to restore Judge Ridout to the offices from which I had removed him, and my consequent resignation.

My Lord, I had not been a fortnight in this country when your Lordship wrote to me, suggesting for my consideration "that it would be a very judicious act on the part of the Government to place in stations of trust and honour those gentlemen of Upper Canada (Mr. Rolph and Mr. Speaker Bidwell) who had been represented to you as among the most able, popular, and estimable men in the colony."

The recommendation submitted by your Lordship for my consideration was, "that Mr. Rolph should be a member of the Executive Council, and Mr. Bidwell be placed on the judicial bench."

5. With respect to Dr. Rolph, the first individual mentioned to me by your Lordship as a person whom it might "*be a very judicious act on the part of the Government to place in a station of trust and honour.*" I feel it only necessary to state that, next to Mr. M'Kenzie, Dr. Rolph has been proved to have been the most insidious, the most crafty, the most blood-thirsty, the most treacherous, the most cowardly, and, taking his character altogether, the most infamous of the traitors who lately assailed us. After having been the person who fixed the day on which Toronto was to be attacked, he hypocritically undertook to be the bearer of my appeal to the rebels, to avoid the effusion of human blood; and it has actually been proved before the Commission which is now investigating this treasonable affair, that, after Dr. Rolph and Mr. Robert Baldwin had delivered this message from me, the former, Dr. Rolph, went aside with two of the principal traitors, and diabolically recommended them to come and attack the town.

I will only add that Dr. Rolph's consciousness of the part he had acted prompted him to fly to the United States (before any idea was entertained of arresting him) the moment it became evident that the treacherous attack he had planned would not succeed. As a fugitive traitor, his seat in the House of Assembly has just been declared void, with only two dissentient voices, which merely disagreed on a question of form.

With respect to the other individual (Mr. Bidwell) mentioned to me by your Lordship as a person whom it might "*be a very judicious act on the part of the Government to place in a station of trust and honour,*" it is certainly remarkable that, within less than a month from the date of the above recommendation, both he (Mr. Bidwell) and Dr. Rolph, the former as Speaker, the latter as Executive Councillor, joined in perhaps the most ferocious attack that ever was made by any Council or House of Assembly upon the Lieutenant-Governor of the colony. The grossly insulting language which was used against me, every word of which has long ago been transmitted to your Lordship, is, I maintain, without precedent; and, although your Lordship did not support me during this conflict with these persons, yet when it was decided in my favour, you did not hesitate to approve of the resistance I had made against their violent aggression upon the constitution of the province. Nevertheless, notwithstanding Mr. Bidwell, in consequence of his Republican doctrines, and of his avowed connexion with Mr. Papeineau, was publicly driven, not only from the Speakership, but from the House of Assembly itself; and notwithstanding that in my despatch (No. 41,) dated 5th April, 1837, I voluntarily explained to your Lordship why I could not conscientiously place him on the Bench, yet, with all this mass of evidence on your mind, your Lordship deemed it advisable deliberately to inform me that it was the wish of her Majesty's Government that the situation of Judge of the Court of King's Bench should, in case of an expected vacancy, be offered to Mr. Bidwell.

In vindication of this appointment your Lordship's late despatch states as follows:—"I confess that it did not appear to me fit that, under such circumstances, he (Mr. Bidwell) should be punished by a permanent and irreparable incapacity for a promotion to which, on the grounds of private character, no objection could be raised, and to which, on the grounds of professional eminence, he had the highest possible title. It appeared to me dan-

“gerous, or rather impracticable, to govern the province on the principle of a proscription of *“the whole of one large body of the inhabitants.”*”

What were the dangers which your Lordship apprehended,—what were the principles upon which your Lordship proposed to govern the North American colonies,—and why your Lordship designated the small band of traitors, whose conspiracy has lately been exploded without the assistance of a single soldier, *“the whole of one large body of the inhabitants,”*—I will not presume to enquire, but will simply state the following fact.

Your Lordship's communication to me of the desire of her Majesty's Government to elevate Mr. Bidwell to the Bench reached me on the 1st of September last, just two days after Mr. Bidwell had addressed a letter to Mr. O'Callaghan (a traitor, for whose apprehension a reward of £500 has been offered by Lord Gosford,) which was published in his own newspaper, and of which the following is an extract:—

Retired from public life, probably for ever, I still look with the deepest interest and sympathy on the efforts of those who are actively contending for the great principles of liberty and good government. Your great and powerful exertion in the cause of liberty and justice I have noticed with admiration and respect, and I look with deep interest on the struggle in Lower Canada, *between an insulted, oppressed, and injured people and their oppressors.*—All hope of justice from the authorities in England seems to be extinguished.

My Lord, if I have been wanting in respect to her Majesty's Ministers, I offer to them the foregoing extract as my apology; for even at this moment of my approaching departure for ever from this province, the very idea of my having been desired to elevate the writer of such sentiments to the British Bench creates within me feelings which it is difficult to suppress. Under the excitement of these feelings, I positively refused to obey your Lordship's instructions, and I respectfully tendered to her Majesty my resignation of the station I hold. Events have since proved that the judgment I had formed of the dangerous effects of conciliation was not incorrect. Treason, which had long slumbered in this province, having been fanned by conciliation, suddenly burst into a flame. The details of the late rebellion, as contained in my despatch dated December 19th, (No. 132,) have already explained to your Lordship that on the 7th of December last the brave militia of Upper Canada drove the rebels from their position at Gallows Hill; that their place of rendezvous, Montgomery's Tavern, immediately fell into their possession; and that on a small party reaching it, they found, brought out, and unfurled in triumph before their comrades, the traitor's flag, upon which was inscribed in large letters,—

“BIDWELL and the glorious minority,  
1837, and a good beginning.”

My Lord, if that flag had, as was expected by its followers, triumphantly entered Toronto, I have no hesitation in saying it would have waved over the corpse of every loyal subject in the city; indeed, we have received evidence that a general massacre of the Queen's loyal subjects would have been attempted. The flag in question was captured on the 7th December last, just six days after the departure from Downing Street of your Lordship's despatch, which, in reply to my declaration, that, so long as I continued to be Lieutenant Governor of Upper Canada, I would never raise Mr. Bidwell to the Bench, informed me *“that Her Majesty's Ministers have, after the fullest deliberation, thought it their duty to tender to the Queen their advice that my resignation should be accepted.”*

I beg leave to place these facts on record, without a comment.

7. It gives me pain to reply to that part of your Lordship's despatch which relates to my refusal to restore Judge Ridout to the offices from which I had removed him. The despatch says nothing in favour of the Judge's *proposal to tar and feather me*; nothing in favour of the whole course of his political misconduct; nor does it in any way oppose my opinion, or the opinion of the Executive Council, that Judge Ridout was not a proper person to be allowed to continue in office under the British Government; but the despatch clings with inexplicable tenacity to a fact which I have always fully admitted, namely, that I disclosed to Judge Ridout only a part, instead of the whole, of the reasons, for which I had felt it necessary to inform him that his late Majesty had no further occasion for his services; and because I had adopted this course, your Lordship declares, *“it was impossible for me to advert to any other grounds of accusation than that which had been made known to Mr. Ridout as the cause of his dismissal.”* Even in peaceful times, I am not aware that it is usual always to satisfy every public servant of *all* the reasons for which his services are no longer required; but in the moment of

mutiny, or on the eve of a traitorous insurrection, such as I have just quelled, any man who understands how to wield power, knows, that a well timed and unexpected display of just authority invariably effects most striking results. This result was most strongly exemplified in my dismissal of Mr. Ridout, which so effectually checked the insults the republicans were preparing to offer me, that it rendered it almost unnecessary for me again to defend myself; whereas, in Lower Canada, the conciliatory or enduring system of Her Majesty's Government was exercised until the Royal Gazette suddenly teemed with dismissals, which, however, were too late to produce anything but the most insulting and disreputable replies.

My Lord, I submit to the candid consideration of your Lordship, that my administration of the Government of Upper Canada had not authorised Her Majesty's Government to consider me as an arbitrary or vindictive man; there was, therefore, no reason to presuppose that I had acted without reflection in any dismissal I had effected; but Mr. Ridout's case, as it has been detailed to your Lordship, proves that his dismissal was decided on by my judgment and not by my passions, for there was not the slightest occasion that I should have consulted either the Attorney General or the Executive Council on the subject; and the very fact of my having done so proves that I was desirous to be guided by reason and justice. As I have already stated to your Lordship, Mr. Ridout's republican friends, fancying that his dismissal might, in a city where almost universal suffrage prevails, secure his election as an alderman, tried the experiment, and failed; he has never ventured to petition even the House of Assembly on the subject; and I feel I may say that every man of respectability in the province, who is cognizant to the facts, is conscious that Mr. Ridout's dismissal was not only just, but a necessary measure; and I have only to add that, in the late insurrection, which has tested all men's principles, Mr. Ridout is almost the only individual of a respectable family who has not either taken up, or declared himself ready to take up arms, to put down insurrection, or to repel the perfidious invasion of this province by American citizens.\*

My Lord, I have now finished the painful duty of replying to your Lordship's last communication; and as I daily expect to hear of the arrival in the province of my successor, I can have little desire to protract a discussion which nothing but a strong sense of duty would have forced me to undertake. Your Lordship cannot, I think, help observing with astonishment, that, in the particular cases mentioned in this despatch, the friends of British institutions have certainly been depressed, and their opponents elevated, by the Colonial Office; your Lordship, however, would, I believe, not only be astonished, but alarmed, were I indisputably to prove to you, as I readily could do, that this unnatural and destructive system has long characterised the practical policy of the Colonial Office, although it has been governed by noblemen, like your Lordship, of high character and worth.

I should not do justice to the brave and loyal people of Upper Canada, who have protected my character, my policy, and my life, were I, in taking leave of them as well as of your Lordship, to shrink from recording as my deliberate opinion that the hidden cause of our colonial misrule—the secret reason why Papineau, M'Kenzie, Rolph, Bidart, Debortz, Ridout, and others of similar politics, have been openly supported by the Colonial Office in proportion as the loyal population has been depressed—has already been disclosed to your Lordship in my despatch (No. 132,) dated 19th December, 1837, of which the following is an extract:—

“MY LORD,—It has long been notorious to every British subject in the Canadas that your Lordship's Under-Secretary, the author of our colonial despatches, is a rank republican. His sentiments, his conduct, and his political character are here alike detested, and I enclose to your Lordship Mr. M'Kenzie's last newspaper, which, traitorous as it is, contains nothing more conducive to treason than the extracts which, as its text, it exultingly quotes from the published opinions of her Majesty's Under-Secretary of State for the Colonies!”

The following are the extracts above alluded to as republished by Mr. M'Kenzie:—

“Evidence given by James Stephen, Junior, Assistant Secretary of State for the Colonies, before the House of Commons Committee on the Government of Canada, 1828. It is impossible (says Mr. Stephen) to suppose the Canadians dread your power; it is not easy to believe that the abstract duty of loyalty, as distinguished from the sentiment of loyalty, can be very

\* After I had retired from the Government of Upper Canada, Sir George Arthur, who succeeded me, investigated Mr. Ridout's case, by order of the Colonial Office: every chance was given to him, in my absence, of shewing cause for his restoration to office. I understand that he *totally failed*, and that Sir George Arthur most decidedly recommended that Judge Ridout should *not* be restored to the offices from which I had removed him.

strongly felt. The right of rejecting European dominion has been so often asserted in North and South America, that revolt can scarcely be esteemed in those continents as criminal or disgraceful. Neither does it seem to me that a sense of national pride or importance is in your favour. It cannot be regarded as an enviable distinction to remain the only dependent portion of the New World."

As Lieutenant-Governor of this province I have already stated my opinion of these execrable sentiments. That they are totally incompatible with the station of an Under-Secretary of State for the Colonies is, I conceive, a fact which is undeniable; and that these sentiments are not only disloyal, but erroneous, will, I think, appear from the following short observations:—

1. Mr. Stephen says "*it is impossible to suppose the Canadians dread your power.*" That they *do* dread our power has just been proved by the late total defeat of Mr. Papineau and the whole of his force, who laid down their arms to our soldiers; all the principal leaders have absconded for no other reason but "*dread of our power.*" 2. Mr. Stephen asserts, that on this continent "*revolt can scarcely be esteemed as criminal or disgraceful.*" That the inhabitants of Upper Canada, like all honourable men, consider revolt against the parental Government under which they live as an act both criminal and disgraceful, has been proved by the noble and successful exertions they have just made to put down treason and to bring to justice concealed traitors. 3. Mr. Stephen declares as his opinion, "*that it cannot be regarded as an enviable distinction to remain the only dependent portion of the New World.*"

Not only has Upper Canada put down insurrection, but its brave and high-minded inhabitants have just rushed, armed as well as unarmed, to their eastern as well as to their western frontier, to repel the invasion of their allies, American citizens, who, from New York to Michigan, have been collecting money, men, and arms, for the object of forcibly branding Upper Canada with the independence or mobocracy under which they themselves are publicly suffering.

The American force which has been brought against us, although powerful enough against all their authorities to rob their own state-arsenals of arms and cannon, proved unable to attain its perfidious object; and I have no hesitation in saying that Upper Canada feels at this moment proud of the "enviable distinction" of being dependent on the British empire, whose brilliant history it venerates, and whose Sovereign it affectionately adores, with a loyalty which has just called forth the unsolicited thanks and admiration of the three branches of the Legislature of the gallant province of New Brunswick, another North American province which, contrary to Mr. Stephen's theory, voluntarily remains "*one of the dependent portions of the New World.*"

As I entertain no sentiments of animosity against Mr. Stephen, it has been with very great reluctance that I have mentioned his name; but, being deeply sensible that this province has been signally protected by an omnipotent Providence during the late unnatural rebellion, I feel it my duty, in retiring from this continent, to divulge, through your Lordship, to my Sovereign, my opinion of the latent cause of our unfortunate misgovernment of the Canadas.

I have the honour to be,

My Lord,

Your Lordship's most obedient

humble servant,

(Signed)

F. B. HEAD.

With respect to the foregoing serious allegations I must be permitted at once to express my deep and unfeigned regret at the necessity which, in a moment of rebellion, obliged me, in the stern performance of a most arduous duty, to assail the political principles (*quoted against me by Mr. M'Kenzie just before the attack of Toronto*) of a gentleman whose moral character is above all reproach.

It is necessary, however, in my own defence, I should now inform the reader that not only did my predecessor, his Excellency Sir John Colborne, distinctly allude to this secret irresponsible influence, but that, in two most able reports lately addressed to Her Majesty by the Legislative Council and House of Assembly of Upper Canada, reflections are directly made against Mr. Stephen's influence and principles; the Legislative Council describing him as "*a gentleman in the Colonial Department,*"—the House of Assembly openly *mentioning his name.*

Besides this, in the leading article of the *Montreal Gazette* (one of the most respectably conducted papers in Lower Canada) there appeared, on the 22nd of November last, eight months after I had left Upper Canada, the following observations :—

“ We do not desire, as we have never wished, to screen Lord —, as the head of that branch of the Government, from censure or blame for the entire absence, or at least neglect, of those qualities which go to the formation of an efficient minister of the Crown in his especial sphere of duty, but we may express our regret that a person, so estimable in private life, should have been seduced from the quiet tenor of his way, to accept office in a department, in which the most laborious assiduity, and the most resolute firmness of decision were essentially necessary—qualities in which his Lordship could not but have felt his incompetency.— Like his colleagues he has appeared to consider that, where politics and parties in England were not affected by the matter in question, every possible evasion of decision, superficial examination, conciliation of the violent, or the exposure of the peaceable, and sacrifice of the weak to the party interests of the influential, might be practiced with impunity, and that accident, caprice, or inattention to official duties, would not be noticed in Parliament, and public scandal would be thereby avoided. Notwithstanding this opinion which we entertain, every man of common observation must be aware of the utter impossibility of any individual, however gifted or laborious, to perform all the duties of such an office ; he must be more or less dependent upon his subordinates, especially for statements of facts and circumstantial information, upon which his conclusions and judgment must entirely be founded ; and the consequence is, that the individual intrusted with the weighty responsibility of the vast Colonial charge is directed by one official, who, unnamed and unseen, has the practical control of the Colonial Office, and is never in any way referred to at home. It is time that this system should be abolished—it is time that the baneful domination of Mr. Under-Secretary Stephen should be got rid of, and that an entirely new system of things should be adopted.

“ It is well known that Mr. Stephen has for many years past been the confidential adviser and director of the Colonial department ; nor can it be doubted that to his evil influence must be ascribed all the misgovernment which these provinces have suffered for so long a period. The inconveniences of a rapid succession of Ministers, entertaining opposite opinions upon colonial administration, may have been felt by other colonies ; but in regard to these, for the last fifteen years at least, such inconveniences appear to have been not so sensibly felt. Whoever was the Minister, the same principles were followed—whatever was the exigency, the same system was continued—and whatever was the nature of the despatch, the same rule, the same sentiment, and the same doctrines have been employed ; all these afford internal evidence of the offender, and point him out to public animadversion. Indeed, since that gentleman has made himself so officially necessary, he has prejudiced colonial interests more than he can, by any means, hope to repair, and has sat as an incubus, not only on Lord Glenelg's breast, and stifled his measures, but has equally stifled the good intentions as well as the active ability of his Lordship's predecessors. The House of Assembly of Upper Canada, at its last session, pointedly noticed the influence of the person mentioned above, and we trust that it will be followed up by the Legislatures of the other colonies : their internal peace, their advance in prosperity, and their continued connexion with the parent country, loudly call for the expression of opinion upon a matter of so much importance to their best interests, and we trust that it will be openly and boldly avowed.”

To this opinion, which is infinitely more ably expressed than my own, I subscribe, and, should I be called upon either by her Majesty's Government, or by either House of the Imperial Parliament, to substantiate the allegations I have avowed, I shall at once give the following list of the witnesses to whom I refer :—

Sir Peregrine Maitland—Sir John Colborne—Sir Archibald Campbell—the Crown Officers of Upper Canada—Chief Justice Robinson—the Legislatures of our North American colonies—the British Merchants in England connected with our North American provinces—the West India and other merchants connected with our Colonies.

## CHAPTER XI.

Captain Drew, R. N.—Description of the capture of the *Caroline*—The province again attacked—Farewell Speech to the Legislature—Despatch to Mr. Fox—Fresh invasion—Support of the Legislature of Nova Scotia and New Brunswick—Address to me from the Speaker of the House of Assembly—Gallant conduct of Captain Brown, of her Majesty's Thirty-second Regiment—Confession of the American General Sutherland—Concluding Despatch to her Majesty's Secretary of State for the Colonies.

The despatches in the following chapter will speak for themselves.

No. 15.

TORONTO, 9th February, 1838.

My LORD,

In my despatch of the 10th of January, which contained a copy of my communication to Mr. Fox at Washington, respecting the capture of the piratical steam-boat the *Caroline*, I had the honour to mention to your Lordship, that, in justice to Captain Drew of her Majesty's Royal Navy, and the other officers and men engaged in the service alluded to, I should feel it my duty to bring their conduct before the especial attention of her Majesty's Government.

It is proper, however, I should previously inform your Lordship, that as soon as I found that this portion of the British empire was perfidiously attacked and invaded by American citizens, under American leaders termed "Generals"—that artillery and muskets were brought against us from the State arsenals—that Navy Island belonging to her Majesty was actually seized by Americans—that batteries were formed there, from which shot were fired for many days upon the inoffensive inhabitants of this province—and that the island was regularly supplied, by boats from the American shore, with provisions and munitions of war,—I approved of the recommendation of Colonel M'Nab, commanding the expedition on the Niagara frontier, that a naval force or flotilla, under officers of experience, should be constituted; and feeling that it would be unjust, that, in the name of her Majesty, I should require naval officers to leave the back woods, into which they had retired, without recognising them in the professional capacity in which I had especially called them into action, I directed my military secretary, Colonel Strachan, to forward to Colonel M'Nab a written communication, a copy of which is herewith enclosed, directing him to call upon such naval officers in the province as he might deem proper to select, to afford me their services, on the understanding that they would receive their full pay during the period they were thus publicly employed by me on her Majesty's service.

In consequence of the above communication (which I at once think it right to acknowledge contains no authority beyond what the Lords of the Admiralty may, from the emergency of the case, deem proper to conform to it) Colonel M'Nab called upon Captain Drew, R. N., to collect and command a flotilla of gun-boats and other craft, to be immediately fitted out for the purpose of attacking Navy Island.

While the gun-boats were being prepared, the American force, under the American commander styling himself General Van Ranssaler, continued, day after day, to fire from Navy Island, upon the unoffending inhabitants of the Niagara frontier, although not a gun had been fired on the part of the British, although the American forces on our island were daily increasing, and although a steam-boat, chartered by these pirates, was actually employed in transporting to the island munitions of war for the purpose of aggravating the insult which, in a moment of profound peace, had perfidiously been made by American citizens upon her Britannic Majesty's dominions.

Under these circumstances, Colonel M'Nab determined, as an act of self-defence, to call upon Captain Drew to capture, burn, or destroy this steam-boat.

Accordingly, about eleven o'clock the same night, Captain Drew, with five boats, containing nine men each, pushed off from the British Shore. The boats were commanded by Captain Drew, R. N., Lieutenant M'Cormack, R. N. Lieutenant John Elmsley, R. N. Lieutenant Christopher Beer, R. N., and — Gordon, a commander of a steam-boat.

The crew were composed of volunteers, who embarked in total ignorance of the service in which they were about to be engaged, Captain Drew's requisition having merely stated "that he wanted a few fellows with cutlasses who would follow him to the devil."

As soon as they were clear from the shore, Captain Drew ordered his followers to rest for a few moments on their oars, and, while the current was hurrying them towards the Falls of Niagara, which were immediately below them, he briefly explained to the crew the duty he required them to perform, and the post respectively to be assigned to each. Silence was then preserved until Captain Drew's boat came within fifteen yards of the steamer (which was obscurely seen moored to the American wharf at Fort Schlosser,) when the sentinel on board in a hurried manner called out "Boat ahoy! boat ahoy! Who comes there?"

A man in the bow of the leading boat replied "Friend!" on which the sentinel called for the countersign. "I'll give it to you when we get on board," replied Captain Drew, who, by this time being close to the vessel, boarded her on the starboard gang-way, and, from an over-anxiety in his crew to follow him, it so happened that for more than a minute he was the only assailant on the pirate's deck. Captain Drew then encountered five men, one of whom fired his musket close to his face, but, missing, he (Captain Drew) immediately cut him down.

Captain Drew then disabled another of the pirates, and, with the flat of his sword, driving the other three before him, occasionally hastening them with the point, he made them step from the vessel to the wharf.

By this time Lieutenant M'Cormack had boarded on the starboard bow, and it being so dark that he could not recognize the men he found there, he asked them "if they were friends or enemies?" One of them replied, "An enemy!" and immediately firing, shot him through the left arm. Lieutenant M'Cormack instantly cut this man down; several of the pirates then fired upon Lieutenant M'Cormack, and wounded him in five places; yet, in spite of this, he effectually disabled another of them, and then sinking from loss of blood, the vessel was carried, when Captain Drew immediately ordered a party of his men to cut her off.

It was, however, found that she was moored to the wharf by chains from the bow and quarter, which it required nearly fifteen minutes to unloose.

During this delay the American guard stationed at the inn above Fort Schlosser turned out and commenced firing upon the assailants; in consequence of this Lieutenant Elmsley, R. N., heading a volunteer party of sixteen men, armed with nothing but their cutlasses, advanced about thirty yards towards them, and, forming in line, they gallantly stood there to protect the vessel against the American riflemen until the chain cables were cast off.

The crews, now returning to their respective boats towed the vessel from the wharf, but the current irrevocably drifting her towards the Falls of Niagara, Captain Drew, assisted by one man, set her on fire, and, as soon as she was fairly towed into the stream, the assailants, finding she was more than they could hold, let her go, and, giving her three British cheers, they rapidly pulled away for their own shore, while the pirate steamer slowly glided towards her doom!

A small light glowing within her suddenly burst from her hold, and in a few minutes the guilty vessel, enveloped in flames, was seen hurrying towards the rapids, down which she hastily descended until, reaching the crest of the Great Horse-shoe Falls, over she went.

Your Lordship will imagine, better than it is possible to describe, the solemn magnificence of this spectacle; yet it does not exceed the moral picture exhibited at the capture of the vessel.

The justness of the cause, the noble project of the attack, the coolness with which it was executed, and, lastly, the mercy that was shown by our brave fellows the moment the vessel was their own, are naval characteristics which reflect honour on the British empire in general, and on this noble province in particular.

I therefore feel it my duty to request your Lordship to lay my humble testimony of the merits of Captain Drew (whose intrepidity and generosity are beyond all praise) before the Lords Commissioners of the Admiralty, to whose liberal consideration I beg leave most earnestly, but respectfully, to recommend him.

I also feel it my duty to bring before their Lordship's especial consideration the case of Lieutenant M'Cormack, who is still lying on his back completely disabled, and I much fear that one of his five wounds will require the amputation of his left arm.\*

\* I visited this officer shortly after he was brought on shore, with five gun-shot wounds through him. He was of course in a high fever, but, even in that state, he expressed the satisfaction he felt at having had an opportunity of serving his country.

This loss to a backwoodsman, upon whose manual labour his family is dependent for support, is irreparable; and I feel confident that her Majesty's Government will consider that, as it is highly advantageous that the Queen should be enabled to call upon the retired naval officers in this province whenever their professional services on the lakes may suddenly be required, so it is not only just, but politic, that, if disabled, they should not be allowed to suffer from privations which might tend to deter others from following their noble and patriotic example.

Although naval or military officers when called upon by their Government are in no way responsible for the political consequences of the daring measures they are ordered to effect, yet I cannot help assuring your Lordship that the capture of the *Caroline* has been productive of the most beneficial consequences. Before it took place American "sympathy" for our absconded traitors was unbridled and unchecked.

The state arsenals were openly plundered, subscriptions were openly collected, provisions as well as munitions of war, were openly supplied; and while her Majesty's Government in Upper Canada was subjected to enormous expenses, and while the unoffending inhabitants of this province were kept in a state of painful anxiety, the inhabitants of the American frontier were actually amusing themselves at our sufferings, and were even making parties of pleasure for the purpose of inspecting the preparations on Navy Island.

No sooner, however, was the *Caroline* in flames than a sudden excitement prevailed; but it was the excitement of *fear*. The women fled from the villages on the coast—people who had fancied themselves *bed-ridden* decamped—and the citizens of Buffalo evinced the greatest possible consternation for the safety of their town.

Immense expenses were immediately incurred by the Americans for the purpose of self-defence, and, considering how much Upper Canada had been obliged to expend on this principle, I trust your Lordship will admit that it was salutary, politic, and, above all, *just*, to make our American allies participate in the lamentable consequences of their own perfidy towards us.

Of course there were not wanting those who argued that the excitement produced by this bold act of justice would irritate our assailants; however, it may be observed that it is impossible to make war palatable to one's enemy, and that, indeed, it is not advisable it should be so.

The result has now spoken for itself. The pirates have fled from Navy Island, their plan of invading the Niagara frontier has been abandoned, and our allies, arrantly ashamed of themselves, are now merely our enemies from that odd principle in human nature, which invariably makes men hate and envy those whom they have injured.

Our militia forces on the frontier have nearly all been allowed to retire to their homes; but, as the flotilla of boats requires to be guarded, and as I think it highly advisable that some officer of experience should watch the naval movements of the Americans, I have directed Captain Drew, by two orders, (copies of which are herewith enclosed,) to continue his pendant flying until I shall have had time to communicate to your Lordship.

As the expense of this precaution and observation will be very trifling, I would strongly recommend that it should be continued for at least a year; for, as several vessels are now building on the lake, it would be prudent that we should have some one whose duty it is to ascertain whether any suspicious alteration is effected in their structure.

Trusting that your Lordship will offer to the Lords of the Admiralty my apology, in case I should have given any orders they may see reason to disapprove of, and that you will be so good as to lay before them Colonel M'Nab's recommendation in favour of Lieutenant Elmsley, a member of my Executive Council, to whose intrepidity I can myself bear testimony.

I have, &c.

(Signed)

F. B. HEAD.

To the Right Honourable the LORD GLENELG.

In reading the foregoing despatch, as also the documents appended to it, the reader will, I think, join with me in regretting that, although this was the first naval victory in her Majesty's reign, my unceasing applications for the promotion of Captain Drew, and for a pension for Lieut. M'Cormack, neither of whom I had ever seen before they captured the *Caroline*, have been unavailing!

TORONTO, 20th December, 1837.

SIR,

I am commanded by the Lieutenant-Governor to inform you that, should you require the assistance of naval officers of experience to recover possession for her Majesty of Navy Island, his Excellency desires that you will call upon such naval officers in the province as you may deem proper to select to afford him their services, and that you will explain to them that they will receive their full pay during the period they are thus publicly employed by his Excellency in her Majesty's service.

I have, &amp;c.

(Signed) J. M. STRACHAN,  
M. S.

HON COLONEL M'NAB.

By me, Allan Napier M'Nab, Colonel Commanding her Majesty's Forces on the Niagara Frontier.

By virtue of the power and authority vested in me, as the Colonel Commanding Her Majesty's forces on this frontier, by his Excellency Sir Francis Bond Head, Baronet, &c. &c. Lieutenant-Governor of the province of Upper Canada, in a despatch dated this twentieth day of December instant, commanding me to call forth the services of such officers of her Majesty's Royal Navy as may be necessary for the purpose of organizing an armed naval force to co-operate with the troops under my command in the reduction of Navy Island.

I hereby authorize you to take upon yourself the charge and command of the naval department, to act in concert with me. You will organize such a force of armed vessels and boats for a flotilla as will protect the landing, and transport one thousand men from the Canadian shore to Navy Island.

You will also make such other arrangements as in your judgment you may think necessary for the good of her Majesty's service, and for effecting the object of the expedition. For which this shall be your sufficient warrant.

Given under my hand at \_\_\_\_\_, this twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven.

(Signed)

ALLAN MACNAB,  
Col. Com.

Commander ANDREW DREW.

NIAGARA FRONTIER,  
CHIPPEWA, January 17th, 1838.

Navy Island having been evacuated by the rebels, you will immediately proceed to lay up the vessels and boats composing the flotilla under your command in safety for the winter.

You are hereby authorised to continue on the spot yourself until further orders, with such a complement of naval officers and seamen as you may deem sufficient to take proper care of the flotilla.

(Signed)

F. B. HEAD.

CAPTAIN DREW, Chippewa.

SIR,

TORONTO, February 4th, 1838.

You are hereby Commanded,—in addition to the duties already pointed out to you, of protecting the property of her Majesty lately employed in the Naval Department, and placing the schooners and flotilla in a place of security,—to use your utmost endeavours to procure such information of the movements of the rebels, or any other persons inimical to her Majesty's Government, as may conduce to the interest of her Majesty's service; taking care, however, to be extremely cautious and circumspect in the discharge of your duty; to avoid everything that could in the least degree compromise the dignity of her Majesty's Government, or give just cause of complaint to the Government of any other country at peace with Great Britain. You will report your movements to me, as also to the Lords Commissioners

of the Admiralty, as often as occasion may require; and you will continue your pendant flying, until I shall have had time to communicate these instructions to her Majesty's Principal Secretary of State for the Colonies.

CAPTAIN DREW, R. N.

(Signed)

F. B. HEAD.

HEAD QUARTERS,  
CHIFFEWA, January 20th, 1838.

SIR,

I have the honour to enclose the report of Captain Drew, R. N. commanding the Naval Brigade on the Niagara River; and the services of that force being no longer required, I have given them leave (with the exception of Captain Drew) to return to their homes. That valuable officer will retain a sufficient number of officers and men to dismantle the vessels and lay them up.

The conduct of Captain Drew, and the volunteers under his command, has been most efficient since they joined the service. Where all have so nobly done their duty, it may appear improper to mention the names of individuals who have signalized themselves while on this station; I cannot, however, refrain from mentioning the names of Lieutenants M'Cormack and Elmsley; the former was dangerously wounded in gallantly boarding the *Caroline*, and is still in the hospital; the latter has been actively employed, almost day and night since he joined Captain Drew's squadron; and I am authorised by Captain Drew to say, that he has received the most valuable services from that officer; and I do Lieut. Elmsley but justice in saying, that the dangerous nature of the duty which was assigned to him brought him more under the fire of the enemy than any other under my command.

I have, &c.

(Signed)

ALLAN N. MACNAB,  
Colonel Commanding M. & N. B.

Lieut. Colonel STRACHAN,  
Military Secretary.

No. 18.

TORONTO, Upper Canada, 21st Feb. 1838.

MY LORD:

I have the honour to inform your Lordship, that having consulted my Executive Council, and the Speakers of the Legislative Council, and the House of Assembly, I yesterday determined that on Tuesday, the 27th instant, I would prorogue the Provincial Parliament.

I feel confident that by doing so I shall relieve Sir George Arthur (whose departure from England we have not yet heard of) from the very difficult and embarrassing situation in which he would be placed, were he, on his arrival here as a stranger, to be suddenly called on to assent or dissent from bills, on the policy or impolicy of which he had no time to consider.

I feel confident, it is only fair to Sir George Arthur, that he should have a few months leisure before he be called upon to meet the Legislature.

I may also inform your Lordship, that in consequence of the disturbed state of Lower Canada, and of the United States, many of the members have felt it advisable to return to their constituents, and that others are very desirous to do so.

I have, &c.

(Signed)

F. B. HEAD.

The Right Honourable,  
LORD GLENELG.

When, labouring in a distant country, one has been by public opinion unjustly reviled, there is something highly gratifying in that retributive justice with which in England, the error is generously admitted, so soon as by the light of truth it is clearly perceived.

This observation particularly alludes to the sentiments contained in the following speech, which at the time it was promulgated were declared in England to be a libel on the Americans; and yet these sentiments have at last nobly resounded, infinitely louder than I proclaimed them, in both Houses of the Imperial Parliament.

*Honourable Gentlemen of the Legislative Council: and,  
Gentlemen of the House of Assembly:*

Considering the circumstances under which you were hastily assembled, it is satisfactory to me to observe that you have been enabled, notwithstanding occasional anxiety from attempted invasions of our frontier, to give your deliberate attention to the public interests, and to mature some valuable measures.

*Gentlemen of the House of Assembly:*

I thank you for the supplies which you have granted for the support of the Civil Government during the present year.

*Honourable Gentlemen, and Gentlemen:*

I regret to say that there still exists, among a portion of the American people, so strong a desire to force upon the free inhabitants of this province republican institutions, that, with scarcely an exception, every Government arsenal, from Lake Champlain to Lake Michigan, has within the last two months been broken open and plundered, to furnish arms for the invasion of this portion of the British empire; and, however the circumstance may be explained, it is certainly a remarkable fact, that all these robberies have been effected without the sacrifice of a single life, and without even the imprisonment of the person who is notoriously the instigator of these acts.

The wrong which citizens of the neighbouring States have committed, by thus attempting to dictate to the inhabitants of Upper Canada the form of government under which they are henceforward to exist, will, as the assertion of a new theory, be condemned by the civilized world as severely as in practice it has been repudiated by the people of this province.

What right, it will be calmly asked, have the inhabitants of one country, armed with the artillery and weapons of their Government, to interfere with the political institutions of another? What excuse, it will be gravely considered, had citizens of the United States for invading the territory of Upper Canada?

When our coloured population were informed that American citizens, sympathising with their sufferings, had taken violent possession of Navy Island, for the double object of liberating them from the domination of British rule, and of imparting to them the blessings of republican institutions, based upon the principle that all men are born equal, did our coloured brethren hail their approach? No! on the contrary, they hastened as volunteers in wagon-loads to the Niagara frontier to beg from me permission that, in the intended attack upon Navy Island, they might be permitted to form the forlorn hope—in short they supplicated, that they might be allowed to be foremost to defend the glorious institutions of Great Britain.

When the mild Aborigines of this Continent, who live among us uninjured and respected, were informed that citizens of the United States, disregarding the wampum-belt which was sacredly connecting them with Great Britain, had invaded our shores to sympathise with the sufferings of the red tenants of the forest, and to offer them American friendship instead of the enmity of British rule, did our Indian brethren hail their approach? No, their chiefs and warriors instantly painted their faces for battle, and with rifles in their hands these free-born defenders of their virgin soil appeared before me with a solitary request, namely, that in case of their death their wives and children might be pensioned. The Six Nations Indians, the Missisaguas, the Chippewa, the Hurons and the Ottawas, spontaneously competed with each other in a determination to die, if necessary in defending the British Government, under whose parental protection they and their fathers had been born.

When the Canadian farmers and yeomen of British origin were informed that citizens of the United States sympathising with their sufferings, had in three instances taken forcible possession of Her Majesty's territory, for the purpose of liberating them from British domination—that, with this object in view, the American leaders had issued proclamations, promising to each liberator three hundred acres of the best lands of Upper Canada, with one hundred dollars in silver,—that the American self-styled General in command of the liberators had called upon the citizens of Upper Canada “to free their land from tyranny”—to rally round the standard of liberty”—“to lay down their arms”—in which case, it was beneficently promised to them that “their persons and property should be protected,” and that if they would “cease resistance, all would be well with them,”—did the Canadian inhabitants hail their approach? No, on the contrary, their brave and loyal militia, although totally deprived of the assistance of

her Majesty's regular troops, rose simultaneously, and, regardless of every private consideration, wherever the invaders appeared, thousands of bayonets were seen bristling on our shore, ready to receive them. On the eastern, as well as on the western frontier, but one feeling prevailed,—it was a noble determination on the part of free men to conquer or die in defence of their religion—their constitution—their character—their families—and their farms; yet, notwithstanding their excited feelings, when the American citizens, who, from an armed schooner, had cruelly battered the town of Amherstburg, fell into the hands of the brave militia of the Western District (in which not a single rebel had been in arms,) did these prisoners fall victims to popular fury, or were they even insulted? No; the instant our invaders surrendered to British power, they experienced that mercy which adorns the British name,—their wounds were healed at our hospitals,—and, from the western extremity of Upper Canada, they were conducted unharmed through the province, safe under the protecting ægis of our laws!

When a band of rebels, defeated in their cruel object to reduce this capital to ashes in the depth of a Canadian winter, were, after the conflict at Gallows Hill, brought to me as prisoners on the field—was any distinction made between American-born and our other Canadian subjects? No, all were released. Before the assembled militia of Upper Canada all were equally pardoned; and though many of our brave men, smarting under feelings natural at the moment, evidently disapproved of the decision, yet all bowed in obedience to the administrator of the laws, and, under the noble influence of Monarchical Government, they allowed their assailants to pass uninjured through their ranks.

When the gallant inhabitants of the provinces of New Brunswick and Nova Scotia received intelligence that American citizens had commenced an attempt to free the British North American Colonies "*from the tyranny of British rule,*" did they rejoice at the event? No; a burst of loyalty resounded through their lands, and a general desire to assist us was evinced.

If Upper Canada were merely a young, healthy province, with no protection on the continent of America but its character, its industry, and the agricultural difficulties it has to contend with—its filial attachment to its Government—the bravery it has shown in its defence—and the mercy it has extended to its captured assailants, ought to be sufficient to make its aggressors ashamed of their late attempt to force upon their neighbors institutions which they conscientiously and unequivocally reject. But when it is considered that Upper Canada is an integral portion of the British empire, and that the two countries are at this moment bound together by a solemn treaty of peace, the faithless attack of citizens of the United States upon the province, after it had completely quelled a slight domestic insurrection, will, if persisted in, excite feelings among the generous nations of Europe, which will add but little to the character of republican institutions; for surely the smile of a nation should not be more dreaded than its frown, or its extended hand be more fatal than its uplifted arm.

When the facts just stated are clearly comprehended by intelligent men, how will the American citizens, who have so wantonly attacked the British empire, find it possible to explain that the province of Upper Canada required them to interfere in its concerns?

There are two facts which the American nation have not power to deny.

1st. That it is their interest as well as their duty to fulfil their treaties.

2nd. That if their people be permitted to rob the United States arsenals in order to invade a friendly power, the lawless body will very soon find out that it is easier to plunder their own wealthy, defenceless citizens, than the poor, brave, well-armed people of Upper Canada.

I have felt it to be the especial duty of the legislative station I hold, not only to protest against the unprincipled invasion of this province by its allies, but to vindicate the inhabitants from the unreasonable accusation, which, without due inquiry, was made against them by the federal Government of the United States, of having "*assassinated*" the crew of the *Caroline*.

The memoir of the attack which has just been made upon us, offers a moral to the mother-country which I feel confident will create throughout the empire considerable sensation; for, although the old country is not without its share of human misapprehension and prejudice, particularly as regards its transatlantic possessions, yet, when facts are clearly submitted to it, its judgment is always sound, and its verdict nobly impartial.

The struggle on this continent between monarchy and democracy has been a problem which Upper Canada has just solved.

It has been very strongly argued, even in England, that democracy was the only form of government indigenous to the soil of America, and that monarchy was a power which required here artificial support.

With a view to subvert this theory, the whole of the Queen's troops were allowed to retire from the province, and, the result, as had been anticipated, was, that the people of Upper Canada were no sooner left uncontrolled than they proclaimed themselves in favour of monarchical institutions. Surrounded by temptations on almost every side, they indignantly rejected them all; in a few hours they successfully put down insurrection in their own land; and when American citizens, astonished as well as disappointed at their loyalty, determined to force them to become Republicans, people of all religions, and of all politics, rushed to the frontier to die in defence of their glorious constitution.

The conduct of the Militia of Upper Canada attracted the attention of the gallant and loyal inhabitants of New Brunswick and Nova Scotia, whose Legislatures have done themselves, as well as this province, the honour of promptly expressing their unqualified approbation of the attachment which has been evinced here to the British constitution.

When these facts shall arrive before the English people, and when they shall also have taken into their consideration the devoted and unalterable attachment which the British population of Lower Canada have evinced for our revered institutions, surely they will come to the conclusion that the concurrent opinions of her Majesty's North American Colonies, respecting the relative advantages between monarchy and democracy in America, must be sounder than their own can be, inasmuch as eye-witnesses judge more correctly than people can possibly do who are living four thousand miles off.

The people of England will, I trust, not fail to admire the calmness, the resolution, the generosity, and the honourable subjection to their laws, which have distinguished the inhabitants of Upper Canada; and on the other hand, they certainly cannot fail to observe that the republican project of our English Reformers, namely, to make the people, bit by bit, responsible only to themselves, has ended, in America, by the Government of the United States confessing its total inability to restrain the passions of its citizens, to guard its state arsenals, or to maintain its treaties with its oldest and most natural ally.

Lastly, the British people will, I trust, observe with considerable alarm, that the leading advocates for organic changes in our institutions are either at this moment lying in our gaols as traitors, or, from having absconded, are self-banished from the province;—in short, that their pretended efforts to obtain in Upper Canada, what they called "LIBERTY FOR THE PEOPLE," has ended in a most infamous and self interested attempt to plunder private property, rob the banks, and burn to ashes the rising capital of their country!

With this experience before our eyes, I must confess I join with the Legislature and people of Upper Canada in shuddering at the abused name of "*reform*," just as we now recoil with abhorrence when we hear suddenly pronounced the word "*sympathy*."

As my successor is hourly expected here, I return to the mother-country as I left it, totally unconnected with party or with politics; but in retirement I shall remember the lessons which the people of Upper Canada have taught me; and I feel it my duty to declare, that I leave the continent of America with my judgment perfectly convinced, that the inhabitants of Europe, Asia and Africa, are *right* in their opinion that all men are not by nature equal,—that the assertion to the contrary in America is a *fallacy*,—and that talent, industry and character, must elevate individuals, as they do nations, in the graduated scale of society.

May the resplendent genius of the British constitution ever continue to illuminate this noble land, and, animated by its influence, may its inhabitants continue to be distinguished for humility of demeanour—nobility of mind—fidelity to their allies—courage before their enemy—mercy in victory—integrity in commerce—reverence for their religion—and, at all times, and under all circumstances, implicit obedience to their laws.

Honourable Gentlemen and Gentlemen,

FAREWELL!

TORONTO, 3rd March, 1838.

SIR,

"I have the honour to inform your Excellency that on the 22nd and 23rd ult. a body of American citizens with arms and cannon, under the command of Mr. Van Ransallaer and

others (having previously broken open and robbed the United States arsenal at Watertown,) invaded and took possession of Hickory Island, a small territory belonging to her Majesty in the St. Lawrence, about sixteen miles below Kingston.

I have also the honour to transmit to your Excellency a copy of a communication I have received from Colonel the Hon. John Maitland, commanding her Majesty's forces on the western frontier, by which you will perceive that on the 25th ult. a similar invasion of the Queen's territory was committed by a large body of American citizens, who, from the province of Michigan, with arms and cannon, invaded and took possession of Fighting Island, a long slip of land situated between Sandwich and Amherstburgh.

I beg leave to call your Excellency's particular attention to the two circumstances remarked upon by Colonel Maitland, namely, that the arms which our gallant men captured from the perfidious invaders of our soil were *new* United States muskets, and that, when these ruffians were forcibly driven from our island, instead of being captured by the American authorities, they were allowed to form in line on the American Shore, from whence they opened a fire upon her Majesty's troops.

It only remains for me to apprise your Excellency that I have been informed, from undoubted authority, that, with scarcely an exception, every one of the United State arsenals, from Lake Champlain to Lake Michigan, have been broken open for the purpose of enabling American citizens to invade us; and it is an act of atrocity unrecorded in the history of civilized nations, that Van Rensselaer and M'Kenzie, who have instigated their followers to these acts, remain to this moment at liberty.

I have, &c.

F. B. HEAD.

His Excellency Henry S. Fox, Esq.

*Upper Canada, Toronto, March 6th, 1838.*

MY LORD :

I have the honour to transmit to your Lordship copies of two messages which I have addressed to the two Houses of the Provincial Parliament, 1st, on the subject of the destruction of the Caroline steam-boat; 2nd, on a communication which has been addressed to me by Sir Colin Campbell, Lieutenant-Governor of Nova Scotia.

I have, &c.

(Signed)

F. B. HEAD.

The LORD GLENELG.

GOVERNMENT HOUSE,  
*Toronto, March 6th, 1838.*

SIR,

It is with sincere pleasure that I transmit to your Excellency resolutions from the Legislative Council and House of Assembly, in reply to those forwarded to me in your Excellency's obliging communication of the 6th January.

Besides the documents, I beg you will be so good as to convey to your Legislature, my thanks for the honour it has conferred upon me by connecting my name with the province of New Brunswick, which, in her Majesty's North American Colonies, has always been so conspicuous for its loyalty, and for its noble attachment to the principles of the British Constitution.

I have, &c.

F. B. HEAD.

His Excellency Major General

Sir JOHN HARVEY, K. C. B.

GOVERNMENT HOUSE,  
*Toronto, March 8th, 1838.*

SIR,

I request that your Excellency will do me the favour to transmit to the Legislative Council of Nova Scotia my thanks for the honour it has conferred upon me by its resolutions, dated 29th January last, conveyed to me in your Excellency's obliging communication of the 6th of February.

It gives me very great pleasure to be enabled further to request your Excellency to transmit to the Legislative Council of Nova Scotia the accompanying resolutions from the Legislative Council and House of Assembly of this province.

I have, &c.

F. B. HEAD.

Major General Sir COLIN CAMPBELL, &c.

No. 28.

*Upper Canada, Toronto, 6th March, 1838.*

MY LORD,

I have the honour to transmit to your Lordship a copy of an address which was read to me this day, while seated on the Throne, by the Speaker of the House of Assembly.

I have, &c.

F. B. HEAD.

The LORD GLENELG.

*Copy of the Speaker's Address*

MAY IT PLEASE YOUR EXCELLENCY:

We, her Majesty's most dutiful and loyal subjects, the Commons of Upper Canada, have granted to our Sovereign Lady the Queen the supplies necessary to enable her Majesty to carry on the civil government of this province for the present year.

Upon looking back upon the various important communications which have been made by your Excellency to the House of Assembly during the present session, we cannot but congratulate you and the country upon the firm and noble attitude assumed by your Excellency in all those public documents which have emanated from your Excellency.

When we reflect upon the serious occurrences that have taken place in Upper Canada, and upon its borders, within a few months past, and upon the distinguished part taken by your Excellency to maintain the honour and interests of our country during that short but eventful period, we find equal cause of gratulation. Rebellion has been crushed, the attacks of perfidious citizens of a foreign power have been repelled, and peace reigns triumphant within the bounds of your Excellency's government. We trust that the provisions of the militia-law, to which your Excellency has just given the royal assent, may, under Divine Providence, contribute to the preservation of this loyal portion of the British Empire from the aggression of all enemies, whether foreign or domestic.

From the message of Your Excellency, transmitted to both Houses of the Legislature, we have too much reason to believe that the present will be the last time we ever shall have the honour of meeting your Excellency on an occasion like the present.

In the name of the people of this province, I offer to your Excellency the expression of their deep regret that your Excellency should have felt constrained to tender to her Majesty your resignation of the government of this province, which your Excellency has administered with so much credit to yourself and advantage to the country.

The people of Upper Canada will ever retain a grateful recollection of the services of your Excellency; and they feel assured your Excellency will meet with a due reward at the hands of our youthful and beloved Queen.

It now only remains for me to present to your Excellency, for the royal assent, the Bill to provide for the civil government of this province for the current year.

No. 33.

*Toronto, 14th March, 1838.*

MY LORD,

I have the honour to transmit to your Lordship a copy of a despatch from Colonel the Honourable John Maitland, commanding the forces in the western district, detailing the gallant manner in which he marched against a large body of organised Americans, who had taken possession of Point Pelé Island, which they had invaded.

Your Lordship will perceive that the American force retreated as soon as he advanced, and, traversing the island, which is nine miles long, quicker than it was possible for him to follow them, they came in sight of a couple of companies of the 32nd Regiment, under the command of Captain Brown, which had been purposely stationed on the ice, with a view to cut off their retreat to the American shore.

The Americans, seeing this small party, determined to attack them with their whole force, and, advancing toward them, they availed themselves of a quantity of broken ice, behind which they were, to a certain degree, protected, and then opened their fire.

In a short time about thirty of our brave men fell, and there can be no doubt that in a few minutes they must have been all mowed down by the destructive fire of so many rifles and muskets, had not Captain Brown, with admirable decision, ordered his men to charge.

The Republicans stood their ground until the monarchical troops arrived within about twenty yards of them, when, abandoning their position, as also their principle that "all men are born equal," they decamped in the greatest confusion, and reached the shore; and, had they there rallied behind the trees, it would have been impossible for so small a party of men to have dislodged them; however, they continued to retreat, and were completely driven from our island.

If your Lordship will be so good as to compare the date of this action with the attacks that were made about the same day upon the province at Hickery Island, near Kingston, and at Pantalino, opposite Buffalo, you will perceive that a simultaneous effort was made to gain possession of Upper Canada.

In all quarters it has been repulsed, and I am happy to say that in no instance have our faithless allies dared to attack the main land, their attempts at conquest having only been directed upon our own islands.

I have every reason to believe that this is the last effort which will be made; and I have no doubt that its expected success has been the reason why the Federal Government at Washington have so unaccountably delayed to legislate on the subject of these unprincipled aggressions.

Seeing that they can make no impression upon us, I fully expect they will now adopt measures which they should not have delayed.

I hear from every quarter that the excitement, or sympathy, in the United States is rapidly subsiding.

In the attack at Point Pelé Island, the Americans not only lost their commanding officer, but, the following day, General Sutherland, the author of the proclamations alluded to in my speech on proroguing the Legislature, was, with his aid-de-camp, Captain Spencer, taken prisoner, and, two days ago, they were brought here, through the province, under a guard only of twelve men.

I immediately ordered Mr. Sutherland to be tried by a Court-martial, before which he was yesterday arraigned.

In the course of last night he managed to open veins in each arm and in each instep, and this morning he was found nearly lifeless from the loss of blood; in consequence of which, the Court-martial has adjourned until Saturday.

I have, &c.

F. B. HEAD.

The Right Honourable,  
The Lord GLENELG. &c.

P. S.—I have this morning received, for the first time, intelligence of the departure from England of Sir George Arthur, but I have not yet heard of his arrival at New York. I find that Colonel Maitland's despatches are in the hands of the Judge Advocate of the Court-martial, and I fear they can scarcely be copied in time for this mail.

*Copy of the confession of the American General, Sutherland, made a few minutes before he attempted self-destruction.*

GARRISON, TORONTO, 22nd March, 1838.

Sir,

In compliance with the wish expressed by your Excellency, that I would reduce to writing that part of the conversation that I had with the prisoner, Thomas Jefferson Sutherland, on the 13th instant, which related to the United States Government, I have the honour to transmit, for your Excellency's information, the following statement, which, as nearly as I can recollect, is correct.

While visiting the prisoner, on the evening of the 13th, with the officers of the guard, I was requested by Sutherland to sit a short time and converse with him. Having ascertained that I did not belong to the Militia, or was connected with the Court-martial then sitting for his trial, he entered freely into conversation, but chiefly on the politics of the country, and stated his own views, and, as he said, those of his Government, for the line of conduct lately pursued by them.

He said it was the aim of the United States to become a great naval nation; that they could not be a military one, as a standing army of any force was not compatible with their institutions, and, instead of supporting the Government, would be first to cause its overthrow; therefore their attention was directed to their navy, and their means of increasing it: the greatest obstacle they had to contend against was the possession by Great Britain of the Canadas, from which she could, at any moment, throw a large body of troops into their territory. *It was their determination, at all hazards, to obtain the Canadas as they had Texas, and then they would have the sea-board from the Gulf of Florida to the Northern Ocean.*

I asked him, when he said "they," did he mean the people of the United States, or the Government? His answer was, that *the people of the United States were the Government, and the will of the people was the law, by which their rulers must abide*; that in the acts of the Americans in favour of the insurrection in this province, and in the Proclamation of the President and General Scott to put down the meetings and arm the Patriots, the Government had acted with duplicity, for it was not their wish or their intention to suppress them; "*In fact,*" said he, "*it is a piece of humbug on their part; and, as a proof of it, I will now tell you that none of the arsenals were robb'd of the arms, but the doors were opened, and we were told to help ourselves.*"

This is all I remember which I consider material for your Excellency to be acquainted with, and, trusting it may meet with your approval,

I have the honour to be,

With great respect,

Your obedient humble servant,

(Signed) WILLIAM SPRING,  
Lieutenant-Adjutant, 24th Regt.

Certified to be correct,

GEORGE SIDINGHAM,  
Assistant-Surgeon, 24th Regt.

(City of Toronto to wit.)

William Spring, Lieutenant and Adjutant of her Majesty's 24th Regiment, being duly sworn upon the Evangelists, deposeth and saith, that the above statement is just and true in all its particulars.

Sworn before me, this 23rd March, 1838.

GEORGE GURNET,  
Ald. and J. P.

(Signed) WILLIAM SPRING.

No. 38.

TORONTO, 17th March, 1838.

MY LORD:

From the particular circumstances under which I have been placed here, I have felt it necessary to agitate the public mind more than was congenial to my habits, or perhaps, more correctly speaking, to the station I hold.

It is not my desire to defend the irregularity, which I am sensible can only be excused by its success; but, inasmuch as the animosity which I have purposely endeavoured to create in Upper Canada against republican institutions may be considered by her Majesty's Government to amount to an expression of opinion on my part in favour of actual hostility against the United States, I am anxious, before I leave the province, to explain to your Lordship that I am very far from desiring to recommend any such measure.

Although it has been absolutely necessary that by a species of agitation I should rally around me the loyal and brave militia of this province, yet I can assure your Lordship I have done so merely on the defensive principle, and that nothing has been further from my intention than to do anything offensive to the Americans or their Government.

To all those in authority under me I have strongly recommended this course of procedure, and I enclose to your Lordship a private letter (A) which I some time ago addressed to the Governor of the neighbouring State of New York, which will, I believe, satisfy your Lordship, of the desire I evinced to co-operate with the American authorities in maintaining our treaty inviolate.

I have not time, nor would it be perhaps proper that I should now detail to her Majesty's Government the many reasons which, in my humble opinion, exist against our declaring war with the United States; but on my arrival in England, should it be desired, I would do so; and it would certainly give me very great satisfaction to be enabled to contribute towards an object of so much importance to humanity in general, and to the British empire in particular.

I have, &c.

F. B. HEAD.

The LORD GLENELG, &c.

(Copy.)

(Letter referred to, A.)

*His Excellency W. L. Marcy, Esq. Governor of the State of New York*

TORONTO, December 27th, 1837.

DEAR SIR,

I have just received information that your Excellency has taken the trouble to come to Buffalo, for the purpose of preserving the peace which has so long happily existed between Great Britain and the United States.

This exertion on the part of your Excellency is, I can assure you, duly appreciated by me, and it has induced me to determine on crossing over to Niagara to-morrow, from whence I will proceed to Fort Erie, and will have the pleasure of calling on your Excellency at Buffalo, at any hour, and at any place in the city,\* on Friday the 29th instant, which your Excellency may be so kind as to appoint, in a note addressed to me, to the care of the officer commanding the Canada Militia, at Chippewa.

I have, &c.

F. B. HEAD.

*Reply to the above.*

ALBANY, January 3rd, 1838.

SIR,

I have just received your letter of the 27th ultimo, directed to me at Buffalo, and forwarded to this place. Your Excellency was misinformed as to my being at Buffalo at the time you addressed me. Had I been there, I should have readily assented to the proposed interview, in the hopes it might have led to some arrangement calculated to preserve the mutual relations between the United States and her Britannic Majesty's provinces of Canada, and quiet the apprehensions of the inhabitants on the frontier.

I have, &c.

W. L. MARCY.

His Excellency SIR FRANCIS BOND HEAD,  
*Lieutenant Governor.*

\* This visit would have been attended with some little risk, as the people of Buffalo were so highly excited, yet I thought they would surely respect me as the guest of their own Governor.

At the time I wrote this despatch to the Colonial Office, my reasons for recommending that we should avoid going to war with America rested on the same grounds as the reasons which had induced me to recommend a moral instead of a military government of our British North American provinces.

When the Americans began to invade us, if her Majesty's Government had supported me in calmly calling upon them, before the civilized world, to perform the duty they owed to the human character, and to the human family;—if remonstrance after remonstrance had publicly been administered to them until the old nations of Europe began to look askance at them, to mistrust their promises, and to recoil from their friendship; if, while this cheap moral medicine was working its effect, every robber invading Upper Canada, under the protection of no government, and under no national flag, had been, without exception, quickly hung, as, by the laws of nations, pirates always have been hung, there exists, I believe, no people on earth who would more sensitively have felt their disreputable station, and who more nobly and more promptly would have risen to redeem their national character, than the citizens of the United States, who, like all men, however brave they may be, cannot long bear up against being everywhere calmly looked down upon *by men of honour*.

If this simple policy had been pursued, about two millions of money would have been saved, and the difficulties of adjustment, which have now (hidden though they be) risen to an alarming degree, would have been arrested. But what has been our course?

When I calmly called shame upon the American people, it was said I was rashly offending them. When the piratical steamer, the *Caroline*, chartered to carry offensive weapons and invaders to her Majesty's island was gallantly captured, we were told we should involve the country in war. When robbers, who had invaded Upper Canada to murder its people became our prisoners, with uplifted eyes we were called upon, in the name of mercy, not to hurt them. When the Indian warriors, painting their faces, rose to defend their native territory against people whose savage fury made them mutilate with their bowie knives the very corpses of our officers, soldiers, and militia, it was preached to us, as from a tub, that Indian warfare ought not to be allowed!

In short, with democracy attacking us in all quarters, we were discouraged from defending ourselves either by word or deed; and, of course, under these circumstances, invincible moral power was gradually substituted by a costly military force, which is now hanging upon the neck of the nation as the mark of its abject weakness, rather than as the proof of its strength!

A country may undeniably submit to be insulted by its neighbouring government if it chooses, but surely it cannot be denied that a civilized community has no right whatever to compromise the laws of nations, by quietly submitting to piracy, which it is the bounden duty of all men to unite in suppressing. We have neglected this duty, and it now remains for us to pay a disgraceful penalty which is yearly increasing in geometrical progression.

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No. 44.

*Upper Canada, Toronto, 20th March, 1838.*

MY LORD,

I have the honour to enclose to your Lordship a printed copy of some addresses, &c., which have been presented to me in consequence of my resignation of the government of this province.

In justice to myself, as well as with a view to satisfy your Lordship, I am desirous of explaining that, on receiving your Lordship's despatch, informing me that my resignation had been accepted, and that my successor had been appointed, I at once determined to do everything in my power to prevent my departure from this province embarrassing my successor or the policy of her Majesty's Government.

I accordingly, without loss of time, mentioned to the Speaker of the Legislative Council, and the Attorney and Solicitor-Generals, who are members of the Lower House, it was my anxious desire that no private considerations should induce the Legislature to forget for a moment that we had an enemy on our frontier that could only be repelled by unanimity and high feelings.

I made a similar communication to the Mayor of Toronto, who came to inform me that some of the militia had thrown down their arms; and I can assure your Lordship that, whenever I had an opportunity, I did all in my power to allay the slight excitement which at first appeared to prevail.

As soon as some addresses reached me, I determined that I would return but one and the same short answer to them all, and, accordingly, I gave to the Constitutional Society of Quebec, and to various other public bodies, the identical reply which I had given to the blacks and Indians.

I have just declined to accept a public dinner in my way through Montreal; I shall do the same to a similar invitation which I see is in preparation at Quebec; and if, on my arrival in that city, I should find it unsafe for me even to go by the Kennebec road to New York, and should consequently proceed to England by Halifax, in travelling through the provinces of New Brunswick and Nova Scotia I shall pursue a similar course.

As Sir George Arthur has, I am informed, already reached Montreal, his arrival here is hourly expected.

I therefore take this opportunity, which may possibly be my last official despatch from this Government, to assure your Lordship that, in the opposition I have offered to the commands of Her Majesty's Government, and in the unreserved expression of my opinions, I have solely been guided by a sense of public duty, in defence of which I have nothing further to say; I hope, however, I shall not in vain request your Lordship to feel assured that it was never my intention to be disrespectful to your Lordship. If anything I have written bears that construction, I beg leave unequivocally to apologise for it.

I have the honour to be, &c.

F. B. HEAD.

THE LORD GLENELG, &c.

## CHAPTER XII.

Arrival in London.—Interview with the Secretary of State.—Letter to Lord Melbourne.—Correspondence with the Colonial Office.

On my arrival in London, I solicited an interview in Downing-street, with Her Majesty's Secretary of State for the Colonies, for the purpose of urging the claims upon Her Majesty's Government of Colonel FitzGibbon, who had commanded the attack of the rebels at Gallows Hill—of Captain Drew, who had commanded the successful attack of the Caroline—of Lieut. M'Cormack, who had been wounded, and disabled there—and of the Widow of Colonel Moodie, who had been cruelly murdered as he was gallantly bringing me intelligence of the approach of the rebels.

Having performed these duties of public gratitude for public services, I calmly complained to his Lordship of the want of due support from Her Majesty's Government on the most important occasions. What were my feelings on this and other similar subjects will, however, best be explained by a letter which I subsequently addressed to Lord Melbourne; but before I come to that, I feel bound in justice to the Government to mention an otherwise insignificant matter—namely, the pecuniary loss occasioned to me by my mission. I have already stated, that out of £300 originally granted to me for outfit, £230 had been retained for fees on my commission, and that the appointment of my Aid-de-camp had been annulled.

Suffice it to say, that Her Majesty's Government have, with strict justice, recently repaid me the whole of my expenses, and that my Aid-de-camp was restored to me at Toronto, about five months after his appointment had been suspended.

On more important points I have not (as the following letter will show) been quite so fortunate.

TO LORD MELBOURNE.

Barford, Warwick, Sept. 18, 1838.

MY LORD,

During the session of Parliament I was unwilling to trouble Her Majesty's Government with the following application for redress, which I trust will now receive from your Lordship a patient consideration.

My Lord, without recapitulating in detail the various by-gone difficulties, which for more than two years I encountered in administering the Government of Upper Canada, I will merely observe, that on my arrival in that province I found myself not only bounded on the one side by Lower Canada on the eve of a revolt, and, on the other side, by the United States, whose government, as well as people, were secretly using their influence to exterminate from the continent of America monarchical institutions, but I found myself exposed to, and opposed by, a Republican House of Assembly, headed by Mr. Speaker Bidwell, generally looked upon as the bitter enemy of monarchy, the untiring advocate of republican institutions, and the avowed friend, as well as correspondent, of the traitor Papineau, the Speaker of the House of Assembly in the Lower Province.

Previous to my arrival in Upper Canada, Mr. Bidwell, and the overwhelming majority who supported him, had determined to refuse to meet again in session until their revolutionary demands had been acceded to; and there can be no doubt if Mr. Bidwell had done this, and, without given any reason, had merely followed the example of Mr. Papineau, and the House of Assembly in the Lower Province, that the British Government, embarrassed by this double revolt, and by the simultaneous demands of the President of the United States respecting the State of Maine, would have found it almost impossible (even if they had wished it) to have persuaded the English House of Commons to have supported them in the expense of resisting what would have been vulgarly termed the unanimous desire of the North American Colonies for Republican institutions: in short, *the Canadas would have been surrendered by us*; and if the transatlantic barrier of the British Empire had been thus broken, the torrent of democracy, suddenly rushing upon the mother-country, might almost have over-turned our institutions at home. Fortunately, however, Mr. Bidwell and his party determined to go through the form of meeting me in Provincial Parliament; nevertheless, the day it assembled they endeavoured to pick a quarrel with me, and immediately followed up this attempt by a series of violent addresses to me, the revolutionary object of which could not be mistaken.

The published replies which I gave to these addresses not only parried the attacks made upon me, but struck a series of heavy blows upon my assailants, who becoming angry in proportion as they saw themselves publicly discomfited, prevailed upon their accomplice Dr. Rolph, a member of my Executive Council, to require me to surrender to the said Council the responsibility, power, and patronage which were the constitutional attributes of my station.

Until this demand was made I had, apparently, been gradually retreating before Mr. Bidwell and the House of Assembly, but no sooner did I perceive that by supporting this unjust demand of Dr. Rolph they had rashly encamped themselves with him upon a position from which I felt myself competent to drive them; than I determined on attacking them, and accordingly, throwing off all disguise, I refused their demands, dissolved the Parliament, and declaring myself on the continent of America, to be the uncompromising supporter of our Monarchy, and the open opponent of democratic institutions, I threw myself upon the people of Upper Canada, and appealing to their loyalty and good sense, I commenced a moral agitation which drew upon Upper Canada the almost breathless attention not only of the whole of our North American Colonies, but of the Government and people of the United States.

The excitement attendant upon a general election afforded me opportunities of addressing the backwoodsmen of the remotest regions of the province, in plain language, which, though deservedly open to diplomatic criticism, nevertheless circulated in all directions. My writings, faulty as they were, imparting to these honest freeholders truths of which they had been kept ignorant, not only dispelled the delusions which had been practised upon them, but made them one after another turn with indignation upon their betrayers.

During three months I maintained this conflict with the enemies of the British constitution, during which time Her Majesty's Government (probably believing that I should not be successful) deemed it politic to leave me unassisted to struggle with the storm. The crisis at last arrived, and when the elections were terminated the result proved, that inexperienced as I was in diplomatic controversies, I had not falsely estimated the power and majesty of a just cause.

My antagonist, Mr. Bidwell, was not only driven from the *chair*, but he was discarded even from the *House* of Assembly; in fact, he lost his election. Mr. M'Kenzie, as well as all the leading republican members, also lost *their* elections. Dr. Rolph's insidious machinations were totally discomfited, and the important result of the contest was the moral triumph on the continent of America of monarchical institutions; indeed, so decided was the opinion of the new Parliament on the subject, that one of the first acts of the House of Assembly was, to ex-

press, in the strongest terms, its indignation at a certain traitorous letter addressed by Mr. Papineau to Mr. Bidwell, which that gentleman, as his last act, had at midnight, on the last night of the session, managed, almost surreptitiously, to place upon the journals of the House.

The tranquillity which was thus obtained was not the effect of mere momentary excitement; on the contrary, it was suddenly and unexpectedly tested by the simultaneous stoppage of all the banks in the United States, as well as in Lower Canada, Nova Scotia, and New Brunswick. Upon principles irreconcilable with British commercial integrity, the whole of these institutions, though they had specie in their coffers, stopped payment. The banks of Upper Canada alone performed their engagements to the public creditor by honestly liquidating what they had promised to pay on demand. The odium and unpopularity unavoidably attendant upon their performance of this duty fell (I believe unjustly) almost wholly upon me. Nevertheless, the discomfiture of the Republicans was so complete that, in spite of the temporary unpopularity to which I have alluded, and to which I was subjected for nearly a year, I was enabled, when Mr. Papineau's insurrection in Lower Canada broke out, to grant to Lord Gosford and to Sir John Colborne the timely assistance of Her Majesty's troops from the Upper Province; and moreover, when the writings of Mr. M'Kenzie and Mr. Bidwell, and the traitorous conduct of Dr. Rolph, caused a sympathetic insurrection to break out in Upper Canada, I again, in a moment of unexampled difficulty, emphatically appealed to the good sense and good feelings of the people, and assuming the attitude which I humbly believed to be best suited to the occasion, with folded arms I publicly waited the result.

Her Majesty's Government observing the danger by which I was evidently surrounded, deemed it again politic to leave me to my fate; indeed, in the Imperial Parliament it was more than hinted that I was over chivalrous—that my writings (my only means of defence) were epigrammatic, and that the attitude I had publicly assumed was the effect of a distempered rather than of a serene mind. However, a just cause triumphed—the people of Upper Canada again most nobly responded to my call, and while people in England were accusing me of rashness, the Canadian militia not only promptly suppressed domestic insurrection, but in every direction successfully repulsed the people of the United States, who, apparently encouraged by their Government, attempted to rush in upon and take possession of the Canadas. Lastly, Dr. Rolph, Mr. M'Kenzie, and the whole of the leaders of the insurrection, absconded from the province; Mr. Bidwell also prudently retired into the United States, where he was received with open arms, and contrary to precedent, rule, and, I believe, law, he was raised, *per saltum*, to be advocate and attorney of the American bar.

My Lord, during the two years in which, as an inexperienced man, I was engaged in the arduous struggle which I have just imperfectly described, Her Majesty's Government not only cautiously abstained from the danger of taking any share in the difficulties I had to contend with—they not only abstained from giving me adequate support, but pursuing a policy as inexplicable to me as it was to the Provincial Parliament, and to every man, by whom I was supported—they seemed determined to pull down my authority, and to restore to power those whom, in a moral and almost a bloodless contest, I had defeated,

For instance, while I was publicly engaged in presence of the whole people of the North American Colonies, in struggling against the demands of Dr. Rolph, and his bosom-friend, Mr. Speaker Bidwell, I received from Downing-street intimation that it might be advisable to raise the former of these individuals to a place of high consequence, and to elevate the latter to the bench; and as if this were not sufficient to dishearten those who surrounded me, I was, without being offered the power of justifying myself, peremptorily ordered to replace on the bench Judge Ridout, who by the unanimous advice of my Council (the sister of one of whom was married to his brother,) I had dismissed, because he continued openly to attend and harangue the notorious Central Committee, because he had himself read to me an insulting address, and because he had violated all political decency by publicly declaring that I, the Lieutenant-Governor of Upper Canada, deserved to be "tarred and feathered," and that he Judge Ridout, "would lend a hand to do so."

My Lord, my correspondence with Her Majesty's Government on these topics, teem with facts and uncontrovertible evidence, showing the violent political conduct during the whole of their lives, of Mr. Bidwell, and of Mr. Ridout, who were considered by my executive council, (whom I repeatedly consulted,) by the Chief Justice, by the Attorney and Solicitor-General, and by the bar, as unfit subjects, on account of the violence of their politics, for the honours proposed to be bestowed upon them by Her Majesty's Government.

To these earnest remonstrances on my part, and though the Province was upon the eve of a rebellion, Her Majesty's Government deemed it politic to reply by desiring me, at the next vacancy, to elevate Mr. Bidwell to the bench, and the Government persisted, moreover in withholding its approbation of my dismissal of Mr. Ridout!

My Lord, I belonged to no political party in England; I had propounded on the continent of America no political doctrines except, as I have already confessed, unalterable attachment to monarchical institutions, and uncompromising opposition to democracy. I had given Her Majesty's Government no just cause for offence, and having, unfortunately, at their repeated solicitations, given up my permanent situation (I was the senior of the twenty assistant-commissioners) in the Poor Law Commission, where, at least, I was serving to the satisfaction of my employers, I had, so far as the private interests of my family were concerned, made myself so completely dependent upon my station and salary of Lieutenant-Governor of Upper Canada, the outfit for which had been very expensive, that I had every reason to desire to retain this appointment, and no reason whatever to quarrel with Her Majesty's Government; nevertheless, as soon as I found that Her Majesty's Government were really the open supporters against me, of such men as Mr. Bidwell and Mr. Ridout, without the slightest feeling, either of petulance or anger, and, I hope, without the expression of a sentiment of disrespect, I begged leave to retire from a most dangerous station, which, without the countenance of my employers, I had not the ability to maintain; in fact, Her Majesty's Government actually drove me from the field, and it is a singular fact, which your Lordship is aware is recorded in my despatches, that only six days after the Government despatch, which announced to me that my resignation was accepted, had left Downing Street, Dr. Rolph, one of the individuals recommended for elevation by the Colonial Office, actually arranged as the President of the Republican Provincial Government of Upper Canada, his murderous attack upon Toronto, which was attempted to be carried into effect by Mr. M'Kenzie, upon whose flag, (the emblem of arson and robbery) when it fell into the hands of the loyal Militia of Upper Canada, was found inscribed in large letters—

“BIDWELL, and the Glorious Minority;  
1837, and a good beginning!”

As soon as my retirement from the Government of Upper Canada was made known to the Provincial legislature, (upon whose addresses I declined to give copies of the correspondence with Her Majesty's Government, which led to my resignation,) I received from both branches addresses, containing expressions too complimentary for me to transcribe.

Not only from almost every town and district in Upper Canada, I received addresses of a similar nature, but the Legislatures, as well as people of Lower Canada, New Brunswick, and Nova Scotia, forwarded to me the most gratifying addresses, and, as soon as it became known, that in order to avoid the personal danger which awaited me in the United States, I had taken measures for embarking at Halifax, preparations were immediately made in Lower Canada, as well as in New Brunswick, and Nova Scotia, for receiving me in these Provinces with public honours.

I need not say, that under the peculiar circumstances attendant upon my retirement, from the loyal people of Upper Canada, it would have been not only highly gratifying but of essential service to me to have accepted from the whole of our North American Colonies (who, as by-standers, had been eye-witnesses of my conduct) this public testimony of their support; but I felt it would be of still greater advantage to me to demonstrate that my retirement from the service of Her Majesty's Government had proceeded solely from public principle, and that I had no factious desire either to embarrass my successor or the Government under which I had served. I, accordingly, went through the United States to New York, and your Lordship is aware, that instead of this measure being appreciated by Her Majesty's Government, it was by almost every member of it termed, “like my other acts, over-chivalrous and rash.”

On my arrival in England I was actuated by the same feelings, and, though the merchants in the City of London, connected with the North American Colonies, insisted, in a manner which I could not decline, on paying me a most honourable compliment, yet neither to them, nor even to my friends, did I divulge the cause of my return, or lay before them copies of the correspondence with Her Majesty's Government, which had led to my resignation. Neither directly nor indirectly did I either say, or write, to any man, one word, which could in any way embarrass Her Majesty's Government, and conscious of the integrity of

my own conduct, I should, in my retirement, have still submitted silently to the wrongs which I conceive I have suffered, had it not been (as I now propose to show your Lordship, by a document, and by evidence which is unanswerable) that Her Majesty's Government suddenly turned round, and adopted as their own the very arguments, and the identical course of policy, for the pursuance of which they had driven me from the Government of Upper Canada.

The document to which I allude, and which relates to the dismissal by Her Majesty's Government of the Chief Justice of Newfoundland, is as follows:—

(Copy.)

“At the Court of Buckingham Palace, the 5th day of July, 1838.

PRESENT:.

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord Chancellor,

Lord President,

Lord Steward,

Earl of Albemarle,

Earl of Minto,

Viscount Palmerston,

Viscount Howick,

Lord Holland,

Lord Hill,

Lord Glenelg,

Sir J. Hobhouse,

Mr. Chancellor of Exchequer.

“WHEREAS there was this day read at the Board, a report from the Right Honourable the Lords of the Committee of Privy Council, dated this day, in the words following, viz.—

“In reporting to your Majesty upon the memorial, your Majesty has been pleased to refer to us, from your Majesty's Commons of Newfoundland, in General Assembly convened, we think it right in the first place to state, that we have not found anything to justify the terms adopted in the prayer of the memorial ‘that your Majesty would be pleased to purify the Bench of Justice in Newfoundland, by the removal of the Chief Justice,’ inasmuch as we have not found any ground for imputing to the Chief Justice any corrupt motive or intentional deviation from his duty as a Judge; and we feel it is incumbent upon us to express disapprobation at the language and conduct adopted towards the Chief Justice, as being unjust towards him personally, and inconsistent with the respect due to the high office he was filling.

“We regret, however, to be under the necessity of reporting that we have found in some of the transactions brought under our consideration, so much of indiscretion in the conduct of the Chief Justice, *that he has permitted himself so much to participate in the strong feelings which appear, unfortunately, to have influenced the different parties in the colonies, (although we do not find that his judicial decisions have been affected thereby,) that we feel it our duty to state, that we think it would be inexpedient that he should be continued in the office of Chief Justice of Newfoundland.*

“Her Majesty having taken the said report into consideration, was pleased, by and with the advice of the Privy Council, to approve thereof, and of what is therein recommended, and to order, as is hereby ordered, that the Right Honourable Lord Glenelg, one of her Majesty's Principal Secretaries of State, do signify to Chief Justice Boulton, her Majesty's pleasure thereon.”

(Signed)

“C. GREVILLE.”

By the above document it will appear, that almost immediately after my resignation was accepted, her Majesty's Government dismissed the Chief Justice of Newfoundland, an old and faithful servant of the Crown, for the identical\* reasons which I had given to them in Upper Canada, for having dismissed Mr. Ridout (who was merely the Judge of a district court,) and for not having elevated the Republican ex-speaker Bidwell to the Bench.

In the case of the Chief Justice of Newfoundland (which was drawn up against him, and signed by Stephen Lushington,† Daniel O'Connell,‡ and F. Fleming,) it appears that the Privy

\* I mean only *identical in principle*, for in the *dégré* there was no comparison. The Chief Justice of Newfoundland is charged only with having *participated in strong party feelings*, whereas the parties I have dismissed were proved to have used the most insulting language, and to have otherwise violently opposed me.

† Since made Judge of the Admiralty; though he would not, I suppose, deny that “he participates in strong party feelings.”

‡ To whom—though it will not, I suppose, be denied that “he participates in strong party feelings”—it has been stated, and not contradicted, that her Majesty's Government offered successively two of the highest stations on the Irish Bench.

Council reported that they had not found anything to justify the terms adopted in the memorial of the Assembly of Newfoundland—that they had not found any ground for imputing to the Chief Justice any corrupt motive, or intentional deviation from his duty as a Judge; they even expressed their disapprobation at the language and conduct adopted towards the Chief Justice, which they declared to be unjust towards him personally, and inconsistent with the respect due to the high office he was filling: and yet, in spite of the Chief Justice's admitted innocence, and notwithstanding the declared guilt of his accusers, her Majesty's Government deliberately dismissed this public servant, with no other explanation, or no other reason, than is contained in the following sentence:—"We regret, however, to be under the necessity of reporting that we have found, in some of the transactions brought under our consideration, so much of indiscretion in the conduct of the Chief Justice, and that he has permitted himself so much to participate in the strong feelings which appear unfortunately to have influenced the different parties in the colony (ALTHOUGH WE DO NOT FIND THAT HIS JUDICIAL DECISIONS HAVE BEEN AFFECTED THEREBY), that we feel it our duty to state that we think it will be *inexpedient that he should be continued in the office of Chief Justice of Newfoundland.*"\*

My Lord, against the policy of a minister, or against the policy of a government, it is, I am aware, generally speaking, hopeless for an humble individual, like the Chief Justice of Newfoundland, or like myself, to argue or complain; for even if the individual should succeed in proving ever so clearly, or ever so cleverly, the said policy to be bad, the minister is, I admit, fully justified in abruptly ending the discussion, by exclaiming, "*Sic volo, sic jubeo, stet pro ratione voluntas,*" which means "*It's my policy.*"

Your Lordship, therefore, or Her Majesty's Government, had full indulgence either to say to the Lieutenant-Governor of Upper Canada, "We will not allow you even on the eve of an insurrection in our colonies to remove a Judge from the bench of a District Court, *merely* because he has taken a violent part in politics—*merely* because from having done so the Executive Council, the Attorney and Solicitor-General, the Chief Justice, the Judges, and the bar of Upper Canada, all united in approving of his dismissal—*merely* because he openly and grossly insulted you by reading to you, at the head of a Republican deputation, an impertinent address—and *merely* because he publicly threatened 'to tar and feather' you. We, moreover, insist that out of the whole population of Upper Canada, it is advisable that you should select and elevate to the Bench, her Majesty's bitterest opponent, because we do not think he should be debarred from the exalted station *merely* because, during his whole life, he has been (like his father before him) the unceasing advocate of Republican institutions—*merely* because, by his speeches and by his writings, he has done more than any other man in the Canadas in bringing about the late revolt, which will cost the mother-country more than two millions—and *merely* because he was the Speaker and leader of a House of Assembly, which, previous to your dissolving it, offered you every possible insult."

On the other hand, your Lordship or Her Majesty's Government had full indulgence to say to the Chief Justice of Newfoundland, "Your motives have never been corrupt—you have never intentionally deviated from your duty as a judge—your judicial decisions have never been affected by your political principles, but you have permitted yourself to participate in the strong feelings which appear unfortunately to have influenced the different parties in the colony of Newfoundland, and although in that colony there was not the slightest danger of a revolt, yet we have considered the case brought against you before the Privy Council, by Stephen Lushington, Daniel O'Connell, and J. Fleming, and as it is our fixed policy that in our North American colonies *the bench of justice shall be immaculate* from and even unsuspected of political bias—*we dismiss you.*"

Your Lordship and Her Majesty's Government enjoy (as I have already admitted) full liberty to pursue *one* of the above two diametrically opposite courses of policy, and to give no explanation to either complainant, except the Latin sentence I have quoted; but, my Lord, I very respectfully submit that neither your Lordship, nor Her Majesty's Government, nor the people of England, nor any power on earth, ought even to desire to possess the right of pursuing in the North American colonies *both* of these policies at the same time; I mean of saying that your law *is* and *is not*, that it is *right* and that it is *wrong*; in short, that the Lieutenant-Governor of Upper Canada, and the Chief Justice of Newfoundland, shall be equally driven from the service of their sovereign, in order that the people of the North American colonies may learn that a Judge's interference with political party *is no objection whatever, and is an insuperable objection to his remaining on the bench,*

\* One often hears of condemnation, with a recommendation to mercy, but here is an acquittal, with a recommendation to punishment!

But taking leave of the case of the Chief Justice of Newfoundland, I beg permission to remind your Lordship, that in the able defence of Lord Durham, which her Majesty's Government lately made before Parliament, your Lordship in the one house, and Lord John Russell in the other, strenuously maintained the identical doctrines, my support of which induced her Majesty's Government, morally speaking, to drive me from the Government of Upper Canada. It was not denied, (on the contrary, it was admitted most frankly by your Lordship as well as by Lord John Russell) that Lord Durham had acted illegally, but generously supporting the public servant in the execution of his new and difficult duties, your Lordship's whole argument tended to prove that Lord Durham's measures *were justified by THE NECESSITY OF THE CASE*, and so strongly did her Majesty's Government maintain this principle, that your Lordship not only assailed the whole profession of the law, as well as the quibbles by which lawyers maintain the smallest private right against the public safety, but your Lordship very truly added, "that the noble Earl (Durham) would be most seriously injured even by the discussion—that unquestionably his authority would be much weakened by it—and that it would be far better for their Lordships to move an address to the Crown to recall him at once, than to weaken and impair his authority; in short, that to confer powers on an individual, and not to give him confidence for the exercise of them, was only laying a trap for him, or something like it."

A Bill of Indemnity, which eventually passed through both Houses of the Imperial Parliament, was proposed and acceded to, on the principle urged by the Government, that his Lordship was deserving of protection, because his measures (though illegal) *were justified by the necessity of the case*.

Now, if my correspondence with her Majesty's Government, which led to my resignation, were to be referred to, it would at once appear, that the reason, cause, or defence, I offered to her Majesty's Government, for not replacing Judge Ridout, and for refusing to elevate, on the eve of a revolt, the ex-speaker Bidwell to the bench, was *the necessity of the case*. A necessity, I humbly submit, infinitely heavier than Lord Durham's necessity, inasmuch, as his Lordship did not arrive in the Canadas until the rebels in both Provinces had been defeated—until the American forces had been successfully repulsed in every attempt they had made to invade and possess themselves of Upper Canada—until Papineau, Bidwell, Rolph, M'Kenzie, and the whole nest of Conspirators who had offered £500 for my apprehension, had absconded from the Province—in short, until "the hurly-burly was done, and the battle lost and won;" nevertheless, though my necessity was as superior to Lord Durham's, as in rank, station, education, and diplomatic experience, I was his Lordship's inferior—and although, after all, there was nothing illegal in my dismissing a Judge for the very reason for which her Majesty's Government dismissed a Chief Justice—yet her Majesty's Government voted for an Act of Parliament to indemnify Lord Durham, and publicly reversed and discountenanced my Act, which was identical with their own!

Her Majesty's Government have, it cannot be denied, full power to direct in the North American Colonies whatever policy they may think proper; but I again respectfully maintain, that they cannot carry on two conflicting policies at the same time, by declaring that in Lower Canada an illegal act *ought to be*, and that in Upper Canada, *it cannot be justified by necessity*.

Without any wish to offend, or even to upbraid Her Majesty's Government, I beg leave to state to your Lordship, that I feel very deeply, it would have been better (to use your Lordship's own words) for Her Majesty's Government to have recalled me at once from the government of Upper Canada, than to have weakened, impaired, and undermined my authority, until it fell prostrate to the ground—that by having conferred powers on me, without giving me confidence for the exercise of them, Her Majesty's Government laid a trap for me, from which it was impracticable for me to escape—that Her Majesty's Government acted, therefore, unjustly towards me, in removing me from a permanent appointment, to one which almost immediately they made it impossible for me to maintain; and lastly, that leaving my own interests and feelings completely out of the question, it is *as disheartening to the loyal population of Her Majesty's North American Colonies, as it is encouraging to their republican opponents*, to observe, that while Lord Gosford, (who was obliged by Her Majesty's Government to try the fatal experiment of conciliating the republicans,) has been, I rejoice to observe, most graciously received and rewarded by his Sovereign, I, who returned to England simultaneously with his Lordship, have not, by a single audience, been even honoured by an opportunity of most humbly assuring Her Majesty of the loyalty of the people of Upper Canada—of their devotional attachment to the British throne—of their admiration of the British Constitution—

and of their unalterable detestation of those republican principles, which have created before their eyes on the Continent of America a vulgar mob-tyranny, under which neither life nor property are secure.

My Lord, I do not expect that your Lordship can find time even to consider the few arguments which are contained in this communication, and which I assure your Lordship explains but a part of the wrongs which I consider I have received from Her Majesty's Government, but I trust that your Lordship, taking into consideration how unwilling I have been factiously to embarrass Her Majesty's Government, and how patiently I have waited for redress, will pause before you refuse the request which I now respectfully make to your Lordship, which is, that your Lordship would be pleased to allow me, either before the Privy Council—before the Judicial Committee thereof—or before a Committee of such members of the Government as it may be deemed by it advisable to select, an opportunity of convincing your Lordship by their report, that Her Majesty's Government has unjustifiably wronged me.

If it should be reported to your Lordship that I had failed in substantiating this allegation, your Lordship would have the satisfaction of reflecting, that you had granted to me the opportunity I had demanded. If, on the other hand, I should succeed in substantiating my accusation, my opinion of your Lordship leads me to believe, that your Lordship would rejoice, rather than regret, that a truth which affected the character of your Lordship's administration was no longer concealed from your knowledge.

I have the honour to be,

My Lord,

Your Lordship's most obedient

Humble Servant,

(Signed) F. B. HEAD.

The Lord Viscount MELBOURNE, &c. &c.

In reply to this communication, Lord Melbourne, in a note marked "Private," declined to accede to the requests I had made.

### CHAPTER XIII.

A few Observations on three or four Paragraphs in the "Report on the Affairs of British North America, from the Earl of Durham, Her Majesty's High Commissioner, &c. &c. &c."—(Presented by Her Majesty's command to both Houses of Parliament.)

It has been strenuously urged against Lord Durham, that his Lordship, in reporting "on the affairs of British North America," was not justified in assailing my by-gone policy and conduct. If his Lordship's attention had by Her Majesty been merely directed to the administration of the government of *Lower* Canada, his public censure on my conduct would certainly, to say the least, have been unnecessary; but as his Lordship's mission had in view the much higher object of adjusting what is commonly termed the disordered state of our North American provinces, it surely cannot, by any unprejudiced man, be denied, that Lord Durham could not safely legislate for the future tense of life without not only attentively observing the present, but without also calmly reflecting on the past; for it is by the protruding masts of vessels which have sunk that the cautious mariner first learns to avoid the hidden rocks upon which they have foundered.

I conceive, therefore, that Lord Durham was not only perfectly justified, but that his Lordship performed no more than his duty in investigating the policy which, as Lieutenant-Governor of Upper Canada, I had pursued, and in reporting to Her Majesty, perfectly regardless of my feelings, whatever might be his opinion on the subject; and I must go still further and say, that however captivated a public man may be with his own conduct, he has no right even to feel offended at the honest disapprobation of it, which a superior officer, in the performance of a painful and arduous duty may feel it necessary to pronounce.

But though I claim this freedom of action for Lord Durham, I submit that there existed in his commission no clause authorizing his Lordship to rebuke any one by incorrect assertion.

As the tie which once connected me with Upper Canada has been severed, it is not my duty, it is not my inclination, nor do the present limits permit of my replying to all the allegations against the Legislature and the people of Upper Canada, which are contained in his Lordship's report. I propose only to make a few observations on those three or four paragraphs which are especially directed against myself, and on one or two others of a more general nature.

1. "*Proceedings of Sir Francis Head.*"

This paragraph commences by reporting to Her Majesty, as follows:—

"Such was the state of parties when Sir Francis Head, on assuming the government of the colony, dismissed from the Executive Council some of the members who were most obnoxious to the House of Assembly, and requested three individuals to succeed them."

This statement is, I beg to say without offence, exactly a reversion of the truth, which was (vide my despatch, No. 9, page 56), that the three individuals, named by Lord Durham, requested *me* to dismiss "the members who were most obnoxious to the House of Assembly," that I resolutely *refused* to dismiss them, and that accordingly they were *not* dismissed.

Lord Durham's Report, after truly narrating that I afterwards *added* three reformers to the Council, reports to Her Majesty that—

"Among the first acts of the Governor, *after the appointment* of this Council, was, however, the nomination to some vacant offices of individuals, who were taken from the *old* official party, and this without any communication with his Council. These appointments were attacked by the House of Assembly, and the new Council, finding that their opinion was never asked upon these or other matters, and that they were seemingly to be kept in ignorance of all those public measures which popular opinion, nevertheless, attributed to their advice, *remonstrated privately* on the subject with the Governor. Sir Francis *desired them to make a formal representation to him on the subject*; they did so, and this produced such a reply from him, as left them no choice but to resign. The occasion of the differences, which had caused the resignation, was made the subject of communication between the Governor and the Assembly, so that the whole community were informed of the grounds of the dispute."

The whole of the above is a tissue of unintentional errors. The unpopular appointment to which Lord Durham, in the plural number, has alluded, was in favour of a *new settler*; it had been made by me not only *by* the advice, but solely at the suggestion of the leading member of my old Council, before the three reformers were added to it.

The new Council, who were only in my service a fortnight, *never once* remonstrated with me on that or on any subject till I officially received their public document, which (vide my despatch, No. 15, page 72), emanated entirely from themselves, *without my knowledge or suggestion*. Lastly, the communication from the House (which is before the reader—see page 66) was from the Assembly to *me*, and not from me to *it*.

Lord Durham's Report to the Queen, proceeds as follows:—

"The contest which appeared to be thus commenced on the question of *the responsibility of the Executive Council*, was *really* decided on *very different grounds*. Sir F. Head, who appears to have thought that the maintenance of the connexion with Great Britain depended upon his triumph over the majority of the Assembly, embarked in the contest, with a determination to use every influence in his power, in order to bring it to a successful issue. He succeeded, in fact, in putting the issue *in such a light* before the province, that a great portion of the people *really* imagined that they were called upon to decide the question of separation by their votes."

The following extracts from my replies to the Addresses I received from 28,188 people, before the elections took place, will, I trust, without a comment, clearly show whether or not Lord Durham was perfectly justified in reporting to Her Majesty, that in order to gain the elections, I had placed the subject of dispute before the inhabitants of the province disingenuously.

## No. 1.

*Extract from "Reply to the Address of the Inhabitants of the District of Johnstown."*

GENTLEMEN:

I need hardly say, that it affords me consolation to observe from your address, that the yeomanry and farmers of Upper Canada, instead of allowing other people to think for them, have been at last driven to the necessity of judging for themselves of the serious events which have lately passed before their eyes.

In the mother-country I have invariably found, that when the yeomanry are once aroused from their lethargy, in which they are too apt to remain, their sturdy opinion forms one of the most correct verdicts in the land, and confidently believing that such will prove to be the case in this province, I beg to ask those yeomen and farmers of the Johnstown district, whose names are subscribed to the documents I have just received, the following plain questions:—

What necessity has there been for this general disturbance throughout Upper Canada about a responsible Executive Government?

Have I not evidently, to the best of my ability, endeavoured calmly to explain, not only to the Legislature, but to the inhabitants of this province, my reasons for declining to surrender to my late Executive Council that power and patronage which is the prerogative of the Crown?

Has the language, which so unnecessarily has assailed me, diverted me from my declared determination to govern and be governed by reason?

Have I once rebuked it by an intemperate expression?

While I was resolutely defending your constitution, which is the sacred charter of your freedom, did I not repeatedly declare that, in case I was wrong, there existed, above us all, a high tribunal, to which I was ever ready to bow?

Why, I ask, was not that offer accepted?

What necessity was there for my opponents to promulgate, during the discussion, that their grand object was "To stop the supplies?"

What was the use of paralyzing the country by so cruel a remedy?

Did they think that despair and poverty could explain what reason and argument had failed to substantiate?

Can any three professional gentlemen of Toronto, intently occupied in their own petty interests, presume to offer to Upper Canada the powerful protection, and parental assistance which our Sovereign can bestow upon this young growing country?

Is the loyalty of this portion of the British Empire to bow before a self-constituted triumvirate, merely because it declares that no responsibility is trust-worthy but its own?

Gentlemen, I have no reply to offer to these questions, but commit them to your own calm judgment and good sense.

## No. 2.

*Extract from "Reply to the Address of the Mayor and Common Council of the City of Toronto."*

The constitution of this province is the sacred charter of the land; and it is no less my duty than the interest of its inhabitants that I should firmly maintain it, as I ever will, inviolate.

If that charter constitutes a "Provincial Ministry," it need only be shown to me to be secured; but I deliberately repeat, that it contains the creation of no such a power, and in my opinion, were it to be now created, it would be productive of the most vicious effects; for if the power and patronage of the Crown were to be delivered over to a tribunal sworn to secrecy, they would very soon fall into the hands of a few metropolitan families, who might possibly promote their own views to the rejection of the interests of the distant counties; whereas, while these powers continued invested in the individual appointed by His Majesty to be the Lieutenant-Governor of this province, he (being a stranger) can have neither interest nor inducement to abuse them.

## No. 3.

*Extract from "Reply to the Address of the inhabitants of the City of Toronto."*

I have no wish to deny "that in the British constitution the King is assisted in all the affairs of Government by the advice of known and responsible councillors and officers who possess the confidence of the people, and who form His Majesty's Cabinet." But Colonel Simcoe, who, you yourselves state, "was authorised undoubtedly by His Majesty's Government to declare to His faithful subjects in this province the nature of the Constitution," *created no such cabinet, nor any cabinet at all*; and from his day, down to the present hour, there has never existed any ministry in the colony except the Governor, who is himself the responsible minister of the Crown.

\* \* \* \* \*

The yeomen and industrious classes of Upper Canada should never allow a single letter to be subtracted from or added to the great charter of their liberties; for if once they permit it to be mutilated, or what may be termed *improved*, they and their children become instantly liable to find themselves suddenly deprived of their property, and, what is better than all property, of their freedom and independence.

By this Act you are of course aware, that a House of Assembly, a Legislative Council, and a Lieutenant Governor are appointed; *but it creates no Executive Council; and if people tell you that it does, read the Act, and you will see the contrary.*

## No. 4.

*"Reply to the Address of the Inhabitants of the County of Hastings."*

GENTLEMEN:

In return for the Address which I have just received from you, I assure you that I will continue firmly to uphold and support the best interests of your agriculturists, and of your province, and that never will I allow either the one or the other to be placed under the irresponsible domination of a *Toronto Ministry*.

## No. 5.

*Extract from "Reply to the Address of the Grand Jury of the Home District."*

If that noble charter had not existed, there can be no doubt but that the representative of His Majesty would have been overcome, and that the inhabitants of Upper Canada would now be under the ignominious tyranny of a *secret metropolitan "Cabinet"*; but your constitution has proved to be impregnable, and at this moment no people bewail the fact more keenly than those who have lately been nearly crushed in their endeavours to undermine it.

## No. 6.

*Extract from "Reply to the Address of the Inhabitants of the Town and Township of Kingston."*

It therefore only remains for me to beg you to assure them I feel most deeply the confidence they repose in me; and that so long as I shall remain His Majesty's representative in this province, I will never allow them to be unconstitutionally subjected to the arbitrary domination of an *irresponsible, secret, and self-constituted "Cabinet."*

## No. 7.

*Extract from "Reply to the Address of the Inhabitants of the District of Ottawa."*

The falsest reports are daily invented, and at great expense are circulated all over the province, in order if possible still to delude and agitate the public mind; for instance, it has been stated that I wish to establish tithes—that I am concocting plans for making the people of Upper Canada slaves, &c. &c. &c.

Gentlemen, my plans and projects are all contained and published in the instructions which I received from the King. They desire me to correct, without partiality, the grievances of this country; and it is because the agitators see I am *determined* to do so that they are endeavouring to obstruct me by every artifice in their power. They declare me to be their enemy, and the truth is, *I really am.*

As her Majesty's Government were in possession of printed copies of all these replies, they surely ought at least to have produced them in my defence when they submitted, by command of the Queen, to both Houses of Parliament, Lord Durham's charge against me, that I had gained the elections disingenuously.

Lord Durham, in informing her Majesty what the feelings of the people of Upper Canada were *previous* to these elections in 1836, states—

"Above all, not only they, but a great many others, had marked with *envy* the stupendous public works which were at that period producing their effect, in the almost marvellous growth of the wealth and population of the neighbouring state of New York."

Far from entertaining these feelings of *envy*, the people of Upper Canada rejected at the elections seven out of the thirteen American members who had previously sat in the House of Assembly; and the whole result of the contest, as well as the repeated defeats which the American sympathisers have suffered during the last two winters, have proved how cordially I was supported in the assertion I had openly made, "*that the people of Upper Canada detest democracy.*"

Lord Durham thus proceeds to inform the Queen:—

"The general support of the British determined the elections in favour of the Government; and though very large and close minorities, which in many cases supported the defeated candidates, marked the force which the reformers could bring into the field, even in spite of the disadvantages under which they laboured from the momentary prejudices against them, and *the unusual manner in which the Crown, by its representative, appeared to make itself a party in an electioneering contest*, the result was the return of a very large majority hostile in politics to that of the late Assembly."

Before the elections commenced I gave such replies as I thought proper to the different Addresses I received; but in order that the country should clearly see that I was determined *not* "to make myself a party in an electioneering contest," I gave the following reply to the seven following Addresses, two of which, from very influential bodies, arrived at Government House a day or two only after the election could legally commence.

*List of Addresses just referred to.*

1. Wesleyan Methodist Conference. (Signed by order and in behalf of the Conference, William Lord, President; William Case, Secretary.)
2. United Synod of Upper Canada. (Signed in name, presence and appointment, of Synod. C. Nicholl, Moderator; William Smart, Clerk of United Synod.)
3. Gananoque, and its vicinity.
4. Ramsay.
5. Warwick.
6. Goderich.
7. Town of Nepean.

*Reply in Writing delivered to each of the above.*

"Gentlemen,—As the elections have commenced, I must decline giving any other reply to the Address, which I have just received from you, than merely to acknowledge its receipt."

I may add, that, besides this precaution, I gave orders to all my attendants, as well as to all the clerks in the government office, to abstain from contributing to the subscriptions which were set on foot by the constitutionalists, in order to refute the calumnies published by the republicans. I also desired the Adjutant-General to promulgate that I would suspend all militia promotions, or dismissals,\* until the elections were concluded.

*2. Real Result of Sir F. Head's Policy.*

In informing the Queen of "*real results*," which had happened two winters before his Lordship's arrival in North America, Lord Durham deems it advisable to describe, in the following terms, the members I had appointed to my Executive Council:—

"It may, indeed, be fairly said, that the real result of Sir F. Head's policy was to establish that very administrative influence of the leaders of a majority in the Legislature, which

\* See page 74, line 16 from bottom.

he had so obstinately disputed. The Executive Councillors of his nomination, who seem to have taken office almost *on the express condition of being mere ciphers*, are not, in fact, then, the real government of the province. *It is said* that the new officers of government whom Sir F. Head appointed *from without the pale of official eligibility*, feel more apprehension of the present house than, so far as can be judged, was ever felt by their predecessors, with regard to the most violent of the reforming Houses of Assembly. Their apprehension, however, is not confined to the present house: they feel that, *under no conceivable contingency, can they expect an Assembly disposed to support them*; and they accordingly appear to desire such a change in the colonial system as might make them dependent upon the Imperial Government alone, and secure them against all interference from the Legislature of the province, whatever party should obtain a preponderance in the Assembly."

Whether Lord Durham is justified in designating the Executive Council whom I appointed as "*mere ciphers*" shall shortly appear; but, abandoning that point for a moment, I hasten to vindicate before the public the characters of four gentlemen whom Lord Durham (notwithstanding his admiration of the United States, where "all men are said to be born equal") has designated to Her Majesty as having been "appointed by Sir F. Head from *without the pale of official eligibility*"!

The gentlemen alluded to by his Lordship are as follows:—

1st. The Honourable Robert Baldwin Sullivan (lately elevated to the Legislative Council *by the recommendation of Sir George Arthur*). This gentleman, far from being one of those native Canadians designated by Lord Durham as the "family compact," belonged to a family who had emigrated from Ireland—his father was not living—he had no brother holding any public station—his nearest connexions were the family of Dr. Baldwin, the Chairman of the Alliance (republican) Society. He had received a good classical education—was a man of very superior talents—one of the leading members of the bar, and of irreproachable character. His wife was the daughter of Colonel Delatre, late quarter-master-general at Ceylon.

2d. The Honourable William Allan, a native of Scotland, was, at the time I appointed him to my council, one of the oldest members of the Upper House of the Legislature. He is a retired merchant of the first respectability, opulent, and possessed of large landed property. For forty years he has successively enjoyed the confidence and respect of every Lieutenant-Governor of the province; and being also well known in England, he was solicited by the association of London merchants directing the Canada Company (to whom I beg leave to refer) to take charge of their interests in that country. In consequence of his high character he remained President of the Bank of Upper Canada, by annual election, from the time of its establishment till he voluntarily retired, when he received from the shareholders, without political distinction, a very splendid piece of plate, as a testimonial of their high gratitude and respect. I beg to say, that with a more high-minded man than Mr. Allan, I have never associated.

3rd. The Honourable John Elmsley, Lieutenant of the Royal Navy (*vide* his gallant conduct in the capture of the *Caroline*, page 125), is the son of a former chief justice of Upper Canada, from whom he inherited a large property in the province, and nephew of the late Admiral Sir Benjamin Hallowell. He had, before I appointed him, for *many* years, been a member of the upper branch of the Legislature, and had also formerly been, for many years, a member of the Executive Council, from which he had voluntarily retired, under the administration of Sir John Colborne. Mr. Elmsley is a very zealous member of the Roman Catholic Church, which, according to Lord Durham's report, does not possess any portion of the patronage of the province.

4th. The Honourable Captain Baldwin had also, before I appointed him to the Executive Council, been for many years a member of the Legislative Council.

He was a retired post-captain in the British navy, highly respected in his profession, and although he was the brother of Dr. Baldwin, the chairman of the Alliance or Republican Association, his loyalty and his mild, amiable disposition, formed the conspicuous features of a character which by all parties was esteemed.

5th. The Honourable W. Draper, Her Majesty's Solicitor-General, who, at the time I appointed him to my council, *represented in the provincial parliament the metropolis of Upper Canada*, is a well-educated English gentleman, of amiable and irreproachable character, highly respected, and a prominent member of the Society of Upper Canada; in point of talent one of the leading members of the bar.

To the above description of these five gentlemen, who are reported to Her Majesty by Lord Durham as having been "*appointed by Sir F. Head without the pale of official eligibility,*" I beg leave to add that they continue to form to this day the Executive Council of Upper Canada. A new Lieutenant-Governor, of much colonial experience, has, since my departure from the province, had an opportunity of estimating their character and worth. In the correspondence laid before Parliament by Her Majesty's Secretary of State, it will be seen that Sir George Arthur speaks, as I always spoke of these gentlemen, in terms of the highest confidence and respect.

With respect to Lord Durham's report to the Queen, that my executive council "*seem to have taken office almost on the express condition of being mere ciphers,*" I beg leave most solemnly to declare that such a condition was neither expressed nor understood.

Although I maintained the important constitutional maxim that *I* and not *they* were responsible to Her Majesty and to Parliament for any misconduct *I* might pursue, yet I was too happy to receive from them their counsel and advice. The journals of the Executive Council will show, that on all important subjects I consulted them—on no serious question did I ever dissent from their advice, on the contrary, to upwards of 2,000 written opinions, which I received from this council, I subscribed my initials *to all excepting two*, and on those two they yielded to the reasons I mildly submitted to them.

Besides officially convening them as I have described, I issued a standing order, which was never deviated from, namely, that however crowded the waiting room of Government House might be with people wishing one after another to speak to me, the executive councillors were the moment they entered to take precedence of all, and that they were to have the privilege (which they invariably exercised) of walking at once into my presence at any hour they chose.

I lived with them in the greatest possible confidence and harmony, and I left them full of gratitude for the manly opposition with which they invariably disputed any proposition of mine which they considered to be objectionable.

As far as regards any censure which Lord Durham may have gravely expressed to Her Majesty concerning *me*, I have no desire to trouble his Lordship on this subject; but after the explanation which I have afforded of these respectable gentlemen, I cannot but express my sincere conviction, that Lord Durham will never rest satisfied in his own mind, or will ever attempt to address to the House of Lords one word on the subject of the Canadas, until he has publicly repaired the error he has unintentionally committed, in designating gentlemen who have faithfully served, and who, under difficult circumstances, are still faithfully serving their country, as having been selected "*from without the pale of official eligibility,*" and as having "*taken office almost on the express condition of being mere ciphers.*"

3. As regards the new House of Assembly, and myself, Lord Durham, with equal severity, thus expresses himself to the Queen:—

"I say this, without meaning to cast any imputation on the members of the House of Assembly, because, in fact, the circumstances under which they were elected were such as to render them peculiarly *objects of suspicion and reproach to a large number of their countrymen.*"

"They were *accused of having violated their pledges* at the election. *It is said* that many of them came forward, and were elected, as being really reformers, though opposed to any such claims to colonial independence as might involve a separation from the mother country. There seems to be no doubt that in several places, where the Tories succeeded, the electors were merely desirous of returning members who would not hazard any contest with England, by the assertion of claims, which, from the proclamation of the Lieutenant-Governor, they believed to be practically needless; and who should support Sir F. Head in those economical reforms which the country desired, far more than political changes—reforms, for the sake of which alone political changes had been sought. In a number of other instances, too, *the elections were carried by the unscrupulous exercise of the influence of the Government,* and by a display of violence on the part of the Tories, who were emboldened by the countenance afforded to them by the authorities. *It was stated,* but I believe without any sufficient foundation, that *the Government made grants of land to persons who had no title to them, in order to secure their votes.*"

"This report originated in the fact, that patents for persons who were entitled to grants, but had not taken them out, were sent down to the polling places to be given to the individuals entitled to them, if they were disposed to vote for the government candidate.

"The taking such measures, in order to secure their fair right of voting to the electors in a particular interest, must be considered rather as *an act of official favouritism*, than as an *electoral fraud*.

"But we cannot wonder that the defeated party put the very worst construction on acts which gave some ground for it; and they conceived, in consequence, a strong resentment against the means by which they believed that *the representative of the Crown had carried the elections*, his interference in which in any way was stigmatized by them as a gross violation of constitutional privilege and propriety.

"It cannot be matter of surprise, that such facts and such impressions produced in the country *an exasperation*, and a despair of good government, which extended far beyond those who had actually been defeated at the poll."

As the House of Assembly of Upper Canada is constitutionally able, calmly and temperately, to speak for itself, I will merely, as regards these serious allegations, declare that Lord Durham, in reviving the accusation which Mr. Joseph Hume and Dr. Duncombe two years ago made against me to Lord Melbourne, has unintentionally made to the Queen mistatements which the evidence and documents, printed by order of the House of Commons on the 3rd May, 1837, unanswerably disprove.

With respect to the allegation affecting my own character, namely, that "the elections were carried by the unscrupulous exercise of the influence of the government," I beg leave calmly, but unequivocally, to deny it; and to add, that I am ready to support my denial by recorded proofs, which (after the same revolting charge brought against me by Mr. Hume and Dr. Duncombe had been strictly investigated) her Majesty's Secretary of State for the Colonies referred to in the following despatch, which has been printed and published in Upper Canada:

"DOWNING-STREET,  
17th, April, 1837.

"SIR,

"I have received your despatch, dated the 4th February. (No. 7) It reached me on the 20th ultimo. It was not until the 7th instant that I received, by a subsequent conveyance, the Appendix, comprising the evidence taken before the Committee of the House of General Assembly of Upper Canada, to which was referred my correspondence with you on the subject of the petition presented to the House of Commons by Dr. Duncombe, in the Parliamentary Session of 1836.

"The refutation of Dr. Duncombe's charges is entirely satisfactory. It has been in the highest degree gratifying to me to be able to report to his Majesty, that after a minute and vigorous inquiry, during which every facility was given to the petitioner to substantiate his accusation, your conduct, in reference to the elections, has been proved to have been governed by a strict adherence to the principles of the constitution.

"I have the honour to be,

"Sir,

"Your most obedient servant,

(Signed)

"GLENELG.

"Lieutenant Governor SIR FRANCIS HEAD, K.C.H."

Her Majesty's Government having this proof, *bearing their own signature*, of my innocence in their possession, ought, I think, to have at least admitted it among the bulky documents which they submitted to Parliament with Lord Durham's allegation.

Lord Durham next informs the Queen, that the Assembly, instead of supporting the Governor, *compelled his obedience to itself*, and produced no change in the administration of affairs, except that of re-instating the "*family compact*" in power.

As the reader will have perused in preceding pages, the gratifying addresses with which, at the close of two arduous Sessions, the Speaker of the House of Assembly voluntarily accompanied the vote of supplies, he will probably be no less surprised than I am, at learning from Lord Durham that the House had failed to support me.

It would not be difficult to proceed with the whole of Lord Durham's report on Upper Canada as I have commenced, but as I have no desire unnecessarily to hurt his Lordship's

and as I have sufficiently shown its inaccuracy, to vindicate my own character from its attacks, I will merely notice, by a few concluding observations, one or two topics in which I individually have neither interest nor concern.

After impugning the characters of the Lieutenant-Governor, of the Executive Council, of the Legislative Council, and of the members of the House of Assembly, Lord Durham, not satisfied with resting his grievances on them, humbly submits to Her Majesty a new subject of complaint, which throughout his report is termed "THE FAMILY COMPACT." "Successive Governors," says his Lordship, "as they came in, in their turn, *are said* to have either submitted quietly to its influence, or after a short and unavailing struggle, to have yielded to this well-organized party the real conduct of affairs."

In a monarchical form of government, like that of Upper Canada, composed of a legislature of three branches, one of which contains the sturdy representatives of the people, it would be difficult to comprehend how this fourth power could possibly manage to exist, and what could possibly be its elements, unless the mystery had been thus explained by his Lordship:—

"The bench, the magistracy, the high offices of the episcopal church, and a great part of the legal profession, are filled by the adherents of this party: by grant or purchase they have acquired nearly the whole of the waste lands of the province; they are all-powerful in the chartered banks, and, till lately, shared among themselves almost exclusively all offices of trust and profit. The bulk of this party consists, for the most part, of native-born inhabitants of the colony, or of emigrants who settled in it before the last war with the United States; the principal members of it belong to the Church of England, and the maintenance of the claims of that Church has always been one of its distinguishing characteristics."

It appears, then, from Lord Durham's own shewing, that this "FAMILY COMPACT," which his Lordship deems it so advisable that the Queen should destroy, is nothing more or less than that "social fabric" which characterizes every civilized community in the world. It is that social fabric, or rather fortress, within which the British yeoman, farmer and manufacturer, is enabled to repel the extortionate demands of his labourers; and to preserve from pillage and robbery the harvest of his industry after he has reaped it!

"The bench," "the magistrates," "the clergy," "the law," "the landed proprietors," "the bankers," "the native-born inhabitants," and "the supporters of the Established Church," form just as much "a family compact" in England as they do in Upper Canada, and just as much in Germany as they do in England. If Lord Durham proposes not only to make the legislature of Upper Canada responsible to what he calls "*the people*," but to level to the ground our social fabric, why, I beg leave, without offence, to ask, instead of dedicating his Report to Her Majesty, did not his Lordship on his landing, at once summon a National Convention, and place it in the hands of "*the people*!"

The "*family compact*" of Upper Canada is composed of those members of its society who, either by their abilities and character, have been honoured by the confidence of the executive government, or who, by their industry and intelligence, have amassed wealth.—The party, I own, is comparatively a small one; but to put the multitude at the top and the few at the bottom, is a radical reversion of the pyramid of society, which every reflecting man must foresee can end only by its downfall.

There is continually repeated in the Report one other observation, which, as Lord Durham has stated it, appears so unanswerable, that I will endeavour to explain the subject, especially as most travellers have agreed in the conclusions which Lord Durham has arrived at.

In offering examples of "the results of long misgovernment," his Lordship states:—

"There is one in particular which has occurred to every observant traveller in these regions, which is a constant theme of boast in the states bordering upon our colonies, and a subject of loud complaint within the colonies,—I allude to the striking contrast which is presented between the American and the British sides of the frontier line, in respect to every sign of productive industry, increasing wealth, and progressive civilization.

"By describing one side, and reversing the picture, the other would also be described. On the American side all is activity and bustle. The forest has been widely cleared; every year numerous settlements are formed, and thousands of farms are created out of the waste;

the country is intersected by common roads; canals and railroads are finished, or in the course of formation; the ways of communication and transport are crowded with people, and enlivened by numerous carriages and large steam-boats. The observer is surprised at the number of harbours on the lakes, and the number of vessels they contain; while bridges, artificial landing-places, and commodious wharves are formed, in all directions, as soon as required.— Good houses, warehouses, mills, inns, villages, towns, and even great cities, are almost seen to spring up out of the desert. Every village has its school-house and place of public worship. Every town has many of both, with its township buildings, its book-stores, and probably one or two banks and newspapers; and the cities, with their fine churches, their great hotels, their exchanges, court-houses, and municipal halls, of stone or marble, so new and fresh as to mark the recent existence of the forest where they now stand, would be admired in any part of the Old World. On the British side of the line, with the exception of a few favoured spots, where some approach to American prosperity is apparent, all seems waste and desolate. There is but one railroad in all British America, and that, running between the St. Lawrence and Lake Champlain, is only fifteen miles long.”

From the very little I have seen in twice passing through the United States, I should say that the above picture is that which an American rather than an English writer would be expected to delineate; but, admitting it to be perfectly correct, I submit to the judgment of the reader, that the difference has hitherto been attributed by travellers altogether to a wrong cause.

The rapid growth of a young colony must almost be witnessed to be believed; and accordingly, in the United States, the age of the settlement, and not its fertility, is the general criterion of its wealth.

There was, of course, a time when the United States formed but a portion of the dense forest of America; but, animated by British blood, these colonies grew so rapidly that, in the year 1776, they had attained a strength sufficient not only to take leave of their parent state, but successfully to contend with it.

However, while *they* had attained this degree of strength, the province of Upper Canada, which is as large as England and Wales, was a cheerless wilderness—without a single white inhabitant, excepting a few soldiers in the fort at Kingston, and about twenty French families who had crossed over the Detroit river to settle on the British shore: there existed, consequently, *then*, a much greater contrast between the United States and Upper Canada than there exists *now*.

But let us consider for a moment what is the progress which Upper Canada has made:

In the year 1784 its settlement began.	
“ 1791	its population was 10,000
“ 1809	“ 60,000
“ 1812	“ 70,000
“ 1822	“ 126,000
“ 1828	“ 240,000
“ 1837	“ 396,000
“ 1839	“ 450,000

Total age, 55 years. (The age of the United States being upwards of 200 years!)

In no one of the United States has a public work equal to the Welland Canal been carried through by a country so young and so thinly inhabited.

The same may be said of the St. Lawrence Canal, which, in execution and grandeur of design, is perhaps superior to any in the United States. (These two works were strenuously opposed by the reform party, as the journals of the Legislature will show.) Besides these, the Rideau Canal, which, though constructed by the parent government, is not on that account the less useful to the province, forms an artificial navigation of 120 miles, connecting, in fact, the Atlantic with Lake Ontario. This canal is undeniably the best executed work on the continent of North America.

Besides these undertakings, there have been created the Niagara Dock, the Burlington Bay Canal, and Desjardins Canal; also the harbour of Cobourg, Port Hope, Oakville, Port Credit, Toronto, Grand River, Port Dalhousie, Port Stanley, &c. Now, instead of upbraid-

ing a healthy young British Colony merely on account of its youth and poverty, if our travellers would but take the trouble to observe how hard the backwoodsman is toiling, and what affectionate exertions the little community is everywhere making to copy the picture of its beloved mother-country, instead of trying to poison its contentment by unfairly comparing it with a portion of America that has attained the strength of manhood, they would, I think, be as much astonished as I have been, were they attentively to observe how much has been done in so short a time, and how, under the blessing of God, this land has prospered!

But, although it is true that the inhabitants of Upper Canada are poorer in purse than "the people" of the United States, yet, if the moral picture be considered, it is beyond all description in our favour.

Assassination is unknown—the bowie knife is not to be purchased—the laws are respected—religion is revered—public treaties are preserved; and nothing can be more true than that even (borrowing Lord Durham's words) if this picture "were to be reversed," and the British institutions of Upper Canada were to be destroyed, the gloomy forests would still remain to be cleared—the sweat of the British settler would still drop from his brow.

Although Lord Durham has apparently deemed it beneath his notice to bring before the consideration of the Queen the unparalleled sufferings of her Canadian subjects, yet I firmly believe that a paragraph on that subject would not by Her Majesty have been deemed the least acceptable portion of his Lordship's voluminous report.

Although but little versed in history, I firmly believe it nowhere contains a more affecting picture than has been exhibited to the civilized world for the last two years, by the brave resistance which a small British population has been making against the unprincipled attacks by which the Americans have endeavoured to force upon them republican institutions. The instances of individual courage that could be detailed are innumerable, while on the other hand the conduct of the assailants has been stamped by cruelty and cowardice. I must own, that when I daily think of the number of our soldiers who have untimely fallen—of the manner in which Colonel Moodie, Lieut. Wier, Lieut. Johnson, Staff-surgeon Hume, have been butchered and mutilated, of the privations and losses the people of Upper Canada have patiently endured; and when, on the other hand, I reflect that on the last invasion at Sandwich, a body of American sympathizers escaping into our woods, remained there starving from hunger and cold—not daring anywhere to ask even shelter of those whom they had professed they had invaded—to liberate them from the British Government, but wandering through the province until, worn out by the punishment of their guilt, they perished in the forest in such numbers that nineteen corpses were in one spot found frozen to death round the white embers of a fire,—I own that whenever these two pictures come together before my mind, it is filled with astonishment that Lord Durham, with this glaring evidence before him, could deliberately declare to our youthful Queen that the people of Upper Canada are dissatisfied with their institutions—that he could possibly find in his heart to submit a report to Her Majesty without a single word of commiseration of the unexampled sufferings which had afflicted—without a single word of approbation for the gallantry and fidelity which had distinguished—Her Majesty's loyal and devoted subjects in the Canadas, but which on the contrary lauded in well-measured terms the detestable invaders of their soil! But it really seems to me that Lord Durham has looked upon British North America in general, and upon the province of Upper Canada in particular, through a glass darkened.

It is possible that the public authorities whom his Lordship as Her Majesty's High Commissioner has deemed it proper to revile will feel it their duty patiently to submit to his remarks; but, when it is considered that Parliament may be advised by her Majesty's Government to legislate upon this most mischievous document, I feel it my duty to join with the rest of the community in gravely considering what opportunities Lord Durham has had for forming the astonishing opinions which are propounded in it.

"It is said" that his Lordship came up the St. Lawrence in a steam-boat exclusively appropriated to himself and his suite;—that on arriving at Kingston he landed to receive an address, and then proceeded by water to Niagara, where he passed the county-town without receiving the address that was framed for him, or conversing with its inhabitants;—that at the Falls his Lordship remained about four days, part of which time he was unwell, part was devoted to military review, and the greater part in receiving Americans and others who attended his Lordship's levees, balls, and dinners;—that thus intently occupied, he had not time to visit the most interesting part of the Welland Canal, which was within six miles, although his Lordship had offered to procure assistance of £250,000 from Her Majesty's Government;—that in

crossing to Toronto, he touched at the termination of the canal in Lake Ontario without inspecting the work;—that at the seat of government at Toronto he spent twenty-four hours, principally occupied with a levee, receiving addresses, and with a state dinner;—that his Lordship then made the best of his way back to Montreal; and that in such exclusive dignity did he travel that he would not allow even the public mail to be taken on board at Cornwall, by which it was delayed a day.

If the above reports be correct, it would appear that his Lordship left Lower Canada only for ten days, during which time he had to travel by water about 1,000 miles.

By promising, "*it is said*," to procure a grant of £250,000 to make the Welland Canal a prominent work,—that the St. Lawrence should be improved to Montreal,—that the navigation of the Ottawa should be similarly assisted, and by his generous expenditure, his Lordship naturally excited the hopes of the people that these important undertakings would be effected.

As the representative of their Sovereign, Lord Durham had a sterling claim upon their loyalty, which, wherever he went, was paid to him at sight; and as his conduct and demeanour were always dignified, and as he expressed himself with fluent and acceptable elocution, addresses from all quarters were poured upon him. Nevertheless, authorised by the statements made against me in the Report to the Queen, I challenge Lord Durham to lay before the British public *every* address he has received from the inhabitants of Upper Canada, with the fullest information he can give of the number of signatures, or any other explanation; and if they support his representations of discontent, slander their governor and their legislature, or exhibit that restless desire for change in their constitution which his Report everywhere speaks of, I pledge myself to acknowledge that I am ignorant of the state of Upper Canada, and that his Lordship, in five days' sailing through it, has become better acquainted with the interests and disposition of its people than I am, after having traversed it in all directions, on horseback, and even on foot—after having slept in its forests—mingled with its inhabitants in times of peace and war, and after an actual administration of the government during three sessions of Parliament.

Again, in defence of the Executive Council, who have served their country with so much fidelity and ability, I call upon his Lordship to produce the able document they drew out for him of the state of the province, and if that document (which I have never seen) warrants the description Lord Durham has given of these gentlemen, and if it accords with the sentiments contained in his Report, I will willingly acknowledge that I, instead of his Lordship, have incorrectly estimated their character.

Lastly, I call upon Lord Durham to answer whether, in his place in Parliament, he will venture to declare that the sentiments contained in his Report will not be repudiated by every Lieutenant-Governor in the British North American Colonies; that they will not be repudiated by the whole of the respectable inhabitants of Upper Canada; and, on the other hand, I ask his Lordship whether, before his country, he will assert that from the most intelligent people of Upper Canada, or from the committee who, with his Excellency Sir George Arthur, had the honour of waiting upon his Lordship in Quebec, he *ever* received that description of the Canadian people, and that admiration of the United States, which are contained in his Report?

Although the preceding Governors and Lieutenant-Governors of the Canadas have formed their estimate of the country and inhabitants, by personally visiting them on easy terms; although even his Grace the Duke of Richmond (whose noble memory in the Canadas is deeply respected) rode post through the province, just as our country gentlemen, fifty years ago, used to ride through England; yet I cannot but admit that the halo of glory which everywhere accompanied his Lordship, the "*champ de drap d'or*" on which wherever he landed he was seen to tread, produced in the Canadas a very favourable effect. Mankind are always led by outward appearance, and I therefore will not deny that as my Lord Durham, surrounded by a brilliant staff, and unprejudiced by the conversation of a single Canadian, ascended the great St. Lawrence, and, traversing the noble Lake Ontario, which is forty miles broad, proceeded to Niagara, the fine hotel of which had been previously cleansed of every visitor, his Lordship's career resembled the course of a heavenly meteor; but admitting all this, admitting the weight and consideration it very properly obtained for his Lordship, yet as not only the welfare and the very existence of our North American Colonies, but of our interests at home, hang upon the importance due to Lord Durham's Report, I beg leave to say, that, in my humble opinion, under such circumstances, his Lordship had not as much means of writing the history of the American and Canadian territories between which he sailed, as poor, blind

Lieutenant Holman, R. N., would have possessed, had he socially travelled the same distance by public conveyances.

It therefore becomes necessary for the country soberly to inquire from what sources his Lordship's information has been derived? In the report itself, this important fact stands shrouded in mystery; for instead of resting his opinion, verbal or written, upon any recognised authorities, almost every assertion is impersonally expressed by the words "*it is said*," or "*it seems*," or "*it appears*." But I trust Lord Durham will eagerly divulge to Parliament by whom "*it is said*," to whom "*it seems*" and to whom "*it appears*."

It was naturally to be expected that this important fact, on which the whole validity of the Report depends, would have been comprehensively contained in the Appendix, but, on referring to that document, it undeniably appears that his Lordship has most truly fulfilled the promise made on his landing, namely, "*that he would make disclosures which would astonish both the Parliament and the country*;" for certainly nothing can be more astonishing to any man than, on opening an Appendix to a Report which in *impersonal* terms asperses the character of the Legislature as well as the public servants of Upper Canada, and which recommends organic changes that may shake the foundation of the British empire, to find that, excepting five pages containing the experienced opinions of Mr. Charles Buller and Mr. R. D. Horner, on the subject of emigration and crown lands, and excepting copies of thirty-five addresses and letters, which his Lordship received, this Appendix, submitted by his Lordship to the Queen, and by order of Her Majesty transmitted to both Houses of Parliament, contains nothing at all but the following subjects:—

*State of the Hospitals, Prisons, Charitable Institutions, &c. in Lower Canada.*

Report from commissioners for the relief of insane and invalid persons and foundlings, in the district of Quebec.

HOPITAL GENERAL de Quebec, 18 Juillet, 1838.

Réponses de la Supérieure de l'Hôpital Général de Quebec aux questions que Louis Massue, ecuyer, commissaire pour le soulagement des invalides et insensés, lui a fait l'honneur de lui adresser.

HOTEL DIEU de Quebec, 10 Juillet, 1838.

Le nombre des enfans reçus à l'Hôtel Dieu de Quebec, depuis le 1 Janvier, 1824, jusqu'au 10 Juillet, 1838, inclusivement.

Observations by Sir John Doratt, M. D., on the custody of the insane, and the expediency of a public lunatic asylum.

Proposed alterations in the quarantine rules, by Sir John Doratt, M. D.

Remarks on the quarantine station, Grosse Isle, from its establishment in 1832, by Sir John Doratt, M. D.

Letter from the Rev. H. Sewell to Sir John Doratt, on the state of the gaol of the city of Quebec.

Report of the Quebec gaol association, August, 1838.

Report from Dr. Morrin and Mr. Douglas, on the present state of medical education of Lower Canada.

Suggestions for the establishment of a medical school at Quebec, by Sir John Doratt, M. D.  
Rules and regulations for the hospital connected with the school of medicine.

ABSTRACT OF PAYMENTS TO CONVENTS, 1838.

Abstract relative to the payments made by the legislature of the province of Lower Canada, to the several convents established in Quebec, Trois Rivières, and Montreal.

Report from L'Hotel Dieu de Quebec. A Monsieur John Doratt, M. D., inspecteur-général, &c. &c.

Report from Quebec general hospital, July 5, 1838.

Etat des Enfans Trouvés qui ont été aux soins des sœurs grises, de l'hôpital général de Montreal, pendant le période du 10 Octobre, 1836, au 10 Octobre, 1837.

1. Etat des enfans qui etoient requis avant le 10 Octobre, 1836, et qui ont continué à être en nourrice.

(Here follow five folio pages, containing a list of these little babies.

In this extraordinary document, it is reported to the Queen that none of these babies have surnames, but their Christian names are all inserted, as well as the precise dates at which they were received by "les sœurs grises," the periods they remained with them, and the day of their deaths. Thus, it appears that Francois lived two days; Jeanne eight days; Marie Philomene five days; Louis five days; Corneille eight days; Leandre six days; Edouard four days; Maximin only one day; and so on for two hundred and fifty-six little babies !)

Etat des insensés qui ont été aux soins des sœurs grises, de l'hôpital général de Montreal, pendant le période du 10 Octobre, 1836 au 10 Octobre, 1837.

Memorandum by Sir John Doratt, M.D., of the expenses incurred by the legislature of Lower Canada, for the insane, invalid poor, &c., through the convents at Quebec and Montreal.

Memorandum by Sir John Doratt of the expenses incurred by the legislature of Lower Canada, for the maintenance and education of poor, and purposes of literature.

When the "disclosures" contained in this Appendix shall have ceased "to astonish the Parliament and the country," will not the public humbly persist in requiring Lord Durham to produce respectable evidence in support of his allegations? Derservedly respected as Lord Durham is, will the British Parliament be satisfied with his Lordship's declarations that "it is said," that "it seems," and that "it appears," that British institutions must be changed; and in lieu of all other explanation will they be satisfied with a detailed history, however interesting, of the gaols, lunatic asylums, *sœurs grises* and *enfans trouvés* of Quebec?

Lord Durham's best friends cannot deny, that in justice to his unsullied personal reputation, his Lordship is bound *positively* to prove the truth of his allegations, lest his Lordship may ere long *negatively* be required to disprove the rumour contained in the following letter, which has been addressed to me by a very able, discreet, and highly honourable public servant, namely, the Honourable W. H. Draper, Her Majesty's Solicitor-General for the province of Upper Canada, who, it will appear, though declared by Lord Durham to be "without the pale of official eligibility," witnessed his Lordship's departure from the Canadas, with feelings of unqualified regret.

(Copy.)

Toronto, 16th October, 1838.

MY DEAR SIR FRANCIS,

I know so well the deep interest you feel in all that affects the province, that I do not apologize for again intruding my correspondence upon you.

Notwithstanding that I felt no confidence in the scheme likely to be propounded by Lord Durham for the settlement of our difficulties, I do most sincerely deplore his sudden departure. His visit to Upper Canada, and the cordial assurance he met with of support in any scheme calculated to make the connexion of this province with Great Britain perpetual, together with the manly and excellent course pursued by the constitutionalists of the Lower Province, has opened his eyes; and he frankly confesses himself a changed man in many important respects. Among other changes, he has given up the idea of abolishing the legislative councils. He appears also convinced who are to be relied upon in the province; and sees clearly, and openly avows that the government of these provinces has been directed by the Colonial Office in ignorance of the true state of affairs. In truth he has been converted as regards the Canadas, at least to the true and conservative faith; and therefore I regret his departure, though I think he has done right.

I have not the same regret at the loss of his Secretary, Mr. Buller, for I do not entertain any favourable expectation from him. He states (as I hear) his opinion that nine-tenths of the people of Upper Canada are disloyal. The mode in which he has acquired the information upon which this opinion is based is somewhat unique. He was taken ill during Lord Durham's visit to the falls, and was left behind at Niagara. While so detained, he sent his servant out to converse with everybody he could meet, and from his report he has formed his

judgment. This statement as to the mode of ascertaining the opinions of the people Mr. Buller has himself made to several individuals, one of whom repeated it to me, as coming direct from Mr. Buller.

To you, my dear Sir, the province already owes the proof of her sincere attachment to her Sovereign and to her constitution. Persevere till you gain this great good for us, and I will safely prophesy that in Upper Canada—

*"Semper honos nomenque tuum laudesque manebunt."*

Believe me,

My dear Sir Francis,

Very faithfully,

Your obedient servant,

W. H. DRAPER.

Of course I only give this letter as I received it; but as the sentiments contained in Lord Durham's report must soon be gravely discussed, I feel it right, in conclusion, to explain upon what ground my own opinions, which differ so widely from his Lordship's, have been formed.

On my arrival at Toronto, I considered that the object of the greatest importance was to make myself as accurately acquainted as possible with the real feelings of the inhabitants of the country.

To attain this information, I accordingly, for the first year, publicly received *any* person, of *any* politics, from *any* part of the province, from eleven o'clock till three, for six days in the week: after the first year, and until the time of the insurrection, I limited this most toilsome duty to three days a-week.

Being desirous that people should *see* I belonged to no party, I never, from the day I entered Toronto, until the receipt of my resignation, *ever* entered any person's house—I never associated with any person; scarcely *ever* rode with anybody—*never* with a servant; but when my horse was brought to my door at three o'clock, if business did not detain me, I used to ride by myself (whatever was the weather) for twelve or fourteen miles.

In these moments I occasionally visited some of the log-huts; and whenever I could, with propriety, avail myself of an opportunity, my disposition led me to converse with those who were variously occupied at their work.

Besides this, I was in the habit of receiving petitions in writing from all parts of the province, on all public subjects.

Putting all I have seen together, I readily admit that all the complaints described in Lord Durham's Report actually exist; but I feel it my duty to add, *that they are the complaints of the small minority with whom I had to contend.* My despatches will strongly corroborate Lord Durham's report, that there is a desire in Upper Canada to make the Lieutenant-Governor, Executive and Legislative Councils "*responsible to the people*"—that "the family compact" is complained of—that American institutions *are* admired; and I do not presume to deny his Lordship's assertion, "that all the discontented parties, and especially the Reformers of Upper Canada, looked with considerable confidence to his Lordship's mission:" but I can declare to the country, that Lord Durham is wrong in attributing these sentiments of discontent to the *majority*; and though his Lordship has reported to the Queen his opinion of the "*Proceedings of Sir Francis Head,*" "*Failure of Result aimed at by Sir F. Head,*" "*Real Result of Sir Francis Head's Policy,*" and of the consequent "*EXASPERATION OF THE PEOPLE,*" it is my humble opinion, that, if his Lordship were to dare me to ride with him through the British North American provinces, I should very soon have to repeat—

"But ere we could arrive the point proposed,  
Cæsar cried, *Help me, Cassius, or I sink!*"

It now only remains for me to say, that in reply to the letter, dated 18th September, 1838, page 419, which I had addressed to Lord Melbourne, his Lordship, in a note marked "private," declined to accede to the three requests I had made.

As Her Majesty's Government thus denied me a private investigation, which I had hoped would have led to a more public discussion, at the expiration of three months, I deemed it proper respectfully to address to Lord Melbourne two other letters (which, with his Lordship's answers, have appeared in the newspapers.) In the first of these, I requested his Lordship's permission to explain and vindicate my own conduct, by publishing my despatches.

In the second, I stated, "I beg leave very respectfully to inform your Lordship, that as Her Majesty's Government will not sanction any of my requests, I shall feel myself precluded from publishing my Despatches, or from furnishing any one with the numbers or dates of those I am desirous to produce."

Having determined on this course, I faithfully pursued it, and I had actually come to London on purpose to inform Her Majesty's Government, (and I had made the same statement to two or three members of each branch of the Legislature,) namely, "that if any member of either House should ask for my Despatches in my name, the Government were authorised by me *unequivocally to contradict the assertion*," when, on opening Lord Durham's Report, I found that, although I had thus obeyed the decision of my late employers almost at the expense of my character—and although I had, on a very important subject, actually been employing myself in writing in their support—Her Majesty's Government, without consideration for my feelings, had recommended the Queen to transmit, by Her Majesty's command, to both Houses of Parliament, a Report containing allegations against my conduct and character, of a most invidious description; and, notwithstanding her Majesty's Government knew perfectly well that, having bound me hand and foot to silence, I was defenceless, they actually accompanied Lord Durham's Report with their own volume, containing 400 closely printed folio pages, in which not a single line of even those printed documents in their possession, which they knew would vindicate my character, was admitted; and it further appeared from the newspapers, that when Lord Durham's allegations against me were officially presented, there was not, among her Majesty's Ministers, one individual who, in either House of Parliament, stood up to utter a single word in my defence.

When these facts came suddenly upon me, I very strongly felt that my allegiance to the Ministry was dissolved; and on the spur of the moment,\* I addressed and published a note to Lord Melbourne, informing his Lordship that I had determined to vindicate *myself*.

A few hours reflection, however, induced me to reconsider the subject; and though I had determined, officially, to write no more, I was actually, through a mutual friend, endeavouring to obtain the Government's permission, when I observed, not only that such parts of my correspondence as were necessary for my vindication had been asked for by the Duke of Wellington, granted by Lord Melbourne, and ordered to be printed; but that the Secretary of State for the Colonies, under whom I had served, as well as another noble lord who had held the same high office, had very liberally concurred in opinion, that the publication of a portion of my despatches was *necessary* for my defence.

Casting all private feeling aside, I can conscientiously declare that, on public grounds alone, I have long felt it would be desirable that my despatches should be allowed at least to neutralize certain opinions respecting the British North American colonies, to which general publicity has been given; but deeply sensible of the high confidence that had been reposed in me, without uttering to the public a single word of complaint, I saw the supporters of my administration, one after another, degraded—those who insulted me rewarded! Unsupported, unvindicated, I was spoken lightly of by those I was serving—even my gait in writing was, as it proceeded, publicly pointed at by the Government; nevertheless, *I submitted in silence to all*; and I can truly say that, if my Lord Durham's Report had merely been published in the newspapers, I should have taken no more notice of it there than of the ephemeral observations which I have long been accustomed to endure. But, uninfluenced, I hope, by temper, my judgment most explicitly tells me, that no loyal subject ought to allow a Report, to the Sovereign, to be submitted to both Houses of Parliament, by order of a Government who had not only insisted on his silence, but who have also suppressed his evidence, without rising before the country to vindicate *himself*; for, whatever may be a man's philosophy, or forbearance, he ought to be ashamed to say that "*he does not care*" for censure from such a quarter, conveyed in so imposing a form.

On the common-admitted principle of self-defence, I have, therefore, published less than one-sixth (being all that I consider at all important to the public) of the despatches which were originally called for by the Duke of Wellington; and, having done so, far from pleading that I have yielded to natural feelings, I calmly maintain that, (without even reckoning the sanction of the order of the House of Lords, that the despatches requisite for my defence should be printed,) I am perfectly justified in what I have done.

The reader is now aware of the serious differences that have existed between Her Majesty's Government and myself; and without the slightest feeling of personal animosity, I commit the subject of our dispute to the public, earnestly hoping that it may be considered only so far as it regards the happiness, prosperity, and protection of the British North American Colonies.

\* "Donner and Blitzen," said Hatteraik, springing up and grappling with him, "you will have it then?"—*Guy Mannering*.

# A NARRATIVE,

BY

SIR FRANCIS B. HEAD, BART.

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"Quamquam animus meminisse horret, luctuque refugit;  
Incipiam."

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SUPPLEMENTAL CHAPTER.

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LONDON—JOHN MURRAY, ALBEMARLE STREET.

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TORONTO:

R. STANTON, 164, KING STREET.

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MDCCCXXXIX.



## PREFACE TO THE THIRD EDITION.

MY REASONS FOR NOT HAVING DELAYED THE PUBLICATION OF MY "NARRATIVE" UNTIL THE DESPATCHES, ORDERED TO BE PRINTED BY THE HOUSE OF LORDS, WERE PROMULGATED.

THE accusations against me, and against the legislature of Upper Canada, contained in Lord Durham's Report, which, by the advice of Her Majesty's Government, was "presented by her Majesty's command to both Houses of Parliament," were as follows:—

1. That, as Lieutenant-Governor of Upper Canada, I had managed to obtain, at the elections, a constitutional majority in the House of Assembly, by making deceptive misrepresentations to the people; and that, in a number of instances, the said elections had been carried "by the unscrupulous exercise of the influence of my Government."

2. That I had formed my Executive Council of persons whom I had "taken from without the pale of official eligibility,"—that this Council had "accepted office almost on the express condition of being mere ciphers;" and that, having been selected under these degrading circumstances, it continued under the administration of Sir George Arthur, "to feel that under no conceivable contingency could they expect an Assembly disposed to support them."

3. That the members of the House of Assembly of Upper Canada "had been elected under circumstances such as to render them peculiar objects of suspicion and reproach to a large number of their countrymen;" and that they were accused of having "violated their pledges at the elections."

4. That by the above acts the people of Upper Canada had been exasperated.

On these offensive accusations being laid, by advice of Her Majesty's Government, before both Houses of Parliament, accompanied by four hundred folio pages of additional matter, selected by the Government, but which, strange to say, did not contain a single word in defence either of me or of the Executive Council, or House of Assembly of Upper Canada, I found myself, all of a sudden, most ungenerously thrown, by a Government I had faithfully served, into a dilemma from which it was utterly impossible for me to extricate myself with impunity: for, if I should vindicate myself, by publishing the despatches which I had refused to divulge to both Houses of the Canadian Legislature, I knew I should instantly be accused of betraying my employers; while, on the other hand, if, to avoid this imputation, I should remain silent, I felt most strongly that the Executive Council of Upper Canada, whose private as well as public characters had been so unjustly assailed—the House of Assembly of Upper Canada, who had, during two arduous sessions, so nobly supported me, the electors of the province, who in peace as well as in war, had so constitutionally flocked around me, and the Legislatures of our North American Colonies, who had so loyally co-operated with Upper Canada in standing against democracy, would indignantly have declared, that, supported as I had been by them all, I was bound to them by honour and by gratitude, not only regardless of every personal sacrifice, to step forward to shield them in their absence from being so unjustly defamed before the Imperial Parliament, but to save them from the ruinous consequences of Lord Durham's Report, by exposing to the country the unintentional misrepresentations which it contained. The dilemma in which Her Majesty's Government placed me was a cruel one; because, without any means of escaping, it forced me to sacrifice either my reputation among diplomatic men by publishing my despatches, or my character among men of the world, by ungratefully shrinking from defending those to whom, under Providence, I was indebted for infinitely more than my life.

The Duke of Wellington, totally unsolicited by me, seeing the miserable predicament in which I was placed, magnanimously rose in my defence, and, supported by two late Secretaries of State for the Colonies, both of whom declared that I was entitled to vindication, his Grace called upon Lord Melbourne for the production of the whole of my despatches.

The very point which I myself had refused to accede to the addresses of both Houses of the Canadian Legislature, was thus fairly brought before Lord Melbourne by his political antagonist, and the moment had therefore arrived for his Lordship to determine and to declare

## (PREFACE TO SUPPLEMENTAL CHAPTER.)

before the country, whether he would resist or yield to a request, the consequences of which he was fully aware of. His Lordship was pleased deliberately to accede to the Duke of Wellington's motion, and accordingly such of my despatches as were necessary to my vindication, were ordered to be printed.

The important point being yielded, publicity being granted, and the immediate elucidation of the real truth being of vital importance not only to my own character, to the character of the authorities of Upper Canada, but to the empire at large, ten days after this permission was granted, I published in a popular form, and with necessary explanations, the case which I had hitherto withheld from the public.

In this publication I did not divulge a single State secret, but by producing less than a sixth of my despatches, I merely exculpated myself from the accusations which had been made against me, by explaining what had been the policy I had endeavoured to pursue, what had been the difficulties which had vexatiously been opposed to me, and how, instead of being supported by my employers, I had, by their repeated attacks, been eventually driven from my post.

For reasons which I am unable to explain, an unusual delay took place in the promised production of my despatches, in consequence of which my defence of the policy I had pursued was published before it was officially promulgated by Her Majesty's Government.

I acknowledge with submission the breach of form I have thus committed; at the same time it will, I hope, be also admitted that, leaving my natural eagerness to vindicate myself, and those who had supported me, from the offensive accusations which had been brought against us before both Houses of Parliament, completely out of the question, it was of vital importance that my volume should reach the colonies and appear before the judgment of the British public, as nearly as possible, simultaneously with Lord Durham's unfortunate recommendations: for surely it must be evident that, in our colonial policy, there exist errors enough without wilfully sowing and giving time for the growth of others, which, by a prompt reply, might at once be eradicated; and this general observation is particularly applicable to Lord Durham's Report, which, without intentional offence to his Lordship, I must say, contains allegations against the Legislature of Upper Canada, and expressions of admiration of the United States, almost sufficient to make our Canadian Militia throw down their arms in despair.

Notwithstanding these reasons, it has, however, been observed by Her Majesty's Government, before Parliament, "that my publication of my despatches is unparalleled, and that long may it remain so." Whether the provocation as well as the treatment I have received from Her Majesty's Government be also "unparalleled" is a question for the public rather than me to determine. I will therefore proceed to notice two other remarks made against me by Her Majesty's Government, viz., that I ought not to have published at all—first, any despatches impugning the political principles of individuals (one of whom principally alluded to is, I presume, Her Majesty's Under Secretary of State for the Colonies); and, secondly, any expressions hostile to the institutions of the United States, Her Majesty's Government having determined, although I have published them, officially to withhold all such documents from the public.

Now what a contradiction this is to the course which the Government pursued respecting Lord Durham's allegations against me!

These allegations leaked out into the "*Times*" newspaper before they were officially laid before Parliament, or rather before it was even decided that they *should* be laid before Parliament, just as my despatches appeared *after they had been ordered to be printed*. In the former case, however, the greater irregularity was urged by Her Majesty's Government as their excuse, or rather as their reason, for promulgating a libel; while, in the lesser case, it is said to be no reason at all for their publishing it. And now, let us examine who are the parties that in one instance Her Majesty's Government join in attacking, and in another instance, exactly similar, protect from defamation.

Why, the individual whom Her Majesty's Government have assisted in assailing before both Houses of Parliament, is the man who, on the continent of America, humbly maintained monarchical principles against democracy; while, on the other hand, the individual whom

## (PREFACE TO SUPPLEMENTAL CHAPTER.)

they *shield* is Her Majesty's Under Secretary for the Colonies, declared, on respectable evidence which it has been offered to produce, to have assisted in our colonies the progress of republican institutions!!

But not only do Her Majesty's Government protect this individual, but they declare their intention to protect democracy itself; and although twenty-two pieces of artillery of the United States were fired during a fortnight upon Upper Canada while I commanded there—although the Americans, after having set a price upon my head, shamefully invaded the province in all directions,—shot down thirty of our brave soldiers,—cruelly murdered and plundered the Queen's subjects,—brutally insulted several ladies on board the British steamer (the *Sir Robert Peel*), which they burnt,—barbarously mutilated the corpses of our officers, one of whom, it is said, they hung up by the heels as a mark for their rifles.—Although, on relinquishing the government of Upper Canada, I was pursued for upwards of forty miles by these Americans, who hunted me like bloodhounds to murder me, for no other reason than because, as Her Britannic Majesty's representative, I had resisted the repeated proclamations by which the American "Generals commanding" had insolently called upon Her Majesty's subjects of Upper Canada to exchange British institutions for democracy.—Notwithstanding all these provocations, and notwithstanding these infamous aggressions have already cost the country nearly two millions of money, I am to be censured by Her Majesty's Government for having, after they had agreed to the publication of my despatches, made the country and the civilized world aware that I had called "shame" upon those institutions of the United States, which their citizens had vainly endeavoured, by bayonets and artillery, to force upon the people of Upper Canada, whether they liked them or not.

If Her Majesty's Government are of opinion that the old-fashioned custom, which in British history has ever been maintained, of indignantly resisting insult and aggression, is henceforward to be abolished, why, instead of first inculcating the new doctrine upon an humble individual like myself, did they not venture at once to rebuke the Duke of Wellington, when, on the 6th ult., his Grace, in a speech which men of property in the United States will both appreciate and admire, compared the unjustifiable invasion of the Canadas 'to a system of warfare known only among the most lawless of the most barbarous states of the East and of Africa!'

Do Her Majesty's Ministers conceive that the plain-dealing yeomen, farmers, merchants, and manufacturers of the British empire are to be called upon to pay two millions of money for a secret war with America, which no man is to dare to mention; and that our public officers, smarting under the indignities they have received from the American Republic, are to be publicly censured, unless, with the servility of spaniels, they lick the hand that has been striking them?

Do Her Majesty's Ministers afford this unheard-of protection to *our own* revered institutions? No! Every fault which conflicting Commissioners of Inquiry, one after another, can ingeniously point out in the *Monarchical* institutions of the Canadas have been printed with eager alacrity; every recommendation from friend or foe to subject the Governor, the Executive Council, and the Upper House of the Provincial Legislature to the will of the people, has been listened to 'with the utmost possible respect,' and published in detail. Lord Durham's censures against my policy; his Lordship's allegations against the Executive Council whom I appointed, against the Legislative Council, and even against the representatives of the people of Upper Canada, by the advice of Her Majesty's Ministers, have been all 'laid before both Houses of Parliament by command of the Queen.'

Neither the private nor the public feelings of the supporters of British institutions have been spared; but the moment (availing myself of Lord Melbourne's motion, that a portion of my despatches be printed) I tell the country the real truth—the moment, in defence of our monarchical constitution, I utter a word against those republican institutions of the United States, which have assailed and insulted it, Her Majesty's Government defend democracy, and frown upon me for having disclosed the resistance I offered to its attacks!"

Lastly, how could Her Majesty's Government complain before the House of Commons, that *too many* of my despatches had been published, when in the same breath they cheerfully consented to print a *second batch* of them, on Mr. Hume's ridiculous pretence, that their publication was necessary for the purification of *his* character?

## (PREFACE TO SUPPLEMENTAL CHAPTER.)

If Her Majesty's Ministers feel that they have been seriously injured, in the opinion of steady men of business, by the publication of my despatches, they should blame themselves, not me: for if they themselves had not torn up the solemn treaty of peace which existed between us, I should still have been governed by its terms.

The dilemma in which they involved me, by acknowledging and laying before Parliament, as an official "Report," the pamphlet of an Ex-Governor, who *before* his resignation had been received had, in a Quebec Proclamation, assailed them and the Imperial Parliament as severely as *after* his resignation had been accepted, he assailed in his said London Pamphlet the conduct and by-gone policy of an Ex-Lieutenant-Governor of Upper Canada, "*functus officii*," like himself—the consequent demand in the House of Lords for my despatches—and the exertions which I was forced to make in self-defence, will, I believe, be a warning to British Statesmen:—

1st. Never again to forget their own dignity by refusing to accept the resignation of a public servant, when, by word as well as by deed, he frankly says of their measures (as I did within four months of my arrival at Toronto), "*that he has not an idea in common with them;*" and that the policy they have desired him to follow "*has a democratic character, to which he cannot conscientiously accord.*"

2ndly. Never again in our colonies, in opposition to the earnest recommendations of the Lieutenant Governor, to raise up the well-known enemies, and to pull down the time-trying friends of British Institutions.

3rdly. Never again to combine with any one in unjustly dragging before both Houses of Parliament a silent, innocent man, who, in his retirement, was faithfully concealing their policy.

## SUPPLEMENTAL CHAPTER.

Her Majesty's Ministers, after my retirement, persevere in the same fatal system—Extraordinary Despatch from the Colonial Office to His Excellency Sir George Arthur—Observations against the proposal, by Her Majesty's Ministers, of the Union of the Canadas—Explanation to the Bishop of Exeter respecting the Clergy Reserves—A few Remarks on a Volume (containing 524 folio pages) of my Despatches, lately laid by Her Majesty's Government before both Houses of Parliament—Concluding Observations.

THE preceding chapters have, I believe, unveiled to the public the real difficulties which drove Sir John Colborne, Sir Archibald Campbell, and myself from the administration of the Colonial Governments to which by our Sovereign we had respectively been appointed.

For the sake of history, rather than from any desire either to gratify or irritate the political passions of the day, I feel it a painful duty, in the third edition of this volume, to place on record a few facts and documents which, I regret to say, too clearly prove that, since my retirement, Her Majesty's Ministers (who have never for a moment entertained any personal animosity against *me*) have steadily pursued towards the Canadas the same fatal system—that they have evinced the same unalterable determination to weaken the influence of the Crown, to strengthen the democratic power—in short, to subvert (regardless of the opinions and entreaties of almost every respectable inhabitant of our colonies) British institutions on the continent of North America.

After the electors of Upper Canada had constitutionally repudiated from their confidence Mr. Speaker Bidwell and the republican majority by whom he had been supported, one of the first subjects to which the new loyal House of Assembly steadily directed its attention, was a despatch from the Colonial Office, respecting the regulation of the public lands; and accordingly, after patient deliberation, they brought forward a bill, in which the Commons' House, entirely of its own accord, deemed it advisable to invest in the representative of their Sovereign that amount of honourable confidence which dignifies the character of monarchical institutions, and which most particularly facilitates colonial government.

Considering the severe moral conflict in which, unsupported by Her Majesty's Government, I had been, and in which I was still engaged, nothing could be of more vital importance to the Crown than this unanswerable proof, even to the mother-country, of the attachment of the Canadian people to British institutions, and of their sensible repugnance to that levelling insatiable desire of the adjoining Republic always to be restlessly transferring, from the executive branch of their legislature to an ungovernable mob, the patronage which, in monarchical institutions, is confidently reposed in the Crown.

The bill, by a triumphant majority, passed through the House of Assembly, as also through the Upper House of the Legislature, and then having been, by the advice of my Executive Council, referred by me to the opinion of the Crown officers, and (their concurrence having been obtained) to the Secretary of State, to receive the Royal assent, Her Majesty's Ministers had before them an opportunity of advising the Crown to confirm, in terms of approbation and encouragement, the victory which had thus constitutionally been gained on the continent of America over the advocates of democracy.

Their immense influence, however, as usual, they cruelly threw into the wrong scale; and, as if determined to resist everything that could restore vigour to the exhausted influence of the Crown, and as if determined to seize upon every opportunity of strengthening their own power by courting ephemeral popularity with the mob, they replied to my communication, by the following sickening despatch to Sir George Arthur, which, having been laid by His Excellency before the Provincial Legislature, has been just printed by order of the House of Assembly:—

(Copy.)

No. 36.

DOWNING STREET,

8th March, 1838.

SIR,

As the bill passed by the Legislative Council and Assembly of the province of Upper Canada, in the session of 1837, entitled, "An Act to provide for the disposal of the public lands in this Province, and for other purposes therein-mentioned," and reserved by the Lieu-

## (SUPPLEMENTAL CHAPTER.)

tenant-Governor for the signification of Her Majesty's pleasure, could not by law receive the Royal assent until it should have laid for thirty days on the table of both Houses of Parliament, it was impossible for me to communicate the decision of Her Majesty upon that bill during the last year.

The transcripts of the bill having been laid before both Houses early in the present session, and the period fixed by law having expired within which the confirmation of the bill might have been arrested by an Address from either House, Her Majesty has been graciously pleased, by an order in Council, finally to enact and confirm this bill.

It is, however, necessary to state, that the bill is not exempt from some objections, to which I feel it my duty to draw your attention. The Royal assent to it has been given because the main scope and tenor of the law is in accordance with those principles, on the subject of the settlement of waste lands, which have been maintained by Her Majesty's Government since the year 1831, and because, the law having been passed for only two years, the *objectionable clauses* may be readily omitted when the Act shall be renewed, and by due caution in the mean time will not be productive of any serious injury.

The enactments to which I refer are, 1st, that which authorises the *Lieutenant-Governor* to direct reservations of land adjacent to lands about to be sold, in order that such reserves may be freely granted to the purchaser on proof of his residence for five years, and of his having effected certain improvements; and, 2ndly, that which enables the *Lieutenant-Governor in Council* to make private sales to any person to whom a special injury would be done by the public sale of any particular piece of land. *Each of the provisions is liable to the same general abuse. Each of them will invest the Executive Government with the power of dealing with this part of the public property in such a manner as to gratify individuals, and convert into a source of favour an administration which should be conducted upon the most rigid principles of open and impartial dealing—upon rules which every purchaser can ascertain, and in which all shall have an equal interest.*

*Reposing full confidence in the discretion and equity of the local Government, I am yet unable to perceive any sufficient reason why the law should refer to their arbitrement questions which might safely be decided by general and inflexible regulations. You, I am convinced, will be happy to be relieved from this invidious duty, and to be placed beyond the reach of any possible reproach of having employed it unwisely, or with undue favour to any person whatever. So far as these enactments leave you a discretionary authority, in making the reservations and private sales to which they refer, you will, therefore, abstain from availing yourself of that right. When the bill again comes under consideration, you will endeavour to induce the Council and Assembly to receive it with the omission of those enactments; and it would be desirable that you should suggest that, with this alteration, it should be passed for a longer period than two years.*

I have the honour to be, &c.

(Signed) GLENELG.

Major-General SIR GEORGE ARTHUR, &c.

It need hardly be said that the republican members of the House of Assembly of Upper Canada were delighted at the want of confidence, which, in direct opposition to the desire of both branches of their Legislature, Her Majesty's Ministers had deemed it proper openly to evince towards the representative of the Crown in Upper Canada; while, on the other hand, the constitutional members, as well as inhabitants, were not only disheartened but disgusted at finding that, by that miserable species of special pleading from which they had so long suffered, their Governor was publicly to be deprived of the patronage which had constitutionally been intrusted to him, under the republican excuse that he might be "*relieved from an invidious duty, and be placed beyond the reach of any possible reproach [by the mob] of having employed it unwisely or with undue favour to any person whatever.*"

In England, every plain honest man would look down with contempt upon suspicions and insinuations of this nature, but, in a little remote community, the withering effect upon the Lieutenant-Governor of such unworthy precaution, on the part of the Queen's Ministers, is indubitably prejudicial; for, with the fatal example of a licentious republican government before his eyes, it is impossible for any reflecting inhabitant to compare the systematic man-

## (SUPPLEMENTAL CHAPTER.)

ner in which her Majesty's Ministers fetter the legitimate influence of the Queen's representative, and unfetter the unruly passions of the mob, without clearly foreseeing that life and property, in our noble North American colonies, must inevitably, ere long, become, as in the United States they have become, the defenceless victims of the violence and tyranny of the multitude.

The attention of the reader has hitherto been directed to a series of small aggressions which, one after another, her Majesty's Ministers have made upon British institutions in America. The mere *dramatis personæ* of the political tragedy which, by day as well as by night, has unceasingly been performing in our colonies, constitute a band of witnesses whose united testimony cannot be opposed.

The countenance shown by her Majesty's Government to Mr. M'Kenzie, Mr. Papineau, Dr. Rolph, Mr. Bidwell, Mr. Bedart, and even to a whole list of traitors, for whose apprehension the Crown is now offering immense rewards, viewed simultaneously with the depression, by her Majesty's Ministers, of Sir John Colborne, Sir Archibald Campbell, Sir Francis Head, and more or less of every Governor in our North American colonies, are corroborative facts, which the public as an impartial jury, cannot long consider without unanimously agreeing in their verdict.

Nevertheless, though with apparent malice prepense our colonial institutions may secretly have been attacked "with intent to kill," it has so happened, or, to speak more gravely, it has providentially been decreed, that, by the good sense and good feeling of the inhabitants of Upper Canada, the blows have not only been parried, but, the leading traitors having been driven from the land, the loyalty of that province, like molten gold, has actually been purified by the conflagration which attempted to consume it; and, as the Legislature of New Brunswick, as also of Nova Scotia, not only publicly applauded the fidelity of their sister province, but, when the Americans attacked our colonies, voted a volunteer army with upwards of £100,000 to repel the invasion of democracy, one would have thought that her Majesty's Ministers (seeing that the Duke of Wellington and Sir Robert Peel most willingly lauded these brave defenders of the British flag) would have felt themselves absolutely compelled to obtain from the Imperial Parliament, in the form of resolutions, some sort of strong expressions of admiration, by which the Transatlantic defenders of our institutions, would have been encouraged in their exertions, and supported under the sufferings they had been called upon to endure. The ominous silence, however, of her Majesty's Ministers on these subjects, coupled with the ill-timed complimentary expressions of confidence which, on every opportunity, they seemed determined profusely to heap upon our republican allies, inversely as they deserved them, clearly indicated that their destructive policy was not yet to be abandoned; and accordingly, after a long period of anxious suspense, they formally announced to both Houses of Parliament, in the most imposing manner our constitution admits of, the ruinous project of "*a union of the Canadas.*"

As her Majesty's Ministers cannot feel themselves entitled to claim from Parliament, from the country, or from the inhabitants of our North American provinces, a blind assent to so important a measure of colonial legislation—as they cannot ask for implicit faith in their political principles, or claim to possess any more knowledge on the subject in question than can be transmitted by them to the public as easily as they have received it—it becomes necessary that their project should be seriously, and, if possible, impartially considered.

On the 28th of October 1836, when I was in perfect harmony with the Legislature and people of Upper Canada, I transmitted to her Majesty's Government "*A Memorandum on the Political State of the Canadas*" (vide Narrative, page 121,) in which I officially disclosed reasons for rejecting the proposition of the union of the Canadas, which I stated to be fearfully recommended "*by all those deep calculating republicans in both provinces, who shrewdly foresaw that the union of the two provinces would eventually cause their separation from the parent state.*" Besides these arguments against a union, I respectfully submitted to the consideration of her Majesty's Government a remedial measure for the tranquillization of the Canadas, by which I conceived that democracy in general, and Mr. Papineau's adherents in particular, would most effectually be curbed and repressed.

## (SUPPLEMENTAL CHAPTER.)

For reasons which have yet to be explained, her Majesty's Ministers suppressed from Parliament the arguments, the warnings, and the recommendations which, after a personal inspection of the province, and after a patient consultation with the most intelligent of its inhabitants, I had offered to them; and, although the Government had just expended a very large sum upon a Commission of Inquiry, expressly appointed to obtain information for Parliament—although the variegated (and, as far as Upper Canada was concerned, the unexperienced) opinions of the Royal Commissioners exhibited, when printed, a confiction of intellect and a confusion of language which has scarcely been witnessed since the days of Babel—her Majesty's Ministers placidly allowed both Houses of Parliament, without rudder or compass to direct them, to be buffeted on the waves of this controversy; they allowed a series of weak ineffectual Resolutions to be adopted, without ever permitting the country to take into its consideration, or to weigh in its impartial judgment, the official opinion, good, bad, or indifferent, of the Lieutenant-Governor of the Upper Province on the very subject before them.

At the time my objections against uniting the two Canadas were transmitted to her Majesty's Government, I had no reason whatever to urge them, excepting the duty which I owed to my sovereign. Instead of being suspected of unreasonably mistrusting the loyalty of the people of Upper Canada, I might rather have been supposed to have been carried away from cautious judgment by the manner in which they had responded to my appeal. With every leading republican discarded from the House of Assembly, I might have been supposed, intoxicated by success, to have neglected to calculate that my enemies still remained in existence; and that hereafter they might (as they did) make a last desperate effort to rebel.

Yet, notwithstanding the smiling prospect that was before me, I deliberately gave it as my opinion, that the unruly propensities, natural to a healthy young province, were as much as I felt I had power to restrain—that the proposed attempt to infuse into it the rebellious French majority of the lower country "*would separate the Canadas from the parent state*"—"*that both provinces would be embarrassed by their union—and that between the two stools the British Constitution would fall to the ground.*"

Now, instead of being "raised from a coachman's seat to govern men and guide the state," let us suppose that the case were to be reversed, and that any one of our "liberal statesmen" were to be transferred to a coachman's seat to drive four healthy young horses, which on the slightest declivity he felt he could scarcely hold—let us suppose that, after the reins had remained in his hands sufficient time to make him perfectly well acquainted with the temper of his cattle, he were conscientiously to warn his owners of the difficulty and danger of his post—that his warning, instead of being made public, were to be kept secret, and that, as a remedy for the evil, he were suddenly to be told that six notorious runaway animals, that no coachman had ever been able to hold, were in future to be prefixed to his own hard-mouthed team—would it require a statesman's intellect to declare that the whole concern would be wilfully annihilated? Yet this homely case, absurd and ridiculous as it appears, is exactly the proposition which has deliberately emanated from her Majesty's Ministers!

The journals of the Legislature of Upper Canada will show the difficulty that Sir Peregrine Maitland, who was ten years Lieutenant-Governor of the province, experienced in restraining the encroachments of the House of Assembly.

The same journals will show that Sir John Colborne ended eight years' administration of the same government by leaving behind him a republican Speaker (Mr. Bidwell,) heading a republican majority of 36 against 25.

The same journals will show that, on more than one occasion, I could but barely resist the democratic pressure of the House.

The same journals will show the difficulties which my successor, Sir George Arthur, has similarly experienced.

As, therefore, it has undeniably been the case that during the last 21 years the popular branch of the Legislature of Upper Canada has evinced as strong a centrifugal force as it constitutionally ought to possess, for what honest object could it possibly be proposed by her Majesty's Ministers, that to the representatives of 400,000 inhabitants, who with difficulty had been governed, there should be added the headstrong representatives of 600,000 Lower Canadians, who for the last 20 years have daily become more and more ungovernable, until, headed by Mr. Papineau, having broken out in open rebellion against their sovereign, they at this moment can only be restrained by the bayonet and by martial law?

## (SUPPLEMENTAL CHAPTER.)

Could Mr. Papineau himself, if he had been consulted by her Majesty's Ministers, have devised for them a republican project more certain to subvert British institutions in the Canadas, than to throw a million of inhabitants upon an executive Government, and upon a Governor who with difficulty had been able to govern 400,000?

Could the American citizens, who dishonourably invaded Upper Canada the moment they fancied she was in distress, if they had been consulted by her Majesty's Ministers, have devised for them a more certain receipt for wresting the Canadas from the British Crown, than, by an amalgamation of the two Legislatures, to diffuse the loyalty of the Upper Province over more ground than it could garrison, and simultaneously to infuse into the veins of the loyal country the disloyalty of the Lower Province? for, when both were tainted and corrupt, what resistance could they offer to that newly-discovered *tertium quid*, commonly called "American sympathy?"

But, omitting for a moment to take into consideration the deadly effects that would be produced by injecting into the House of Assembly the poisonous majority of the Lower Province, my despatches to the Colonial Office would indisputably show the serious difficulties which, as a civil Governor, I practically experienced when suddenly attacked by the Americans, in being obliged, by my instructions, to apply to the military commander of the forces at Montreal, instead of being empowered at once to take those vigorous measures which the ever-changing exigencies of the moment required. In winter it required a fortnight to receive an answer from Quebec; and, with a vast frozen territory, equalling in its extent six of the United States, with a huge unwieldy House of Assembly, secretly hostile to British rule, and with a frontier of 1100 miles to guard, what legislative measures could promptly be completed to repel the invasion of our republican allies?

It is utterly impossible to conceive what excuse her Majesty's Ministers can offer to the country for the astounding proposition which they have just made.

It is easy enough, under the special licence of Parliament, to solemnize the nuptials of the two Canadas; but are her Majesty's Ministers prepared, after the fatal ceremony shall have been concluded, to name to the country *the man* competent to govern them? or, above all, *the Secretary of State* who, when they shall have been amalgamated, would have moral courage enough to stand against the demands, however unreasonable they might be, of the United House of Assembly?

If the Colonial Office, deserting, in the hour of danger, the Canadian Governors, the Executive and Legislative Councils, has hitherto invariably trembled before Mr. Papineau and Mr. Bidwell—at their bidding has raised treason to the judicial bench—in short, with recreant submission, has bowed its head to every blustering demagogue who has been encouraged by its own weakness to insult it,—is it for the maintenance or for the *wilful destruction* of British institutions that, with this experience on record, it is now proposed to unite together two forces, each one of which the Colonial Secretary has wanted either the will or the power to restrain?

If the expensive army, at present cantoned throughout Lower Canada, be a just estimate of the rebellious spirit to be controlled there, might not her Majesty's Ministers as well fix a mill-stone round the neck of the Upper Province, as to swamp their struggling loyalty by deliberately attaching to it an amount of treason equal to the force of an army of 17,000 men?

Again, upon what grounds has this destructive recommendation been based?

1. The journals of the Legislature of Upper Canada record, against the project of the union of the provinces, the following corroborative joint address to his late Majesty, which, it will be perceived, is dated six months after my humble but deliberate recommendation against the measure had been officially communicated:

## TO THE KING'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's most dutiful and loyal subjects, the Legislative Council and Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to address your Majesty, expressing the great concern which we feel at the present embarrassed state of the Local Government in your Majesty's Colony of Lower Canada. Though deeply

## (SUPPLEMENTAL CHAPTER.)

sympathising with that portion of your Majesty's subjects whose tranquillity has been disturbed by the long-pending difficulties in that province, and though fully sensible how fatally our own interests and security are liable to be affected by their possible result, we have hitherto forbore to intrude upon your Majesty with any expression of our opinions upon the posture of public affairs in that colony.

That we have not now presumed to address your Majesty, in order to remark upon the policy which has been pursued in the government of that colony, which interposes between us and the United Kingdom, but for the purpose, which more directly concerns this province, of stating to your Majesty our apprehension, that a mistaken view of the condition and interests of the people of Upper and Lower Canada *may prompt some persons inconsiderately to press upon your Majesty's Government the measure of uniting these provinces, as a remedy for existing evils.*

We have for some time past observed, that suggestions of such a nature have been publicly offered both in England and Lower Canada, and we are not surprised that our fellow-subjects of that province, who are suffering under the present difficulties, should be willing to risk the consequences of such an experiment. They may easily persuade themselves that their situation can scarcely be rendered more embarrassing by the failure of any expedients; and they are not to be blamed if, in the hope of obtaining some relief by the change, they forbear to look carefully into the probable consequences of an union to the welfare and tranquillity of this particular portion of your Majesty's dominions.

We earnestly trust, nevertheless, that your Majesty will graciously condescend to consider, that the political condition of four hundred thousand of your Majesty's subjects cannot be otherwise than most materially affected by so important a change in the government.— *We are of opinion that such a change would expose us to the danger of consequences certainly inconvenient, and possibly most ruinous to the peace and welfare of this country, and destructive of its connexions with the parent state.*

*This province we believe to be quite as large as can be effectually and conveniently ruled by our executive Government. United with Lower Canada, it would form a territory, of which the settled parts from east to west would cover an extent of eleven hundred miles, which, for nearly half the year, can only be traversed by land; the opposite territory of the United States, along the same extent of frontier, being divided into six States, having each an independent government.*

The population which Upper Canada contains is almost without exception of British descent. They speak the same language, and have the same laws, and it is their pride that these laws *are derived from their mother-country*, and are unmixed with rules and customs of foreign origin.

Wholly and happily free from those causes of difficulty which are found so embarrassing in the adjoining province, we cannot but most earnestly hope that we shall be suffered to continue so; and that your Majesty's paternal regard for your numerous and loyal subjects in this colony *will not suffer a doubtful experiment to be hazarded, which may be attended with consequences most detrimental to their peace, and injurious to the best interests of themselves and their posterity.*

(Signed) JOHN B. ROBINSON,  
*Speaker, L. C.*

(Signed) ARCHIBALD M'LEAN,  
*Speaker, H. A.*

3rd of March, 1837.

It will appear from the following reply, which has been published by the Provincial Legislature, that his late Majesty William IV., who had personally visited British North America, fully concurred with the three branches of the Parliament of Upper Canada, *and with her Majesty's present Ministers*, in deprecating a union of the two provinces:

## (SUPPLEMENTAL CHAPTER.)

DOWNING-STREET,

21st, April, 1837.

No. 170.

SIR,

I have the honour to acknowledge your despatch (No. 26) of the 4th ultimo, in which you transmit to me an Address to his Majesty, from the Legislative Council and House of Assembly of Upper Canada, deprecating an union between the two Provinces of Upper and Lower Canada.

I beg leave to acquaint you that, having laid this Address before the King, his Majesty has been pleased to receive the same very graciously, and to command me to observe, that the project of an union between the two provinces *has not been contemplated by his Majesty as fit to be recommended for the sanction of Parliament.*

I have, &amp;c.

(Signed)

GLENELG.

SIR F. HEAD, Bart.

&amp;c. &amp;c. &amp;c.

2. His Excellency Sir John Colborne, the present Governor of the Canadas, is, I have good reason for believing, against a union.

3. His Excellency Sir George Arthur, the present Governor of Upper Canada, is, I also believe, against a union.

4. Lord Durham himself will not, I believe, deny that on the eve of his departure from London for Quebec he replied to a deputation of Canada merchants, who waited upon him to advocate a union, by declaring "*that every argument they had expended upon him tended only to confirm his objections to the project*"—that to the highest authorities in Upper Canada his Lordship *unequivocally expressed the same hostile opinion*; and yet, with all these warnings and concurrent testimony before them, no sooner did the single House of Assembly (overpowered for a moment by the influence of a persevering individual solicitation, which also in this country has for a long time been indefatigably canvassing not only the Government, but many members of both Houses of the Imperial Parliament) pass resolutions, accompanied by a series of deceptive securities, in favour of a union, than her Majesty's Ministers (suddenly subscribing to the recommendation which Lord Durham, in direct opposition to his own former opinions, had been driven to promulgate after he had abdicated his authority\*) eagerly join with his Lordship, and with the single branch of the Canadian Legislature, (for the upper house have since *thrown out the bill*), in a measure more serious, more fatal, more democratic, and more overwhelming to British liberty than anything which, in their fatal colonial career, they have even yet ventured to recommend: in short, with the withering example before their eyes of the effects of Irish agitation in the Imperial Parliament, they have deliberately proposed to overwhelm the loyalty of the Upper Canadian Legislature, by wilfully infusing into its vitals an irresistible and insatiable French faction, avowedly hostile to British rule!

The revolutionary effects of uniting the Canadas, was so glaringly apparent to the Upper Province that, when both Houses of its Legislature united in the session of 1837 in petitioning the late King against the measure, the republican faction, who had been outvoted on the question, had recourse to the following stratagem, which sufficiently evinced their anxiety to arrest a petition they well knew to be subversive of their treasonable object.

\*In the few observations I have made on Lord Durham's Report, I have purposely confined myself almost entirely to those passages in which his Lordship had so unnecessarily assailed my character and conduct. As his Lordship's recommendations, however, involve vital interests, I cannot refrain from making public one additional instance of the unintentional inaccuracy of his statements.

In reporting on the execution in Upper Canada of the traitors Lount and Matthews, his Lordship addresses her Majesty as follows:—"The two persons who suffered the extreme penalty of the law, unfortunately engaged a great share of the public sympathy: their pardon had been solicited in petitions signed, it is generally asserted, *by no less than 30,000 of their countrymen.*" By the last packet, official accounts have arrived of the exact number of the petitioners above alluded to, *who only amounted altogether to 4,545!*

## (SUPPLEMENTAL CHAPTER.)

After the bill had passed through both Houses, a short customary address was proposed and passed in the Assembly, praying me to transmit the petition to the Secretary of State, to be laid at the foot of the throne. As a matter of course, it passed through the Legislative Council, and, the measure itself having been already carried, the last reading of this second address was negligently deferred by the House of Assembly to the very last day of the session. The republican members, observing this, secretly joined together to defeat it by speaking against time, and accordingly the notorious traitor, Dr. Rolph, who shortly afterwards planned the attack upon Toronto, and for whose apprehension a reward of £500 is now offered, actually *did* speak against time, and obstinately continued to do so, until the firing of the guns, which announced my having left Government House to prorogue the Parliament, put a sudden end to all debate, and the Republicans thus actually prevented the short address from being passed!

This petty conspiracy was of course reported by me to her Majesty's Ministers. The loud simple warning which it offered to them I hoped would have been irresistible; nevertheless, although it is still ringing in their ears, they now one and all join with Dr. Rolph and his adherents in recommending to the country the very Republican measure which, six months before the occurrence I have just related took place, I had from a station of trust and confidence faithfully warned them *was advocated by our enemies*.

In 1822 the Tory party in England proposed the same fatal measure of a union, but the alleged "grievances" of our North American colonies were then, incredible as it now sounds, actually believed to be substantial, the leading reformers of the Canadas were not then, as they now are, known to be traitors, and their device for the union was then received without any suspicion being entertained of its real object.

It would be well if the future historian of "*The Decline and Fall of the British Empire*" could pause here; but the form in which her Majesty's Ministers have introduced this measure must surely appear to posterity more culpable even than the measure itself; for, instead of manfully bearing upon their own shoulders the awful responsibility of a recommendation unsupported, I believe, by any of the representatives of the Crown in our North American colonies, or by any of the Legislative or Executive Councils of these provinces, her Majesty's Ministers deliberately advised the Queen to pronounce, before that portion of her Majesty's speech which related to the subject of the Canadas had been discussed by Parliament, a Royal opinion in the following lines:—

*"Her Majesty thinks proper to acquaint the House (of Lords and Commons) that it appears to her Majesty that the future welfare of her subjects in Lower and Upper Canada will be promoted by a union of the said provinces into one province for the purpose of legislation."*

Although every loyal subject in the British empire must admire the generous unsuspecting confidence which induced a youthful Queen to place such implicit reliance in the recommendations of her Ministers, yet surely it was their bounden duty to have taken unto themselves the undivided responsibility of a measure which, they cannot before the country deny, has solely emanated from their own breasts.

Considering that the vast importance of this trans-Atlantic question demanded that in both Houses of the Imperial Parliament it should, without bias of any sort, be openly and freely discussed, surely it would have been better that the opinion of the *Ministers* should be canvassed, and, if necessary, refuted, than that a single word of argument should be raised against the innocent recommendation of one whose name has, I firmly believe, never yet been connected in Upper Canada with any expression but those of the purest affection, and of the deepest respect!

Considering the opinions of the Lieutenant-Governors (her Majesty's representatives in our North American provinces)—considering that her Majesty's Ministers had but a few days ago printed and laid before both Houses of Parliament a despatch from me, dated 28th October, 1836, in which, in unmeasured terms, I had shown the *republican tendency* of the project, surely it would have been more decorous that my humble opinions should have been brought before Parliament, in opposition to those of her Majesty's Ministers, than to that of a Sovereign to whose person, dignity, and throne I am humbly but most dutifully attached.

## (SUPPLEMENTAL CHAPTER.)

## QUESTION OF THE CLERGY RESERVES.

From the Bishop of Exeter, to whom I had had occasion to address a letter on the subject of some ecclesiastical resolutions which had been passed in Upper Canada, I had the honour to receive, on the 25th of March last, the following note, to which I immediately returned the following reply. From several other very able supporters of the Established Church I afterwards received similar observations.

It appearing, therefore, to me advisable that, in a new edition, the explanation which I had had the honour of privately submitting to the Bishop of Exeter should be made public, I applied for permission to publish his Lordship's letter as well as my own. His Lordship having readily complied with my suggestion, I commit the subject to the public without further comment.

## COPY OF A LETTER FROM THE LORD BISHOP OF EXETER.

TORQUAY, 22nd March, 1838.

SIR,

I am confident that you will forgive my troubling you with another letter, in order to prevent misapprehension on a point which I feel to be of the highest importance.

In my sincere expression of the very high gratification which, in common with the world at large, I had received from the perusal of your interesting volume, I made no reserve; lest, therefore, I should be misunderstood, as including the whole of its contents, I think it necessary to say, that I lamented to read, in p. 289-90 of your "Narrative," (the passage which relates to clergy-reserves,) your recommendation "that they should be divided among the Churches of England, Scotland, Rome, and Wesleyan Methodists, in the proportions which the population of these great sects relatively bear to each other in the mother-country."

Deeming this recommendation to be in direct violation of a great and sacred principle, I grieve that it has come forth with your very high authority.

Do not suppose that I wish to draw you into a discussion of this point. My only reason for troubling you with a letter upon it is to sustain my own principles, and to avoid the appearance of inconsistency in hereafter (as it may probably happen) asserting them in Parliament—though I shall not have occasion to remark on your holding different sentiments, unless it be first cited as an authority by others.

I have the honour to be, Sir,

Your very obedient servant,

H. EXETER.

SIR F. B. HEAD, *Bart.*

## COPY OF REPLY TO THE ABOVE.

ATHERSTONE, 25th March, 1839.

MY LORD,

I will not attempt to express to your Lordship my gratitude for the valuable sincerity with which you have expressed to me your opinion on a most important subject, as I trust I shall be permitted after the Easter recess to do so personally. I will therefore at once endeavour to explain, rather than to exculpate, the two pages in my Narrative, to which you have referred.

I fully admit that my recommendation—"That the clergy revenues of Upper Canada should be divided among the churches of England, Scotland, Rome, and Wesleyan Methodists, in the proportions which the population of those great sects" (I ought to have said *communities*, as the word *sect* has, I am aware, a clerical meaning which I never intended to convey, and which I regret I have conveyed) "relatively bear to each other in the mother-country," was a direct violation of a great and sacred principle; and, as this is my opinion, or rather as I concur in this opinion with your Lordship, I should really be glad to hear your Lordship maintain this important principle in Parliament.

## (SUPPLEMENTAL CHAPTER.)

I hope, therefore, I may not be considered as arguing against the principle, if I endeavour to explain why I was driven to abandon it, which I did for the same reason which induces a pilot, who, in a gale of wind, comes on board a vessel *to leeward* of its harbour, to run into any creek in which he may save at least a portion of the cargo.

My attention, while I was in Upper Canada, was so much occupied in resisting treason in the colony and treachery at home, that I had not much time to devote to the question of the clergy-reserves, but my humble opinion, such as it is, I will, without the slightest concealment lay before your Lordship.

I consider that, after having very unwisely, and almost unconstitutionally established the French religion, language, and laws (three elements which ought never to have been admitted) in Lower Canada, it was clearly the intention of the Imperial Parliament to make the wilderness of Upper Canada a purely British colony; and accordingly the acorn was planted *to produce the oak*.

The Sovereign was to be represented by General Simcoe; the House of Lords by a Legislative Council; the House of Commons by a House of Assembly; and the Established Church (which forms as much a portion of our constitution as any other element in it) was to be maintained and supported by the clergy-reserves.

I firmly believe not only this was the intention of the Imperial Parliament, but that it was the only proper course to pursue; for, though many people may be of opinion that there ought to be no such thing as an Established Church, yet no reasonable man can say that this important question should be decided in one way at home, and in another way in our colonies.

The Church and State being firmly riveted together at home, it was, I believe, not only the intention but the duty of the Imperial Parliament to make in the infant colony of Upper Canada such a provision as would ensure to our redundant population that they might emigrate to the same laws and same religion which are countenanced at home.

But though this was intended, yet there was a slight obscurity in the working of the Act, which I think the guardians of the Church ought, in the progress of the bill, to have cleared away; but somehow or other it escaped their notice. Nevertheless, if the Church of England had been at once properly and firmly established, and if the question now in dispute had been at once grappled with, I firmly believe the Parliament would have settled it according to the original intention; but the difficulty of the present day was not then foreseen, and the doubt was suffered to remain until 1819, when a case was drawn up and submitted to the Crown officers in a way which, certainly to me, seems to favour the admission of the Scotch Church to a participation in the clergy-reserves. I must, however, most humbly say, that I have always dissented from the opinion of the Crown officers on this subject.

I read the Act of 31 Geo. III. c. 31, to mean the planting of our Church and State in one of the noblest portions of the British empire, and I think we might as well now pretend to doubt what Sovereign the Governor was intended to represent, as what Church was to be represented, or what was the real meaning of "a Protestant clergy."

But, instead of the obvious and constitutional, if the literal meaning be claimed, then the Methodists assert that they are as much a "Protestant," or Anti-Catholic clergy, as the Scotch.

All these elements of dispute were left to ferment until the year 1836, when I assumed the Government, bringing with me instructions which, instead of deprecating any alteration in the provision, seemed to consider that it was not only the natural effect, but the fulfilment of the intention of the Act of 31 Geo. III., which Act, not being able to anticipate "what might be the prevailing opinions and feelings of the Canadians on this subject at a future period," took full precaution against "the *inaptitude* of a systematic provision for a Protestant clergy" to more *advanced stages* of society.

These sort of sentiments being publicly avowed by H. M. Ministers, the law-officers of the Crown having officially denied the right of the Church of England to the reserve in question, the Methodists being encouraged to claim a share, and 13,000,000 of lawless people on our border being hostile to the existence on the continent of America of either Church or State, I saw before me but too many reasons to believe that, unless the question were somehow or other speedily settled, it would be almost impossible to resist the insidious, specious, but unprin-

## (SUPPLEMENTAL CHAPTER.)

ciplined proposition which was daily gaining strength, namely, of devoting the reserves to the purpose of education, which was plausibly argued to be an universal blessing to society.

The dreadful picture which exists in the United States for want of religion, made me reflect that if we attempted too much we might lose all; and that, in dividing the reserves in the proportions you have objected to, we should, at all events, attain the immense object of establishing religion in Upper Canada on a principle and in proportions which would not be altered by every different batch of emigrants that might arrive in the province.

That my proposition (see Mem. A) was a departure from the real meaning of the Act, viz. 31 Geo. III. I have admitted. I hope I have also shown my general willingness to face any invasion of that Act; but I do not hesitate to own to you, that to do what I wished in the clergy-reserve question was more than I could attempt—the opinion of the Crown officers was an obstacle I could not surmount.

With respect to admitting the *Catholics*, who certainly form no part of the *Protestant Church*, I have to observe, that, as the original intention of the Act, as I construe it, was set aside—1st, by the opinion of the law officers that the reserves were not to be given exclusively to the Church of England; and 2ndly, by the opinion, of her Majesty's Ministers respecting "*the inaptitude*" of the original arrangement "*to the more advanced stages of society*,"—the principle upon which the Catholics were to be excluded was so much impaired that it could hardly practically be exerted against them. If the Scotch and Methodist were to be admitted, the Catholics, who, on the insurrection bursting out, proved brave and loyal to a man, might at once have joined the Catholic priesthood of Lower Canada. I do not approve of this latter argument, yet it is not altogether devoid of political weight.

I hope you will excuse the imperfect manner in which, by return of post, I have replied to your obliging communication.

I have the honour to be,

My Lord,

Your Lordship's faithful

And most obedient servant,

F. B. HEAD.

The LORD BISHOP of Exeter.

The following private Memorandum, [A]. (containing the observations objected to by the Bishop of Exeter, in my "Narrative," page 289; 290,) was written by me at Toronto, in 1836, with a view to assist, if possible, the adjustment of the clergy-reserve question.

(Copy.)

## MEMORANDUM [A.]

## CLERGY RESERVE QUESTION.

"It appears to me that this question might be practically settled in something like the following manner:—

"1st. Debate and settle whether, under existing circumstances, it be advisable that the Clergy Reserves should (according to the 31 Geo. III. c. 31. s. 36 and 42, and according to that interpretation of the said Act which was given by his Majesty's Law Officers on the 15th Nov. 1819) continue to be confined to the Churches of England and Scotland only, or whether the Act should (in virtue of the powers in its 42nd section) be varied or repealed, with a view to admit other religious sects to a share in the proceeds of the said Clergy Reserves.

"2d. In case the first of these two queries should be agreed to, namely, that the reserves 'should continue to be confined to the two Churches of England and Scotland only,' nothing would then remain but to determine the exact proportions which each of the said two Churches should receive.

"An attempt to make this calculation from the property, or from the population of the two Churches, as they at present exist in this colony, would be objectionable:—

## (SUPPLEMENTAL CHAPTER.)

“ Because the requisite statistical information does not exist :

“ Because the inquiry would excite and agitate the adherents of both Churches, and yet satisfy neither :

“ Because, almost before the calculations could be concluded, emigration might suddenly null and subvert it.

“ The foregoing objections, with many of a similar nature, would be obviated by calculating the desired ratio on the broad, safe, constitutional maxim, or fact, *that this colony, being as much an asylum for all British Subjects who may hereafter choose to come out here, as it is for those who have already become its inhabitants, ought to be considered as the image and transcript of the mother-country*, and, consequently, that the Churches of England and Scotland (whatever may happen to be the population at this moment) should be assumed to bear the same relative proportion to each other in Upper Canada as it appears, by printed statistical tables, that they *bonâ fide* now bear to each other in the mother-country.

“ By this amicable arrangement of the question in dispute, all angry feelings, all local jealousies, all religious animosities, all petty interests, all fluctuating comparisons, would be avoided.

“ It is true that emigration might occasionally falsify the adjustment, but, as it is poverty and not religion that propels our countrymen from their homes, there would always be reason to expect that the assumed average would eventually become the correct one.

“ In case the second of the two queries should be agreed to, namely, that the Act of 31 Geo. III. c. 31, ‘ought, in virtue of the powers contained in its 42nd section, to be varied or repealed, with a view to admit other religious sects to a participation of the proceeds of the clergy reserves,’ the denomination of sects to be admitted, as well as the proportions they should each respectively receive, might be determined on the same broad constitutional principle which has already been described ; that is to say, all those great sects might be recognized in Upper Canada, which on account of their numbers and importance are considered as *churches* in the Mother-country, and each of the said sects might be assumed to possess the same relative population in Upper Canada as it actually possesses in the mother-country.

N. B.—“ In the foregoing memorandum nothing is directly or indirectly recommended ; all that is intended is to show in what way the different considerations of the subject may be practically dealt with.

“ F. B. H.”

Having now explained rather than defended the course I pursued in Upper Canada respecting the clergy-reserves, it only remains for me to observe that my apprehensions that, unless the reserves in question were secured without delay for religion, the House of Assembly would impatiently slienate them to other purposes, have, I regret to say, *since my letter to the Bishop of Exeter of the 25th March*, been realized, the Assembly having just passed a series of resolutions, the two first of which are, that the reserves should be sold and applied to the making of roads.

A FEW REMARKS BY SIR F. B. HEAD ON A VOLUME (CONTAINING 524 FOLIO PAGES, AND ENTITLED “*Despatches from Sir F. B. Head, Bart. K. C. H., relative to Canada ; with Answers from the Secretary of State*”) WHICH WAS ON WEDNESDAY LAID BY HER MAJESTY’S GOVERNMENT BEFORE PARLIAMENT.

1 I complain that, in this volume, the portion of despatches called for by his Grace the Duke of Wellington, as being necessary to repel Lord Durham’s allegations against me, has, contrary to my most earnest request, been jumbled with the portion subsequently required for Mr. Joseph Hume’s object, by which admixture the two cases, which, separately considered, would have been substantiated clearly in my favour, have been rendered incomprehensible and confused.

2. I complain that in this volume her Majesty’s Government have done me the injustice of reversing the order of the House of Commons, as declared in the title-page, by giving to their own ably-written “answers,” which are followed up by the most tedious documents, the unheard-of advantage of being printed *before*, instead of *after*, my despatches, to which they

## (SUPPLEMENTAL CHAPTER.)

reply! In no court of justice in the world would such a course of procedure be permitted. In my case I conceive it to be particularly unfair, as the avowed object of the Duke of Wellington's motion was to enable me to repel, not fresh misrepresentations, but those specific allegations against me which her Majesty's Government had already deliberately presented to both Houses of Parliament by command of the Queen.

3. I complain that, although in this volume there has been unnecessarily republished an irrelevant but most abusive report of a select committee of that Republican House of Assembly, which, a few months after my arrival in Upper Canada, I dissolved—although the said report, containing 66 folio pages, signed by Charles Duncombe, a traitor, for whose apprehension a reward of £500 is now offered, and by T. D. Morrison, lately tried for treason, was, at the request of Mr. Joseph Hume, M. P., printed by an order of the House of Commons, dated 23d of January, 1838—her Majesty's Government have done me the injustice of excluding from this volume the counter-report of a select committee of the present loyal House of Assembly, which report, signed by Colonel the Hon. Sir Allan M'Nab, the present Speaker, triumphantly exposes the accusations made against me by the said traitor Duncombe, and by his fellow-labourer, Mr. Joseph Hume, M. P.

I submit to the calm judgment of unprejudiced men, that for her Majesty's Government to pretend to comply with the Duke of Wellington's notion by republishing the corrupt, disloyal report of a Committee, whose chairman, after this report had been made public in Upper Canada, was so repudiated by the farmers and yeomen that he actually lost his election, while on the other hand, they exclude the report signed by the Speaker of the present intelligent and loyal House of Assembly, is not only a denial to me of justice, but an aggravation of the injustice with which I have been treated, especially as the following extracts from Lord Durham's allegations, contrasted with the following extracts from the said report, will at once show the very remarkable manner in which this excluded document meets and repels the identical allegations, and *almost the identical words*, produced against me by her Majesty's Government before both Houses of Parliament:—

*Extracts from Lord Durham's Report.*

"The general support of the British determined the election in favour of the Government; and, though very large and close minorities, which in many places supported the defeated candidates, marked the force which the Reformers could bring into the field, even in spite of the disadvantages under which they laboured from the momentary prejudices against them, and the unusual manner in which the Crown, *by its representative, appeared to make itself a party in an electioneering contest*, the result was the return of a very large majority hostile in politics to that of the late Assembly.

\* \* \* \* \*

"I say this without meaning to cast any imputation on the members of the House of Assembly, because, in fact, *the circumstances under which they were elected* were such as to render them peculiarly objects of suspicion and reproach to a large number of their countrymen.

\* \* \* \* \*

"In a number of instances, too, the elections were carried *by the unscrupulous exercise of the influence of the Government*, and by a display of violence on the part of the Tories, who were emboldened by the countenance afforded them by the authorities. It was stated, but I believe without sufficient foundation, that *the Government made grants of land* to persons who had no title to them, *in order to secure their votes*.

\* \* \* \* \*

"This report originated in the fact, that patents for persons who were entitled to grants, but had not taken them out, were sent down to the polling-places to be given to the individuals entitled to them, *if they were disposed to vote for the Government candidate*.

\* \* \* \* \*

"It cannot be matter of surprise, that such *facts*, and such impressions produced in the country an exasperation and a despair of good government which extended far beyond those who had actually been defeated at the poll.

"*All which* is humbly submitted to your Majesty.

"DURHAM."

## (SUPPLEMENTAL CHAPTER.)

EXTRACTS from the Excluded Report to the Honourable the House of Assembly of Upper Canada, of a Select Committee to which was referred the petition of Charles Duncombe, Esquire, to the British House of Commons. Printed by order of the House of Assembly, and adopted by more than two-thirds of the Members present.

"It will be observed, that Mr. Duncombe represents himself in the first paragraph of his petition as having been 'deputed by the Reformers of the province to lay before his Majesty's Government and the House of Commons, the dangerous crisis at which,' as he asserts, 'the affairs of the province had unhappily arrived, through the unconstitutional violence and outrage practised and sanctioned by Sir F. Head, the present Lieutenant-Governor, and those under his immediate influence and control, at the late election, for the purpose of obtaining a majority in the House of Assembly.'"

\* \* \* \* \*

"This paragraph" (the next item of complaint) "was evidently introduced by Mr. Duncombe in his petition for a double purpose:—

"1. To persuade the House of Commons and His Majesty's Government in England, that a party exists in this country, known as Tories and Orangemen, who are tyrannically opposed to the liberties of the people, and especially that portion of them self-designated Reformers; and, secondly, that the Lieutenant-Governor, the Attorney-General, the Solicitor-General, and in general every public functionary in the province, corruptly endeavoured to aid and assist the Tories and Orangemen in securing a return of their political partisans to the House of Assembly. It would be difficult for the parties accused to meet charges so vague and uncertain; but the Committee deem it their duty to declare that the political distinctions Mr. Duncombe would set up are as unfounded in fact as they would be injurious to the peace and welfare of the community if they existed. The vast majority of the people of the province are loyal to their Sovereign, and strictly and ardently opposed to those, and those only, of their fellow-subjects, whose political doctrines they conceive tend to a subversion of the constitution under which they live, and ultimate separation from the parent state. It only remains for your honourable House indignantly to repel, as this Committee does not hesitate to do, this gross and unfounded aspersion of the integrity and independence of the electors of Upper Canada.

\* \* \* \* \*

"The Committee having thus disposed of the minor parts of Mr. Duncombe's petition, will now advert to that portion of it that may justly be considered as of the greatest importance, viz., the accusation against his Excellency the Lieutenant-Governor; and it is with no common degree of satisfaction that the Committee feel themselves justified in declaring *that every charge and insinuation made against a man to whom the province of Upper Canada owes so large a debt of gratitude, for firmness of principle and patriotic conduct, is wholly and utterly destitute of truth.* Few governors of a colony were ever placed in circumstances of greater difficulty than those which assailed Sir Francis Head within three months of his assuming the government of the province; and it is, perhaps, not too much to say, that no man could have met those difficulties (ungenerously and unreasonably thrown in his way) with more temper, firmness, and judgment than he did.

"It would be out of place, and unnecessary, to advert more particularly to the causes which led to the dissolution of the late House of Assembly. The whole country is familiar with the facts, and has honestly, deliberately, and conclusively pronounced their opinion upon them; but it appears to have been the object of Mr. Duncombe, and others, to impress the House of Commons and his Majesty's Government with the opinion that this decision of the electors of the province was not *bona fide*, but brought about by means the most corrupt and detestable.

\* \* \* \* \*

"In order to inform themselves fully upon these subjects, the Committee has obtained returns of every patent issued since Sir F. Head assumed the government of the province; the date of the Order in Council under which they were completed; the person to whom made, where the lands are situated, and (as far as could be ascertained) whether voted upon or not. This return will be found in the Appendix J. (1.), and from it will appear that the total number of patents that passed the great seal between the prorogation of the Assembly

## (SUPPLEMENTAL CHAPTER.)

on the 20th of April, 1836, and the close of the late general election, was 1478, of which number 1245 were issued in pursuance of Orders in Council, made prior to Sir Francis Head's arrival in the province, and over which he had no more control, and with which he could no more have interfered, than any other officer of the Executive Government. Any attempt to arrest these patents would most justly have subjected him to the severest censure and condemnation, as having disregarded the highest duties of his station, by depriving his Majesty's subjects of their admitted and indisputable legal and constitutional rights. From the same returns, it will appear that the whole number of patents issued under Orders in Council, upon the authority of Sir Francis Head, between the prorogation of the Assembly and close of the election, was 150; and of these several were to females and other persons resident in parts of the province remote from the place where the lands granted them were situate, and who never could have contemplated making use of them for the purpose of voting. To render the groundlessness of the charge against his Excellency, if possible, still more apparent (see also Appendix J.), the committee have ascertained that the whole number of patents issued under Orders in Council, since his arrival in the province to the close of the election, was 233; of which number 30 were for females, seven to purchasers from the Crown who had paid up their purchase-money, 73 settlers under the Hon. Colonel Talbot and the Hon. Peter Robinson, who were entitled to their deeds upon producing certificates of having performed their settlement duties, and 123 U. E. loyalists, militiamen, pensioners, and old soldiers. It will probably be considered as altogether unnecessary to dwell further on this point of accusation; but in justice not only to the Lieutenant-Governor, but to the electors of the province themselves, who are implicated in the charge, that the return of their present representatives was effected by fraud and corruption, the Committee will shortly advert to the state of the polls at the conclusion of the elections for the different counties, ridings, and towns in the province, and contrast the evidence which the poll-books afford with the unfounded assertion that the majorities they present were brought about by the means alleged by Mr. Duncombe.

\* \* \* \* \*

"It will be thus seen, that in ten counties and in one town, seventeen members of the late Assembly of the Reform party were rejected, and the like number of persons of opposite principles were peaceably and fairly returned, and against *whose return no opposition or complaint has ever been made.*

"The last House of Assembly was composed of 61 members, of whom 36 styled themselves Reformers. If, then, 17 were taken from their number and added to their opponents, the present Assembly, without reference to Simcoe or the second riding of York, would be composed of 19 Reformers and 42 adherents of the constitution as by law established; the only political distinction the opponents of Reformers desire to assume—a sufficient proof of a deliberate change in the political sentiments of the people.

\* \* \* \* \*

"But to proceed to Mr. Duncombe's accusation: he asserts that he believes that he would be able to prove that 'thousands of grants of land were (improperly) issued to overwhelm legally registered votes, and voted upon; that such grants were distributed openly at the places of election to persons who had not applied at that time for such patents, and who received them to enable them to vote without paying the usual fees; that at Simcoe, one of the many instances, Mr. Ritchie, the Government emigrant agent, thus issued hundreds of these grants to persons who voted immediately on them.' It is almost needless to dwell on *the gross misrepresentations contained in these assertions*; as has been shown; the whole number of patents issued amounted to less than 1500, not one of which was issued without paying the usual fees, where any fees were payable, and of which less than 250 were issued under orders of Council during Sir Francis Head's administration, and these to all descriptions of persons, men and women, without distinction, in the usual mode, and upon the ordinary terms. And what are the facts with respect to the assertion that 'Mr. Ritchie issued hundreds of these grants to persons who voted immediately upon them?' They are as follow:—Mr. Jarvis, the deputy secretary and registrar, for the reasons mentioned in his letter hereunto annexed (see Appendix I.), and without consulting any other person, delivered Mr. Ritchie all the patents remaining in the office for lands situate in the County of Simcoe, some of them 10 and 15 years old, and not knowing whether the grantees lived in the county or not; the whole number amounted to 303; of this 170 were returned, the owners not having applied for them,

## (SUPPLEMENTAL CHAPTER.)

and 133 were distributed or retained in the hands of the agent, and only 18 of the persons who so received these deeds voted at the election, as appears by the polling-book. Mr. Robinson's and Mr. Wickens' majority over Mr. Lount, after less than two days' polling, was 126 and 120 to 34. Your Committee deem further comment on this subject unnecessary.—Your Committee will, however, remark that Mr. Lount [*since hanged for treason*] was summoned to appear before them, but has wholly neglected to do so.

\* \* \* \* \*

“Before closing their Report, the Committee feel it their duty to call the attention of your honourable House, and the Country, to the fact, that the petition of Mr. Duncombe was presented to the House of Commons by Mr. Joseph Hume, a member of the Imperial Parliament for the County of Middlesex, and that that gentleman appears to have been chosen as the agent through whom Mr. Duncombe [*at this moment an outlawed traitor*] and Mr. Robert Baldwin have conducted their communications with the Colonial Office. And it further appears, from letters of Mr. Hume, addressed to some of the Ministers of the Crown, that he is desirous of representing himself as the agent, or at all events as being authorized to express the sentiments, of the people of Upper Canada on the subject of their political feelings, and the public affairs of the province. Your Committee are of opinion, that the honour and character of his Majesty's loyal subjects in this province, require that it should be promptly and emphatically declared by their representatives, that Mr. Hume is among the last men they would select to advocate their cause, or represent their feelings or wishes to the British nation. The people of Upper Canada recollect, that in the year 1834 Mr. Joseph Hume addressed a letter to a correspondent of his in this country [*the traitor W. L. McKenzie*], which, referring to his correspondent's recent expulsion from and re-election to the Assembly, contained the following treasonable language and advice:—‘*Your triumphant election on the 16th, and ejection from the Assembly on the 17th, must hasten that crisis which is fast approaching in the affairs of the Canadas, and which will terminate in independence and freedom from the baneful domination of the mother-country, and the tyrannical conduct of a small and despicable faction in the colony. The proceedings between 1772 and 1782 in America ought not to be forgotten; and, to the honour of the Americans, and for the interests of the civilized world, let their conduct and the result be ever in view.*’ And, when it is remembered with what indignation and disgust the publication of this detestable communication was received throughout the province, his Majesty's loyal subjects cannot but regard with abhorrence the idea that the person who had thus insulted them should be supposed by their Sovereign and their fellow-subjects in the United Kingdom to be their accredited agent, that they held any communication with him, or that he was in any way clothed with authority to speak their sentiments or represent their views on any subject, public or private.

“With reference to the correspondence of Mr. R. Baldwin with Lord Glenelg, and which has also been referred to your Committee, and which is annexed to this report, little need be said further than to notice the representations it in substance contains—that the affairs of this province have reached an alarming crisis; that the connexion with the parent state is endangered; that the people have lost all confidence in their Government; that they have become dissatisfied and discontented; that, owing to the tyrannical and unjust conduct of his Excellency the Lieutenant-Governor, they are *almost driven to desperation*; and that nothing can save the country from revolution but administering the government agreeably to his interpretation of the constitution conferred upon us by the Imperial Parliament. In answer to all this, your Committee can only refer to facts that speak louder and carry greater conviction than assertions, however boldly or confidently made.”

Without offering a single comment on the foregoing “Report,” I leave her Majesty's Government to explain to Parliament why they did not deem it as worthy of insertion as the irrelevant republican document of 66 folio pages which they have reprinted and brought against me.

4. I complain that in this volume her Majesty's Ministers have most unnecessarily published, first, their own answers to, and, secondly, my despatches entreating them to relieve me from the pecuniary embarrassment in which they kept me during the whole time I was in Canada; while, on the other side of the question, they have *most unjustly withheld from Parliament* the following despatches:—

1. Two despatches to her Majesty's Secretary of State, dated the 15th of May, 1838, in which I state—

## (SUPPLEMENTAL CHAPTER.)

"As regards the amount of the sum awarded to me by the Government, I have no observation to offer, all discussion on that subject having on my part ended with my administration of the government of Upper Canada. While I was in that difficult situation, I did not hesitate to express my opinion respecting the repayment to me of the expenses which I conceived to be due to me. In this country, however, I have no such arguments to offer, no claims to urge, and no desire to raise against the pecuniary award of her Majesty's Government, whatever it may be, a single observation."

\* \* \* \* \*

"To indemnify me for the expenses of my return, which (including those for my family) *bona fide* amounted to £530 8s., her Majesty's Government have awarded me the sum of £300, upon which, as I have already had the honour to state to your Lordship, I have not an observation to offer."

"2. A despatch to her Majesty's Under-Secretary of State, dated the 10th of August, 1838, in which, in reply to a communication from Lord Glenelg, dated the 9th of May, 1838, and from the Under-Secretary, dated the 8th of August, by which I was requested to forward an official representation of the extra expenses to which I had been exposed by the insurrection in Upper Canada, I replied as follows:—

"I have not with me any copy of my letter to Lord Glenelg of the 15th of May, to which you have referred, but I feel certain I only mentioned the two facts—first, that, on the insurrection breaking out in Upper Canada, I found it necessary to add to my staff three extra aides-de-camp and a military secretary; and, secondly, that, while no increase of salary had been granted to me, a fair allowance had been ordered by her Majesty's Government to every British officer on duty in Upper as well as Lower Canada. I say, I only mentioned these two facts to satisfy Lord Glenelg of the justice of remunerating me for the *bona fide* travelling expenses which I had been obliged to incur in coming from Toronto to England.

"These expenses are all I have applied for; and, as by your letter of the 8th instant, it appears they have been granted to me, I beg to say I do not feel disposed to make any further pecuniary application to her Majesty's Government.

"I have the honour to be, &c.

"F. B. HEAD."

3. A despatch to the Secretary of State, dated the 8th of March, 1839, in which I stated—

"I feel it necessary, on public as well as on private grounds, unequivocally to decline receiving the remuneration of my official expenses in the manner in which it has been proposed they should be experimentally asked for from the House of Assembly, who would, I consider, feel they were *invited to refuse them* by the despatch alluded to. Without entering at present into the subject, I only beg leave respectfully to state that I had infinitely sooner lose the indemnification in question than submit to a process to which neither Lord Gosford, Lord Durham, Sir John Colborne, nor any other governor of a colony, *after he had quitted it*, had ever been subjected.

"I have the honour, &c.

"F. B. HEAD."

4. A despatch to the Under-Secretary of State, dated March 10, 1839, in which I stated—

"I perfectly understand that his Lordship can enter into no pledge respecting the production either to Parliament or to the Provincial Legislature of my correspondence with the Colonial office respecting the non-payment of my official expenses. On the other hand, I feel confident that his Lordship has not misinterpreted my reluctance to enter upon the discussion of a subject involving only my own private interests, by conceiving that I entertain the slightest doubt or apprehension on the subject.

"To the last moment no exertion shall be wanting on my part to prevent this discussion from coming before the public: should I however be unsuccessful, his Lordship will, I believe, see reason to appreciate the feelings by which I have been actuated.

"I have the honour, &c.

"F. B. HEAD."

## (SUPPLEMENTAL CHAPTER.)

Considering the generosity, even towards an enemy, which has ever characterized the British people, and which surely ought therefore equally to characterize the British Government one would have thought that her Majesty's Ministers, seeing how I naturally shrank from the idea of having my pecuniary affairs unnecessarily brought before the public, would have liberally refrained from doing so, most especially as there existed no dispute whatever between us on the subject, I having declared in my *Narrative* (*vide* p. 418) "that I felt bound in justice to the Government to mention an otherwise insignificant matter—namely, that her Majesty's Government had with strict justice recently paid me the whole of my expenses." But, though the right of her Majesty's Government unnecessarily and ungenerously to moot this subject cannot be denied, yet, in bringing the question before the public, in compliance with the Duke of Wellington's motion, they were perfectly unjustified in withholding from Parliament all that side of the correspondence which they well knew tended unanswerably to satisfy every liberal mind that I had sued for nothing beyond the bare repayment of the expenses to which I had been subjected.

Having, I trust it will be admitted, done everything in my power to prevent this unimportant subject from distracting the public mind from the serious considerations which must arise from the perusal of my *Narrative*, I feel it necessary, now that it has forcibly been brought into notice, shortly, but most unequivocally, to declare that I have no claim whatever to make either upon the country or upon its Government.

While I was Lieutenant Governor of Upper Canada, I made (under most adverse circumstances) every exertion in my power to keep up the British flag; and I resisted, as well as I was able, all attempts, from whatever direction they proceeded, to haul it down.

Some people may be satisfied with my conduct—others may be dissatisfied; at all events, if I have done wrong, I have, I submit, paid the penalty of my offence. While every possible pecuniary assistance was granted to Lord Gosford, as well as to Lord Durham, and while £4,500 a-year is now, very properly, granted to Sir John Colborne, besides his salary and emoluments of Commander of the Forces, I was left, during the political tempest to which I was exposed, to borrow money in all directions for the bare payment of my official expenses. Until I returned to England not even my travelling expenses to Toronto, incurred in 1835, were refunded to me. For my services in Upper Canada, such as they may have been, I have, including my salary, received from her Majesty's Government not one shilling beyond the repayment of the expenses to which I was subjected; while on the other hand, in consequence of my having on their repeated application, consented to serve them, I have lost since 1835 a permanent appointment of considerable importance. All I have required, and still require, of her Majesty's Government, is to let me alone in my retirement.

I completely exonerate Lord Normandy and Mr. Labouchere, for both of whom I entertain respect, from any unworthy conduct towards me. They, since their appointments, can have had no time to consider my case; but the insane manner in which her Majesty's Government have not only encouraged rebellion in our colonies, but have twice assisted in assailing me, can only, to my humble judgment, be accounted for by the proverb,

"Quos Deus vult perdere prius dementat."

## CONCLUSION.

ACCOUNTS have lately reached this country from the Canadas, mentioning the arrival there of Lord Durham's Report, as also of my *Narrative*. Her Majesty's Ministers will now be enabled to declare to Parliament whether or not they have received from Sir John Colborne, from Sir George Arthur, from the Judges of the Court of Queen's Bench, from the Law Officers of the Crown, from the Executive Council, from the Legislative Council, from the House of Assembly, from the British population, or from the British army in the Canadas, anything in the slightest degree approaching to a denial of the affirmation to which I adhere,—*that the whole of these parties join hand and heart in deeply lamenting the republican course of policy which her Majesty's Ministers have unremittingly been pursuing in our colonies.* Whatever may be the opinion on this subject at home, unconnected with any political party, I do most solemnly declare to the country that, in the various regions it has been my humble fortune to visit, I have never before witnessed so astonishing, so unnatural, and yet so affecting a scene, as that which, for upwards of two years, daily presented itself to me in British North America.

## (SUPPLEMENTAL CHAPTER.)

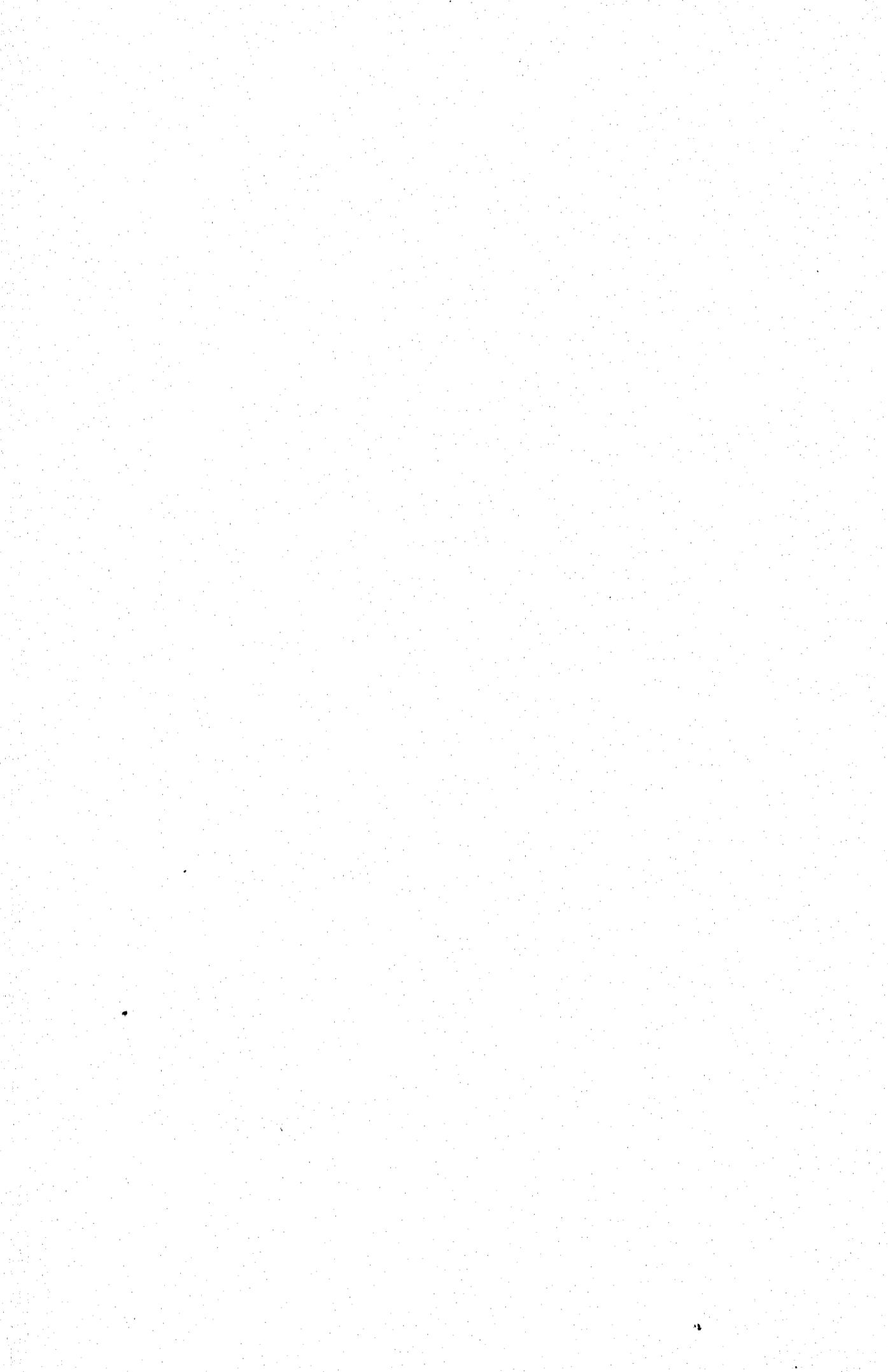
The inhabitants of these valuable colonies, with a manliness of character which it is almost impossible to describe, look upon the British Empire as the freest and noblest portion of the globe; they admire the liberty with which people in England write their minds, speak their minds, spend their fortune, bequeath their earnings—and, observing the jealousy with which life and property are secured—they attribute all these blessings to the power, and stability, and real majesty of British institutions.

With those feelings in their hearts, the inhabitants of our North American colonies have for several years observed the ministers of their sovereign, under the pretence of conciliating democracy, firmly ally themselves with people destitute of character, whose evident object has been the destruction of those principles upon which the British empire has been based. They have seen these demagogues, who had no real stake in their country, one after another, encouraged or promoted by her Majesty's Government, and while this party, whose evident intention was to rob and murder them, was busily occupied in broad day-light in making pikes, purchasing rifles, assembling for drill, forming themselves into unions, and thus creating general apprehension throughout our colonies, they have seen the Ministers of the Crown, in spite of warning or remonstrance, resolutely insist on elevating over the heads of the loyal population the ringleaders of the conspiracy—they have seen the arch-agitator of each of the Canadas offered to be rewarded—the insulters of her Majesty's representative officially shielded from punishment; in short, they have seen the Ministers of the British Crown actually fan into a flame the embers of rebellion, which the representative of the Sovereign, but for the encouragement shown to agitators, would easily have extinguished.

After rebellion had actually burst out, and after British institutions had been desperately attacked, they have seen the Ministers of their sovereign deaf to recommendations in favour of colonists who had risked their lives, and shed their blood, in defence of the empire; while, on the other hand, they have seen the Government, by ingenious sophistry, screen from the vengeance of the law the pirates and traitors who had been brought to justice. They have seen the British flag most grossly insulted—they have seen the British territory repeatedly invaded—The Queen's subjects robbed, murdered, mutilated, without adequate reparation being obtained, or even demanded, from the American Government; and lastly, they have seen a Governor General of the British North American colonies not only impugn to her Majesty the conduct of his predecessor, of the Legislative and Executive Councils, of the House of Assembly, and of the public authorities, but before the whole world they have seen him appeal from the Castle of Quebec, to the people of British North America against her Majesty's delegated authority, against the conduct of the Queen's Ministers, against the measures of the Imperial Parliament; and, after all this, and after having without permission abandoned his post, they have seen this servant of the public assume his seat in the House of Lords, which he had reviled, and sit there night after night for two months, without a single Minister of the Crown venturing to stand up to arraign his Lordship before the country, or to offer one word in defence of the Queen's Ministers—Imperial Parliament—Provincial Legislatures—Governors—Lieutenant Governors, and other constituted authorities—whom his Lordship had either openly assailed, or contemptuously reviled!

With these alarming facts before their minds, the loyal British population of our most valuable North American Provinces, having lost all confidence in the Ministers who surround their Sovereign, believe, (and I humbly join them in believing) that, unless the British nation will awaken from its slumber, unless the British people will arouse themselves from their death-like trance to rally round the constitution and the throne, our noble colonies will very shortly be subjected to a scene of plunder, devastation and bloodshed, which, as soon as it has paralysed the extremities, must almost simultaneously affect the heart of the empire.

Surely, when the nation reflects with what noble and powerful enemies it has hitherto successfully contended, it will feel ashamed of any longer allowing its colonies to be convulsed by one or two professional agitators who, every one knows, would instantly run away before the Queen's Government if it would only be firm, but who, for the very reason of their being notorious cowards, will, if successful, exercise a cruelty and a tyranny over every man of property, which I trust it will be the duty of their fellow subjects in the mother-country by a manly effort to determine to prevent.



## APPENDIX A.

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No. 95.

### MEMORANDUM ON THE ABORIGINES OF NORTH AMERICA.

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TORONTO, UPPER CANADA.  
20th November, 1836.

MY LORD,

As the object of this communication is to endeavour to supply your Lordship with the information respecting the Indians and the Indian department, required by your Lordship's despatch No.—, I feel it may be satisfactory that I should commence by explaining what opportunities I have had of forming the opinion I am about to offer on the subject.

I have, therefore, the honour to state to your Lordship, that I attended the annual delivery of presents to the visiting Indians at Amherstburg, as also that which took place, for the first time, at the Great Manitoulin Island in Lake Huron.

During my inspectional tour of the province, I also visited, with one or two trifling exceptions, the whole of the Indian settlements in Upper Canada, and in doing so made it my duty to enter every shanty or cottage, being desirous to judge with my own eyes of the actual situation of that portion of the Indian population which is undergoing the operation of being civilized.

I have had a slight opportunity of making myself acquainted with the Indian character in South America, and from the above data, I have now the honour to transmit to your Lordship the following observations on the subject:—

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#### MEMORANDUM.

The fate of the red inhabitants of America, the real proprietors of its soil, is, without any exception, the most sinful story recorded in the history of the human race; and when one reflects upon the anguish they have suffered from our hands, and the cruelties and injustice they have endured, the mind, accustomed to its own vices, is lost in utter astonishment at finding that in the red man's heart there exists no sentiment of animosity against us, no feeling of revenge; on the contrary, that our appearance at the humble portal of his wigwam is to this hour a subject of unusual joy. If the white man be lost in the forest, his cry of distress will call the most eager hunter from his game; and among the tribe there is not only pleasure but pride in contending with each other who shall be the first to render him assistance and food.

So long as we were obtaining possession of their country by open violence, the fatal result of the unequal contest was but too clearly understood; but now that we have succeeded in exterminating their race from vast regions of land, where nothing in the present day remains of the poor Indian but the unnoticed bones of his ancestors, it seems inexplicable how it should happen that, even where their race barely lingers in existence, it should still continue to wither, droop, and vanish before us like grass on the progress of the forest in flames.—“*The red men,*” lately exclaimed a celebrated Maimi Cacique, “*are melting like snow before the sun.*”

Whenever and wherever the two races come into contact with each other, it is sure to prove fatal to the red man. However bravely, for a short time, he may resist our bayonets and our fire-arms, sooner or later he is called upon by death to submit to his decree. If we stretch forth the hand of friendship, the liquid fire it offers him to drink proves still more destructive than our wrath. And, lastly, if we attempt to Christianize the

## APPENDIX A.

Indians, and for that sacred object congregate them in villages of substantial log-houses, lovely and beautiful as such a theory appears, it is an undeniable fact, to which unhesitatingly I add my humble testimony, that, as soon as the hunting season commences, the men (from warm clothes and warm housing having lost their hardihood) perish or rather rot in numbers by consumption; while, as regards their women, it is impossible for any accurate observer to refrain from remarking that civilization, in spite of the pure, honest, and unremitting zeal of our missionaries, by some accursed process, has blanched their babies' faces,—in short, our philanthropy, like our friendship, has failed in its professions. Producing deaths by consumption, it has more than decimated its followers; and under the pretence of eradicating from the female heart the errors of a Pagan's creed, it has implanted in their stead the germs of Christian guilt!

What is the reason of all this? Why the simple virtues of the red aborigines of America should, under all circumstances, fade before the vices and cruelty of the old world, is a problem which no one among us is competent to solve; the dispensation is as mysterious as its object is inscrutable. I have merely mentioned the facts, because I feel that before the subject of the Indians in Upper Canada can be fairly considered, it is necessary to refute the idea, which so generally exists in England, about the success which has attended the Christianizing and civilizing of the Indians; whereas, I firmly believe, every person of sound mind in this country, who is disinterested in their conversion, and who is acquainted with the Indian character, will agree:—

- 1st. That an attempt to make farmers of the red man has been, generally speaking, a complete failure.
- 2nd. That congregating them for the purpose of civilization has implanted many more vices than it has eradicated; and consequently,
- 3rd. That the greatest kindness we can perform towards these intelligent, simple-minded people, is to remove and fortify them as much as possible from all communication with the whites.

Having concluded the few preparatory observations I was desirous to make, I will now proceed to state what negotiations I have already entered into with the Indians, and what is my humble opinion of the course we should adopt as regards their presents, and the expenses of the Indian Department.

At the Great Manitoulin Island, in Lake Huron, where I found about 1,500 Indians of various tribes, assembled for their presents, the Chippewas and Ottawas, at a great Council held expressly for the purpose, formally made over to me 23,000 islands. The Saugeen Indians also voluntarily surrendered to me a million and a half acres of the very richest land in Upper Canada. (For the details attending these surrenders, see my despatch to your Lordship, No. 70.)

On proceeding to Amherstburgh, I assembled the Hurons, who occupy in that neighbourhood a hunting ground of rich land of six miles square; two-thirds of which they surrendered to me, on condition that one of the two-thirds should be sold, and the proceeds thereof invested for their benefit.

The Moravian Indians, with whom I had also an interview, have likewise agreed, for an annuity of £150, to surrender to me about six miles square of black rich land, situated on the banks of the Thames river.

I need hardly observe, that I have thus obtained for Her Majesty's Government from the Indians an immense portion of most valuable land, which will undoubtedly produce, at no remote period, more than sufficient to defray the whole of the expenses of the Indians and Indian department in this province.

On the other hand, as regards *their* interests, my despatch, No. 70, will explain the arguments I used in advising them to retire, or fall back upon the Manitoulin, and other islands in Lake Huron; the locality being admirably adapted for supporting them, but not for white men. Still it may appear that the arrangement was not advantageous to the Indians, because it was of such benefit to us; but it must always be kept in mind, that however useful rich land may be to us, yet its only value to an Indian consists in the game it contains; he is, in fact, lord of the manor, but it is against his nature to cultivate the soil—he has neither right nor power to sell it. As soon, therefore, as his game is frightened away, or its influx of immigration cut off by the surrounding settlement of the whites, his land, however rich it may be, becomes a "rudis indigestaque moles," of little value or importance; and in this state much of the Indian property in Upper Canada at present exists.

For instance, I found 16 or 18 families of Moravian Indians living on a vast tract of rich land, yet, from absence of game, almost destitute of everything; several of the men drunk; nearly all their children half-castes; the high road through their territory almost impassable; the white population execrating their indolence, and entreating to be relieved from the stagnation of a block of rich land, which separated them from their markets as completely as if it had been a desert.

The above picture (which is a very common one) will, I think, sufficiently show, that however desirous one may be to protect the Indians, and I hope no one feels for them more deeply than myself, yet, practically

## APPENDIX A.

speaking, that the greatest kindness we can do them is to induce them, as I have done, to retreat before what they may justly term the accursed progress of civilization; for, as I have stated, the instant they are surrounded by the white population, "*the age of their chivalry has fled.*"

The lieutenant-governor of the province may protect them from open violence, but neither he, nor any other authority on earth, can prevent the combination of petty vices, which, as I have already explained, are as fatal in their operation as the bayonet itself.

It is impossible to teach the Indian to beware of the white man, for it seems to be the instinct of his untutored nature to look upon him as his friend; in short, his simplicity is his ruin, and though he can entrap and conquer every wild beast in his forest, yet invariably he becomes himself the prey of his white brother!

For the foregoing reasons, I am decidedly of opinion that Her Majesty's Government should continue to advise the few remaining Indians who are lingering in Upper Canada to retire upon the Manitoulin and other islands in Lake Huron, or elsewhere, toward the north-west.\*

Your Lordship has informed me, that the Committee of the House of Commons on Military Expenditure in the Colonies are of opinion, "that the Indian department may be greatly reduced, if not altogether abolished; and they, therefore, call the attention of the House to the same, and also to the expense of articles annually distributed to the Indians, and whether any arrangement may not be made to dispense with such distributions in future, or to commute the presents for money."

As it is your Lordship's desire that I should afford you as much information as possible on the above suggestions, I will now respectfully endeavour to do so.

The presents which the British Government has been in the habit of granting to the Indians in Upper Canada have been delivered to two classes, termed the "resident" and the "visiting," whose numbers this year were as follow:—

Number of Indians resident in Upper Canada, .....	6,507
Average number of Indians who, in order to receive presents from the British Government, annually visit Upper Canada from the United States .....	3,270
Total average annual cost of presents issued as above .....	£8,500

It certainly appears to me very desirable indeed that we should, if possible, discontinue the practice of giving presents to that portion of the visiting Indians who reside in the territory of the neighbouring states; but what is desirable is not always just, and it is therefore necessary before the project be carried into effect, that we should consider what arguments exist for as well as against it.

In its favour it may be stated,

1st. That we should save an annual expenditure of say £4,000.

2d. That, according to common laws among nations, there appears to be no reason why, having lost all dominion over and interest in the United States, we should continue to make annual payments to any portion of its inhabitants.

3d. That it amounts almost to an act of hostility for the British Government to continue to give guns, powder, and ball, to the Indians of the United States, with whom that people are at this moment engaged in civil war.

4th. That a considerable portion of the presents which we give to the Indians, are shortly after their delivery to be seen displayed by the shopkeepers of the United States, who often obtain them almost for nothing.

In reply to the first objection, namely, "that by withholding the presents we should save an annual expenditure of £4,000, it may be stated, that of all the money which has been ever expended by the British Government, there is perhaps no sum which ought to be less regretted than that which we have hitherto bestowed on the aborigines of America. It has purchased for us the blessing of their race; they love us, they have shed their blood for us; they would do so again; they look upon us as the only just and merciful inhabitants of the old world, and impressed with these feelings, their attachment to our Sovereign amounts almost to veneration. "*When we see the sun rise in the east,*" said a warrior to me at the Great Council at the Manitoulin Island, "*it is our custom to say to our young men, there is our Great Father, he warms us, he clothes us, he gives us all we desire.*"

\* This measure was strongly recommended by Sir John Colborne to Her Majesty's Government.

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There can be no doubt that up to the present page in the history of the British empire we have acted well towards the Indians. What that reflection may intrinsically be worth it is not so easy to determine, as every man will perhaps estimate it differently; however, its moral value, whatever it may be, should be deducted from the expense of which we complain, for we cannot enjoy both advantages; if we save the latter, we must lose the former.

In reply to the second objection, namely, "that according to common laws among nations, there appears to be no reason why, having lost all dominion over and interest in the United States, we should continue to make annual payments to any portion of its inhabitants;" it must be recollected that, in our wars with the Americans, we gladly availed ourselves of the services of the Indians, whom invariably we promised we would never desert. In these promises we made no restriction whatever as to domicile; when the tribes joined us, we never waited to ask whence they came; at the close of the war, when their surviving warriors left us, we never prescribed to them where they should go.

It will be asked, in what way were these our promises made? It is difficult to reply to this question, as it involves the character of the Indian race.

An Indian's word, when it is formally pledged, is one of the strongest moral securities on earth; like the rainbow, it beams unbroken, when all on earth is threatened with annihilation.

The most solemn form in which an Indian pledges his word, is by the delivery of a wampum belt of shells, and when the purport of this symbol is once declared, it is remembered and handed down from father to son, with an accuracy and retention of meaning, which is quite extraordinary.

Whenever the belt is produced, every minute circumstance which attended its delivery, seems instantly to be brought to life, and such is the singular effect produced on the Indian's mind by this talisman, that it is common for him, whom we term "the savage," to shed tears at the sight of a wampum which has accompanied a message from his friend.

I have mentioned these facts, because they will explain the confident reliance the Indians place on the promises which, accompanied by the delivery of wampums, were made to them by our generals during and at the conclusion of the American wars.

These rude ceremonies had probably little effect upon our officers, but they sunk deep in the minds of the Indians; the wampums thus given have been preserved, and are now entrusted to the keeping of the great orator, Sigonah, who was present at the council I attended on the Manitoulin Island, in Lake Huron, and, in every sense, these hieroglyphics are moral affidavits of the bygone transactions to which they relate. On our part, little or nothing documentary exists; the promises which were made, whatever they might have been, were almost invariably verbal—those who expressed them are now mouldering in their graves. However, the regular delivery of the presents proves and corroborates the testimony of the wampums, and, by whatever sophistry we might deceive ourselves, we could never succeed in explaining to the Indians of the United States that their Great Father was justified in deserting them.

To the third and fourth objections I have nothing to reply; for I must say I think the Americans have reason for the jealousy they express at the British Government interfering, by positively arming their own Indians, with whom they are at war, with English guns, powder, and ball; I also cannot deny that a great proportion of the presents we give to the American Indians form a tribute which we annually pay to the shopkeepers of the United States.

Having endeavoured, as fairly as possible, to explain the arguments on both sides, I now beg leave to state that, after having given the subject considerable reflection, I am of opinion, that to the visiting Indians of the United States we cannot, without a breach of faith, directly refuse to continue the presents, which by the word of our generals we have promised, and which by long custom we have sanctioned; but observing that the minds of these people were wide open to reasonable conviction, it occurred to me that it would not be difficult to explain to them that their Great Father was still willing to continue presents to such of his red children as lived in his own land, but that in justice to the Americans, who are now our allies, he could not arm against them those Indians who could continue to reside in the territory of the United States; and consequently that, after the expiration of three years, presents would be given only to those of our red children who actually shall inhabit the Canadas.

I did not formally make this declaration at the Great Council at the Manitoulin Island, but it was sufficiently hinted to them to be clearly understood, and as far as I could learn, and have since learned, it was received without disapprobation.

## APPENDIX A.

I would therefore recommend that this declaration should be formally announced at the next delivery of presents. The Indians in the United States would thus have plenty of time to prepare for the change, which I feel quite confident would end by our being released honourably and altogether from an engagement which I certainly think we have maintained long enough, to reward liberally the United States Indians for the services they rendered us during the war; indeed there can be no doubt that we have treated their warriors infinitely better than we have behaved to our own veterans, who, blind, wounded, mutilated, helpless, and miserable, are at this moment wandering in the great bush or wilderness of Canada, regretting the hour that they ever improvidently commuted with the British Government their hard-earned pensions.

I do not think the Indians of the United States could or would complain of the above arrangement, and I feel certain that though a few would at first immigrate to Canada, they would not long remain there.

For many reasons, which it would be tedious to your Lordship that I should detail, I would recommend that the presents to the visiting Indians should for the three years be delivered at the Manitoulin Island only.

The expense of forwarding the presents to that spot, though less than to the old place of delivery, (Drummond Island,) is greater than at Penetanguishine and Amherstburg; but as only those who are really in want of their presents would come to Manitoulin, we should gain, as indeed we did gain this year, by that arrangement, infinitely more than the difference of expense of transport.

In a memorandum I received on the 16th July last, from Mr. Commissary General Routh, many of whose suggestions I have effected, that gentleman, not anticipating the recommendation I have now made for the ultimate discountenance of presents to the American Indians, proposed to diminish their expense by substituting strouds instead of cloth, and by withholding powder, ball, and shot.

Every person with whom I have consulted is of opinion that the latter privation would be most severely felt by the Indian hunter who lives by his gun; however, I feel confident that Mr. Routh himself will agree with me in opinion, that if the presents to all Indians residing in the United States are, as I propose to be, totally discontinued at so early a period as the expiration of three years, it would be unnecessary, unadvisable, and ungenerous, to make any deduction from the pittance or gratuity which is so shortly to be withheld.

Your Lordship is aware that considerable expenses for building, &c., were incurred at the Manitoulin Island this year; but the arrangement was made by Sir John Colborne before I arrived here, and it was too late for me to alter it; however, as soon as I got there, I put a stop to all that was doing, and discharged every person who had been engaged.

Having disposed of at least one-third part of the Indian presents, and the expense of their delivery, I certainly respectfully recommend that we should continue to deliver them to those few Indians who continue to inhabit Upper Canada.

I have already stated that this expense will shortly be defrayed altogether by the sale of the lands they have this year liberally surrendered to me; and even if that were not to be the case, I do think that, enjoying as we do, possession of this noble province, it is our bounden duty to consider as heir-looms the wreck of that simple-minded, ill-fated race, which, as I have already stated, is daily and yearly fading before the progress of civilization.

We have only to bear patiently with them for a short time, and with a few exceptions, principally half castes, their unhappy race, beyond our power of redemption, will be extinct.

I am not prepared to recommend that money should at present be substituted for presents to the resident Indians in this province.

1st. Because I think, unless good arrangements were previously made, the Indians, from their improvident habits, would in many places be left destitute; and,

2ndly. Without due precaution, a money delivery to so many men, women and children, might possibly be attended by very great impositions.

Another year's experience and reflection will, I make no doubt, enable me to offer to your Lordship a decided opinion on this subject, as I am quite alive to the advantage which we should gain by the substitution of money, if it could be properly effected.

In the expenses of the Indian department, which at present amount to £1,610 17s. 10d. per annum, I am of opinion that a reduction might at once be made to the following extent, (subject to moderate pensions, the greater part of which might be in grants out of land which has lately been ceded to me by the Indians):—

Three superintendents at £206 14s. 4d.—£640 3s.

One interpreter at £62.—£62.

## APPENDIX A.

I also think that a considerable reduction might be made in the contingencies, which at present amount to £2,000.

With respect to the pensions, which amount to £462, I conceive that as they have already been sanctioned, they could not in justice be repealed.

In conclusion, I now beg leave to refer to my despatch, No. 31, respecting the age and services of Colonel Givens. I conscientiously concur with Sir John Colborne and Sir P. Maitland, in recommending that, in the evening of his long and well-spent life, this officer may not be neglected by Her Majesty's Government, to whose service he has been more than half a century unremittingly and devotedly attached.

His name is so identified with the Indian history of this country, that I earnestly hope he may be allowed to retire on his full pay; he has a large family, and his advanced age must prevent his long receiving the remuneration so strongly recommended by Sir J. Colborne, by Sir P. Maitland, and by myself.

To replace Colonel Givens, who would continue to assist as an interpreter, I have already recommended, in my despatch No. 31, the appointment of Mr. Hepburn, who last year has, without salary, been performing the duties of Chief Superintendent.

I am decidedly of opinion that at the expiration of three years a still further reduction may be made in the Indian department, and that its expenses of every description will ere long be completely defrayed by the lands which I have lately obtained from the Indians.

I have the honour to be, &c.

F. B. HEAD.

The LORD GLENELG.

APPENDIX B.

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**A D D R E S S E S**

TO

**SIR FRANCIS B. HEAD, BART.**

FROM THE

**LEGISLATURES OF THE BRITISH NORTH AMERICAN COLONIES,**

*&c. &c. &c.*

ON HIS

**RESIGNATION OF THE GOVERNMENT**

OF

**UPPER CANADA.**

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**TORONTO:**

**R. STANTON, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.**

—  
1838.



## MESSAGES, & C.

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### F. B. HEAD.

THE Lieutenant-Governor informs the Legislative Council, that in consequence of this province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the Officer in command of Her Majesty's land forces, has assumed the entire military authority and command over the troops; that he is also in command of the militia; and that the Commissary-General at Quebec has communicated to the Officer in charge of the Commissariat here, that consistently with the rules of the service, no expenses can be allowed unless sanctioned by the authority of the military Commander, upon whom the protection of the province has thus necessarily devolved.

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

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

Under the peculiar circumstances in which the province is at present placed, the Lieutenant-Governor feels confident, that the Legislative Council will rejoice with him at the approaching arrival of an Officer of high character and considerable experience, whose rank in the army will enable him to combine the military command with the civil government of this province.

GOVERNMENT HOUSE,  
15th January, 1838.

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

MAY IT PLEASE YOUR EXCELLENCY,

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, beg to return our respectful thanks to your Excellency, for communicating to us the fact, which is at this crisis particularly important, that by the regulations of Her Majesty's service the command of the troops, and of the militia employed in defence of this province, cannot be united in your Excellency's person with the administration of the civil government.

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

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

## APPENDIX B.

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

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

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

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

JOHN B. ROBINSON,  
SPEAKER.

*Legislative Council Chamber,*  
17th day of Jan., 1838.

## F. B. HEAD.

The Lieutenant-Governor informs the House of Assembly, that in consequence of this province being invaded and assailed by a foreign enemy, and being the scene of actual military operations, Colonel Foster, the officer in command of Her Majesty's land forces, has assumed the entire military authority and command over the troops; that he is also in command of the militia; and that the Commissary-General at Quebec has communicated to the officer in charge of the commissariat here, that consistently with the rules of the service, no expenses can be allowed, unless sanctioned by the authority of the military commander, upon whom the protection of the province has thus necessarily devolved.

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

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

Under the peculiar circumstances in which the province is at present placed, the Lieutenant-Governor feels confident, that the House of Assembly will rejoice with him at the approaching arrival of an officer of high character and considerable experience, whose rank in the army will enable him to combine the military command with the civil government of this province.

GOVERNMENT HOUSE,  
15th Jan. 1838.

*To His Excellency SIR F. B. HEAD, Baronet, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY:

WE, Her Majesty's dutiful and loyal subjects, the Commons House of Assembly, in Provincial Parliament assembled, humbly thank your Excellency for your Excellency's message of the 15th instant, communicating to this House, that "in consequence of this province being invaded and assailed by a foreign enemy,

## APPENDIX B.

and being the scene of actual military operations, Colonel Foster, the officer in command of Her Majesty's land forces, has assumed the entire military authority and command over the troops; that he is also in command of the militia; and that the Commissary-General at Quebec has communicated to the officer in charge of the commissariat here, that consistently with the rules of the service, no expenses can be allowed unless sanctioned by the authority of the military commander, upon whom the protection of the province has thus necessarily devolved.

In reference to this subject, we can only express our earnest hope that this regulation, which the rules of the service appear to have rendered necessary, may in no respect impair the efficiency of the operations hitherto planned and directed by your Excellency, with so much success for the preservation and defence of the province against the attack of foreign and domestic enemies.

We are further informed by your Excellency, that having had the misfortune to differ from Her Majesty's Government, on one or two points of colonial policy, your Excellency felt it your duty, on the 10th of September last, respectfully to tender to Her Majesty's principal Secretary of State for the Colonies the resignation of the important station which, for a short time, your Excellency has had the honour to hold in this province, and that your Excellency's resignation had been graciously accepted.—When this House recalls to recollection the events of your Excellency's administration of the affairs of this province—the universal respect and confidence with which you are regarded, arising from your Excellency's firm and uncompromising adherence to the principles of the constitution, and which has afforded to the inhabitants of this colony various opportunities of proving, not by words merely, but by acts the most convincing and undeniable, their firm unshaken loyalty to their Sovereign, and their desire to maintain their connexion with the parent state, in contradiction to assertions and insinuations of a contrary tendency, we cannot but view with alarm the disclosure now made, that your Excellency has felt yourself called upon to resign the administration of the government on the grounds stated in your Excellency's message.

If your Excellency's measures and policy have not given satisfaction to our gracious Queen, we are driven to inquire, in the most humble and respectful, but solemn manner, what course of policy it is that is expected by Her Majesty from Her Majesty's representative in this province? Deeply impressed with the duty of submission to the constitutional exercise of the royal prerogative, we do not question the right of the Sovereign to select Her representatives in this or any other colony of the empire; but we nevertheless feel ourselves impelled by a sense of duty, suggested by a desire to maintain our allegiance, (and which, on our part, can never be laid aside or forgotten), humbly, but earnestly and emphatically to declare, that if anything be calculated to shake the attachment of Her Majesty's now truly loyal and devoted subjects to Her royal person and government, it is by acts of injustice, or the manifestation of ungenerous distrust towards servants, who have served the British nation so faithfully and nobly as your Excellency has done. It will be the duty of this House, before the close of the present session, and when more fully informed of facts, to express more at large the feelings and opinions they entertain on this painfully interesting and important subject.

In the meantime, we beg to assure your Excellency, that this House, and the people of the province, will regard your Excellency's relinquishment of its government as a calamity of the most serious nature, and which may result in difficulties and dissensions that cannot be easily repaired or reconciled. We, however, are fully persuaded, that the blame cannot rest with your Excellency; and while we sincerely and most willingly acknowledge the zeal, ability, justice and honourable disinterestedness, with which you have conducted the government of this province, during your short but eventful and arduous administration of its affairs, we beg respectfully and affectionately to express, on behalf of this province, our earnest hope, that your Excellency's prosperity in future life may be commensurate with the claims, deep and lasting as they are, upon our gratitude—the approbation of our gracious Queen—and the applause and acknowledgment of the British nation.

H. RUTTAN,  
SPEAKER.

*Commons House of Assembly,*  
16th day of January, 1838.

## APPENDIX B.

*To His Excellency* SIR F. B. HEAD, *Baronet, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY:

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, humbly pray that your Excellency will be pleased to transmit to this House copies of so much of your Excellency's correspondence with the Right Honourable the Secretary of State for the Colonies, as relates to your Excellency's resignation of the government of this province, embracing the matter of policy upon which your Excellency had the misfortune to differ from Her Majesty's government, so far as the same may, in your Excellency's opinion, be with propriety communicated.

JOHN B. ROBINSON,

SPEAKER.

*Legislative Council Chamber,*  
19th day of Jan., 1838.

## HIS EXCELLENCY'S REPLY.

HONOURABLE GENTLEMEN:

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

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

GOVERNMENT HOUSE,  
22nd January, 1838.

*To His Excellency* SIR F. B. HEAD, *Baronet, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY:

WE, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that your Excellency will be pleased to lay before this House the correspondence between Her Majesty's Government and your Excellency, which induced your Excellency to tender your resignation of the government of this province; and also any subsequent correspondence between Her Majesty's Government and your Excellency, on the same subject.

H. RUTTAN,

SPEAKER.

*Commons House of Assembly,*  
18th January, 1838.

## HIS EXCELLENCY'S REPLY.

GENTLEMEN:

NOTHING, at this moment, would be so gratifying to my feelings as to lay before the House of Assembly the correspondence between Her Majesty's Government and myself, which induced me to tender my resignation of the government of this province; but, after deliberate consideration, I have come to the conclusion, that the publication of these documents might, under existing circumstances, embarrass my successor, and might be considered as a violation of official confidence.

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

GOVERNMENT HOUSE, 22d January, 1838.

## APPENDIX B.

F. B. HEAD.

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

GOVERNMENT HOUSE, 22d January, 1838.

(A similar Message to the House of Assembly.)

GOVERNMENT HOUSE, FREDERICTON,  
New Brunswick, Jan. 6th, 1838.

SIR,

WITH the highest satisfaction I comply with the the wishes of the Legislative Council and House of Assembly of this province, by transmitting to your Excellency Resolutions jointly concurred in by these bodies, tendering to your Excellency, and to the gallant militia of Upper Canada, the unanimous thanks of the Legislature, and of the people of New Brunswick, for the able, prompt and energetic suppression by them, and by your Excellency, unaided by any portion of Her Majesty's Troops, of the late insurrection in the neighbourhood of Toronto.

In doing this, I beg to add the expression of my warmest concurrence in the sentiments embodied in those resolutions, with the assurance that, while we feel the most entire confidence in the ability of Her Majesty's loyal Subjects of Upper Canada, under Your Excellency's guidance, to put down rebellion wherever it may shew itself, yet we cannot but regret that our remote position with respect to that Province, prevents our offering our more active co-operation.

I have, &amp;c.

(Signed) J. HARVEY,  
Major General, Lieutenant Governor.

His Excellency SIR F. B. HEAD, Bart.  
&c. &c. &c.

NEW BRUNSWICK, HOUSE OF ASSEMBLY,  
January 5th, 1838.

*Resolved unanimously*, That the thanks of this Province are due, and should be presented to Sir Francis Bond Head, and the gallant Militia of Upper Canada; for their able, prompt and energetic suppression of the Insurrection which lately took place in the neighbourhood of Toronto.

*Resolved unanimously*, That the conduct of our fellow subjects in Upper Canada, on this memorable occasion, so fully in accordance with their former high spirit and character, affords a glorious example to the Sister Colonies; and cannot fail to quicken the zeal and animate the exertions of every loyal heart in these Colonies, in support and defence of the liberties they enjoy under British Laws and Institutions.

*Resolved unanimously*, That our fellow subjects in Upper Canada may rest assured of the lively sympathy of the inhabitants of this Province, in their loyalty and patriotic ardour, and of our most zealous co-operation in maintaining the Royal Authorities, and the inestimable advantages of our connexion with the Mother Country.

(Signed) CHA'S P. WETMORE,  
CLERK OF ASSEMBLY.

NEW BRUNSWICK, HOUSE OF ASSEMBLY,  
5th January, 1839.

*Resolved unanimously*—That an humble Address be presented to his Excellency the Lieutenant Governor, praying that his Excellency will be pleased to transmit these Resolutions to his Excellency Sir Francis Bond Head, Lieutenant Governor of Upper Canada.

*Resolved*—That the Legislative Council be requested to join in these Resolutions.

(Signed) CHARLES P. WETMORE,  
CLERK OF ASSEMBLY.

## APPENDIX B.

NEW BRUNSWICK. LEGISLATIVE COUNCIL CHAMBER,  
January 5th, 1838.

*Resolved unanimously*—That this House doth most heartily concur in the Resolutions of the House of Assembly, on the subject of the insurrection in Upper Canada.

(Signed)

WM. TYNG PETERS,  
Clerk.

GOVERNMENT HOUSE, HALIFAX, 6th Feb. 1838.

SIR,

At the request of the Legislative Council of this province, I have the pleasure to transmit to your Excellency the enclosed resolutions of that honourable body, expressing their high admiration of the energetic measures adopted by your Excellency to suppress the recent rebellious outbreak in Upper Canada, and offering their thanks to Colonel Allan Napier MacNab, and the militia under his command, for their gallant conduct on that occasion.

I have the honour to be, Sir,

Your Excellency's most obedient,

Humble servant,

C. CAMPBELL.

His Excellency SIR F. B. HEAD, *Bart.*  
&c. &c. &c.

LEGISLATIVE COUNCIL CHAMBER,  
29th January, 1838.

On motion of Mr. Stewart, seconded by Mr. Ousely :—

*Resolved unanimously*—That while the members of this House view with the deepest regret the existence of rebellion in the provinces of Lower and Upper Canada, they cannot refrain from expressing the gratification they have derived from those warm and animating displays of universal loyalty and attachment to the British constitution and government, to which it has given occasion throughout the British North American Colonies.

*Resolved unanimously*—That the grateful acknowledgments of this House ought to be immediately conveyed to his Excellency Sir Francis Bond Head, the Lieutenant-Governor of Upper Canada, for the penetration with which he discovered, and the firm, prompt, and energetic manner in which he baffled and defeated, the mad designs of traitorous men to rob and murder those who prefer the blessings of the British government to republican institutions; but more especially for the noble-minded reliance upon the courage and loyalty of the people alone, by which he was enabled to render most important aid towards the suppression of the unnatural rebellion in Lower Canada.

*Resolved unanimously*—That the thanks of this House are also due to Colonel Allan Napier MacNab, and the loyal militia of Upper Canada, for their gallant conduct in crushing in its infancy this rebellious attempt, and in exhibiting a noble example of the spirit with which Her Majesty's North American subjects are determined to preserve their connexion with their mother-country, and to put down all endeavours to weaken or destroy it.

*Resolved unanimously*—That this House view, with astonishment and regret, the support and assistance which, in a time of profound peace and amity between the two governments, have been afforded to the ex-patriated rebels by many citizens of the American Union; and this House trusts, that the efforts of the general government of the United States will not be remitted until such of its citizens as have been guilty of so unjustifiable a violation of the existing treaty and the law of nations shall be punished with that severity which they deserve.

*Resolved unanimously*—That while this House recognise in the British soldier that devotion to his sovereign and country which has led to the effectual suppression of the rebellion in Lower Canada, and also to a long and dreary march at this inclement season, they cannot but rejoice that the absence of the troops from the Upper Province has afforded gratifying and irresistible evidence of the deep-rooted attachment of the people to the British constitution.

## APPENDIX B.

*Resolved unanimously*—That an humble address be presented to his Excellency the Lieutenant-Governor, praying that he will be pleased to transmit these resolutions to his Excellency Sir Francis Bond Head, the Lieutenant-Governor of Upper Canada.

JOHN C. HALLIBURTON,  
CLERK.

LEGISLATIVE COUNCIL CHAMBER,  
31st January, 1838.

*Resolved*—That Mr. Stewart, Mr. Smith and Mr. Ratchford, do wait upon his Excellency the Lieutenant Governor, and present to him the Address and Resolutions, agreed to on the 29th of this present month of January.

JOHN C. HALLIBURTON,  
CLERK.

*To His Excellency* SIR F. B. HEAD, *Baronet, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY :

WE the undersigned, on behalf of the Executive Committee of the Constitutional Association of Quebec, having been informed that your Excellency is about to retire from the Government of Upper Canada, feel ourselves impelled, as well by a sense of justice to your Excellency's person, as by a sense of duty to our beloved Queen, to express our deep regret at your Excellency's intended departure; and although circumstances have placed your Excellency beyond our reach for the more intimate and private relations of life, yet upon public grounds we feel ourselves called upon to acquaint your Excellency that we deeply deplore the causes which have led your Excellency to resign the high and important station you have held in our sister province, the duties of which you have so ably and so faithfully discharged.

The passing events in Upper Canada could not but be regarded by us as of the most vital importance to this province, and entertaining this view, we have watched with the utmost anxiety your Excellency's administration. We have followed you through your prosperous career, and particularly during the eventful period of the late rebellion, as whilst recording as we now do, by this Address, our admiration of your public conduct, we venture to express the hope that Her Majesty's Ministers will at length be convinced that the principles of the British constitution alone are applicable to the good government of these provinces.

At a time when constitutional government has led to such happy results from the exercise of a sound discretion, accompanied by a dignified and uncompromising course of policy, which has conspicuously marked your Excellency's administration in Upper Canada, we are irresistibly led to attribute the present deplorable condition of the British and Irish inhabitants of this province to a weak and vacillating policy, so directly opposite to that pursued by your Excellency.

We, therefore, deeply sympathise with the inhabitants of our sister province on the loss they will so universally feel on the occasion of your Excellency's departure.

In respectfully offering our sincere wishes for your Excellency's future happiness, and that of Lady Head and family, we feel that we speak the sentiments of the whole body of Constitutionals in this district, in expressing the hope, nay the conviction, that your valuable talents will ever be enlisted in behalf of these provinces, and that the important services you have already rendered to Upper Canada, and the empire at large, will receive that well-merited reward—the approbation of our most gracious and beloved Queen.

(Signed) A. STUART,  
CHAIRMAN.  
W. BRISTON,  
SECRETARY.

Province of Lower Canada,  
Quebec, 24th February, 1838.

## APPENDIX B.

MONTREAL, 13th March, 1838.

SIR,

A large and respectable meeting of citizens, who long to testify their grateful admiration of the talent, firmness, and integrity which have uniformly distinguished your brief but eventful administration of the government of Upper Canada, has deputed us to inquire, whether you will so far gratify and honour them as to accept of a public dinner during your anticipated presence at Montreal.

We have the honour to be,

With the highest consideration and respect,

SIR,

Your most obedient and faithful servants,

(Signed) PETER M'GILL,  
JOHN MOLSON,  
ADAM THOM.

To Sir F. B. HEAD, *Baronet,*  
*&c. &c.*

TORONTO, March 19th, 1838.

GENTLEMEN,

It has afforded me unexpected gratification to learn from your letter of the 13th instant, which I have this moment received, that a large and respectable body of the citizens of Montreal have done me the honour to invite me to a public dinner during my presence in Montreal.

I beg you will be so good as to offer to the gentlemen who have evinced such a desire my sincere thanks for this flattering testimony of their good opinion, which I can truly assure them I most sensibly appreciate; at the same time I request they will do me the additional favour of permitting me to express a desire not to avail myself of their obliging invitation to a public dinner.

On retiring from this government I shall, to the utmost of my ability, continue to render to the Canadas every assistance in my power; but I trust, on reflection, you will agree with me in the opinion that, on my journey to England, I should in no place do anything that can tend directly or indirectly to agitate a discussion of any of those questions in which the people of the Canadas, as well as myself, feel so deeply interested.

I have the honour to be,

Gentlemen,

Your most obedient humble servant,

(Signed)

F. B. HEAD.

The Hon. PETER M'GILL,  
JOHN MOLSON, Esq.  
ADAM THOM, Esq.

QUEBEC, 22nd March, 1838.

SIR,

The citizens of Quebec, being desirous of Marking their sense of your Excellency's character and services during the eventful period of your government of Upper Canada, have, at a public meeting, convened at the Exchange on Wednesday the 21st instant, resolved that a public entertainment should be given for that object in this city, and that your Excellency should be invited thereto, should it be your intention to visit Quebec prior to your return to England.

In carrying this resolution into effect, the undersigned committee have now the honour of requesting your Excellency to accept a public dinner on the part of the citizens of Quebec, on any day which may suit your Excellency's convenience after your arrival in this city.

A duplicate of this letter has been forwarded to Kingston addressed to your Excellency.

We have the honour to be,

Your Excellency's most obedient humble servants,

(Signed)

CHAS. F. AYLWIN,

T. N. STAYNER,

J. CHARLTON FISHER, LL. D.

His Excellency Sir F. B. HEAD, Bart.

*&c. &c. &c.*

*Montreal.*

## APPENDIX B.

To His Excellency SIR F. B. HEAD, *Baronet, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY,

We, her Majesty's dutiful and loyal subjects, the officers, non-commissioned officers, and privates of the five battalions of Montreal Loyal Volunteers, cannot allow your Excellency to depart from your government of the province of Upper Canada without expressing to you our high admiration of your Excellency's upright, uncompromising, and constitutional administration of the duties of your exalted and important office.

In presuming to address your Excellency as volunteer soldiers, we feel assured, by the noble example which has been so lately exhibited to us by your Excellency, that our sentiments will, in your bosom, meet a sympathetic feeling of ardent loyalty to our beloved Queen, and of undeviating adherence to the glorious institutions of our father-land, of which it was unquestionably designed that we should have the happiness, in this remote corner of the British empire, to enjoy the ample blessings.

In your Excellency's administration of the affairs of Upper Canada, as well as in that of your gallant predecessor, our esteemed Commander-in-chief, we joyfully recognise that rejection of hollow expediency, and that adherence to pure and sterling principle, which at once check the aspirings of restless and destructive innovation, and give high and expanding hope and energy to the supporters of institutions based upon true patriotism, and cemented by the wisdom and experience of ages.

We beg to express our undoubting confidence in your Excellency's desire to impress upon the councils of our most gracious Sovereign the importance of seizing upon the present opportunity, so happily afforded, of making the province what it always should have been, a British colony; and to convey to our beloved Queen our earnest desire to be emancipated from the dominion of a race which has proved itself the enemy of British settlement in this province, of British improvement, of British laws and institutions, and of British connexion.

We beg to convey to your Excellency the expression of our sincere regret at your relinquishment of the government of Upper Canada at a crisis so important to the best interests of that noble province, and of our heartfelt wishes for your happiness, and for that honour and promotion at the hands of our most gracious Sovereign which your Excellency's patriotism so eminently deserves.

MONTREAL, 12th February, 1838.

AT a Public Meeting, very numerously attended, held at the News-room, in the City of Saint John, on Thursday, the 22nd day of March, 1838, his worship the Mayor in the Chair,—

On motion of Mr. Pentelow—

*Resolved unanimously*—That this meeting has a high sense of the inestimable advantages which have accrued to the Canadas and the other British American possessions, by the administration of Sir Francis Bond Head, Bart., late Lieutenant-Governor of Upper Canada.

*Resolved unanimously*—That, entertaining a lively hope that Sir Francis Bond Head may pass through this city on his return to England, this meeting deems it an indispensable duty that some distinguished tribute of respect be paid to him by the loyal inhabitants of Saint John, and that therefore he be invited to a public dinner to be given him on that occasion.

*Resolved*—That a committee of management be appointed to prepare the same, and obtain subscriptions.

On motion of the Hon. Judge Parker:—

*Resolved unanimously*—That his Excellency, Sir John Harvey, our highly respected Lieutenant-Governor, be invited as a guest on the occasion.

*Resolved unanimously*—That the Hon. Colonel MacNab, Speaker of the House of Assembly of Upper Canada, be also invited as a guest, in the event of his being in this province on his way to England.

*Resolved*—That his Worship the Mayor, H. B. Smith, Esq., collector of her Majesty's customs, and William H. Street, Esq., be a committee to proceed to Fredericton, for the purpose of conveying the aforesaid resolutions to Sir Francis Bond Head, his Excellency Sir John Harvey, and Colonel MacNab.

(Signed) ROBERT J. HEADHAM,

CHAIRMAN.

## APPENDIX B.

At a Public Meeting of the Magistrates, Merchants, and principal Inhabitants of the County of Gloucester, held at the Court-house, in Bathurst, New Brunswick, on Monday, the 2nd day of April, 1838, William End, Member of the House of Assembly, called to the Chair:—

*It was resolved unanimously*—That the province of New Brunswick should cordially unite in those sentiments of admiration and respect which have been so enthusiastically expressed by the loyal people of Upper Canada towards Sir Francis Bond Head, their late Lieutenant-Governor.

*Resolved unanimously*—That to support and strengthen the power and influence of the Government in these colonies should be the paramount duty of every man who appreciates the importance of British connexion, and desires to be protected by British laws; and that the political opinions of Sir Francis Bond Head, expressed during his residence in Upper Canada, are warmly responded to by the loyal people of this province, and regarded as a code, happily conducive to the honour and dignity of the Crown, as well as the safety and welfare of the people.

*Resolved unanimously*—That the unshaken fidelity with which the constitutional rights of the Crown and the subject were maintained by Sir Francis Bond Head during his administration of the government of Upper Canada; his sagacity in detecting and disappointing the specious designs of pretended patriots; his firmness in overturning the less dangerous attempts of open rebellion, and the confidence with which, on two memorable occasions, he intrusted the best interests of the colony to the good sense of its freeholders and the gallantry of its militia, justly entitle him to the everlasting gratitude of her Majesty's faithful subjects in every part of British America.

*Resolved unanimously*—That, while the removal of Sir Francis Bond Head from the government of Upper Canada must be deeply lamented by those who nobly rallied round him in the day of agitation and rebellion, this meeting is not without a cheering hope that the knowledge which he has acquired of the true character of her Majesty's colonial subjects, when communicated to the Imperial Parliament, may convince the British nation that the great mass of the people of these colonies, loyal in feeling and in conscience, consider it their enviable distinction to form a part of the British empire, and turn with abhorrence from those who would make these last retreats of suffering loyalty a land of aliens from the British Crown.

*Resolved unanimously*—That the people of the county of Gloucester, deeming it their bounden duty to adopt the sentiments of the foregoing resolutions, are desirous of publicly declaring their feelings towards Sir Francis Bond Head and the loyalists of Upper Canada; and that these resolutions be signed by the chairman, and transmitted by him to his Excellency Major-General Sir John Harvey, our esteemed Lieutenant-Governor, with an humble request that he may be pleased to communicate them to Sir Francis Bond Head.

(Signed) WILLIAM END,  
CHAIRMAN.

Bathurst, New Brunswick,  
April 2nd, 1838.

Besides the above, I have a small volume of addresses, which I received on my departure from the people throughout all the districts of Upper Canada, to all of which addresses I gave the following reply, verbally explaining to the respective deputations that, feeling it to be my duty not to write anything on the subject of my retirement from the government of the province which could tend to agitate that question, I had resolved to give but *one* answer to whatever valedictory addresses I might receive.

## COPY OF GENERAL ANSWER.

GENTLEMEN:

I SINCERELY thank the inhabitants of ———, for the very gratifying expressions respecting my administration of the government of this province which are contained in their Address.

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REPORT ON THE AFFAIRS  
OF  
BRITISH NORTH AMERICA,  
FROM THE  
EARL OF DURHAM,  
HER MAJESTY'S HIGH COMMISSIONER,  
&c. &c. &c.

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## REPORT.

### TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY :

YOUR MAJESTY, in entrusting me with the Government of the Province of Lower Canada, during the critical period of the suspension of its Constitution, was pleased, at the same time, to impose on me a task of equal difficulty, and of far more permanent importance, by appointing me "High Commissioner for the adjustment of certain important questions depending in the Provinces of Lower and Upper Canada, respecting the form and future Government of the said Provinces." To enable me to discharge this duty with the greater efficiency, I was invested, not only with the title, but with the actual functions of Governor General of all Your Majesty's North American Provinces, and my instructions restricted my authority by none of those limitations that had, in fact, deprived preceding Governors of Lower Canada of all control over the other Provinces, which, nevertheless, it had been the practice to render nominally subordinate to them. It was in addition, therefore, to the exclusive management of the administrative business of an extensive and disturbed Province, to the legislative duties that were accumulated on me during the abeyance of its representative government, and to the constant communications which I was compelled to maintain, not only with the Lieutenant Governors, but also with individual inhabitants of the other five Provinces, that I had to search into the nature and extent of the questions, of which the adjustment is requisite for the tranquillity of the Canadas; to set on foot various and extensive inquiries into the institutions and administration of those Provinces; and to devise such reforms in the system of their government as might repair the mischief which had already been done, and lay the foundations of order, tranquillity and improvement.

The task of providing for the adjustment of questions affecting the very "form and administration of Civil Government," was naturally limited to the two Provinces in which the settlement of such questions had been rendered matter of urgent necessity, by the events that had in one seriously endangered, and in the other actually suspended, the working of the existing constitution. But though the necessity only reached thus far, the extension of my authority over all the British Provinces in North America, for the declared purpose of enabling me more effectually to adjust the constitutional questions then at issue in two of them, together with the specific instructions contained in despatches from the Secretary of State, brought under my view the character and influence of the institutions established in all. I found in all these provinces a form of government so nearly the same—institutions generally so similar, and occasionally so connected—and interests, feelings and habits, so much in common, that it was obvious, at the first glance, that my conclusions would be formed without a proper use of the materials at my disposal, unless my inquiries were as extended as my power of making them. How inseparably connected I found the interests of your Majesty's Provinces in North America, to what degree I met with common disorders, requiring common remedies, is an important topic, which it will be my duty to discuss very fully before closing this report. My object at present is merely to explain the extent of the task imposed on me, and to point out the fact, that an inquiry originally directed only to two, has necessarily been extended over all your Majesty's Provinces in North America.

While I found the field of inquiry thus large, and every day's experience and reflection impressed more deeply on my mind the importance of the decision which it would be my duty to suggest, it became equally clear, that that decision, to be of any avail, must be prompt and final. I needed no personal observation to convince me of this; for the evils I had it in charge to remedy, are evils which no civilized community can long continue to bear. There is no class or section of your Majesty's subjects in either of the Canadas, that does not suffer from both the existing disorder and the doubt which hangs over the future form and policy of the Government. While the present state of things is allowed to last, the actual inhabitants of these Provinces have no security for person or property—no enjoyment of what they possess—no stimulus to industry. The development of the vast resources of these extensive territories is arrested; and the population, which should be attracted to fill and fertilize them, is directed into Foreign States. Every day, during which a final and stable settlement is delayed, the condition of the Colonies becomes worse—the minds of men more exasperated—and the success of any scheme of adjustment more precarious.

I was aware of the necessity of promptitude in my decision on the most important of the questions committed to me at a very early period after my acceptance of the mission which Your Majesty was pleased to confide to me. Before leaving England, I assured Your Majesty's Ministers, that the plan which I should suggest for the future Government of the Canadas, should be in readiness by the commencement of the ensuing Session; and, though I had made provision that, under any circumstances, the measures which I might suggest should be explained and supported in Parliament by some person who would have had a share in the preparation of them, I added, that it was not improbable that I might deem it my paramount duty towards the Provinces entrusted to me to attend in my place in the House of Lords, for the purpose of explaining my own views, and supporting my own recommendations. My resignation of the office of Governor General has, therefore, in nowise precipitated my suggestion of the plan which appears to me best calculated to settle the future form and policy of Government in the Canadas. It has prevented, certainly, my completing some inquiries which I had instituted, with a view of effecting practical reforms of essential, but still of subordinate importance. But with the chief of my duties as High Commissioner—that of suggesting the future Constitution of these Colonies—that event has interfered in no way, except in so far as the circumstances which attended it occasioned an undue intrusion of extraneous business on the time which was left for completion of my labours.

In truth, the administrative and legislative business which daily demanded my attention could, with difficulty, be discharged by the most unremitting labour on my own part, and on that of all those who accompanied me from England, or were employed by me in Canada.

It is in these circumstances, and under such disadvantages, that this Report has been prepared. I may not, therefore, present as extended and as complete a foundation as I could have wished, for those measures of vast and permanent importance which Parliament will find it necessary to adopt. But it will include the whole range of those subjects which it is essential should be brought under Your Majesty's view, and will prove that I have not rested content without fully developing the evils which lie at the root of the disorders of the North American Provinces—and at the same time suggesting remedies which, to the best of my judgment, will provide an effectual cure.

The same reasons, and the same obstacles, have prevented me from annexing a greater amount of detail and illustration, which, under more favourable circumstances, it would have been incumbent on me to collect, for the purpose of rendering clear and familiar to every mind, every particular of a state of things on which little correct, and much false information, has hitherto been current in this country. I cannot, therefore, but deeply regret that such a drawback on its efficacy should have been a necessary consequence of the circumstances under which the Report has been prepared. I still hope that the materials collected by me, though not as ample as I could have desired, will, nevertheless, be found sufficient for enabling the Imperial Legislature to form a sound decision on the important interests which are involved in the result of its deliberations.

These interests are, indeed, of great magnitude; and on the course which Your Majesty, and Your Parliament may adopt, with respect to the North American Colonies, will depend the future destinies, not only of the million and a half of Your Majesty's Subjects, who at present inhabit those Provinces, but of that vast population which those ample and fertile territories are fit and destined hereafter to support. No portion of the American Continent possesses greater natural resources for the maintenance of large and flourishing communities. An almost boundless range of the richest soil still remains unsettled, and may be rendered available for the purposes of agriculture. The wealth of inexhaustible forests of the best timber in America, and of extensive regions of the most valuable minerals, have as yet been scarcely touched. Along the whole line of sea-coast, around each island, and in every river, are to be found the greatest and richest fisheries in the world. The best fuel, and the most abundant water-power, are available for the coarser manufactures, for which an easy and certain market will be found. Trade with other Continents is favoured by the possession of a large number of safe and spacious harbours; long, deep, and numerous rivers, and vast inland seas, supply the means of easy intercourse; and the structure of the country generally affords the utmost facility for every species of communication by land. Unbounded materials of agricultural, commercial, and manufacturing industry are there: it depends upon the present decision of the Imperial Legislature to determine for whose benefit they are to be rendered available. The Country which has founded and maintained these Colonies, at a vast expense of blood and treasure, may justly expect its compensation in turning their unappropriated resources to the account of its own redundant population; they are the rightful patrimony of

the English people—the ample apanage which God and nature have set aside in the New World, for those whose lot has assigned them but insufficient portions in the Old. Under wise and free institutions, these great advantages may yet be secured to Your Majesty's Subjects—and a connection, secured by the link of kindred origin, and mutual benefits, may continue to bind to the British Empire the ample territories of its North American Provinces, and the large and flourishing population by which they will assuredly be filled.

## LOWER CANADA.

The prominent place which the dissensions of Lower Canada had, for some years, occupied in the eyes of the Imperial Legislature, the alarming state of disorder indicated or occasioned by the recent insurrection, and the paramount necessity of my applying my earliest efforts to the re-establishment of free and regular government in that particular Colony, in which it was then wholly suspended, necessarily directed my first inquiries to the Province of which the local government was vested in my hands. The suspension of the Constitution gave me an essential advantage over my predecessors in the conduct of my inquiries; it not merely relieved me from the burden of constant discussions with the legislative bodies, but it enabled me to turn my attention from the alleged to the real grievances of the Province; to leave on one side those matters of temporary contest which accident, or the interests and passions of parties, had elevated into undue importance; and, without reference to the representations of the disputants, to endeavour to make myself master of the real condition of the people, and the real causes of dissatisfaction or suffering. It was also a great advantage to me, in one respect, that the ordinary business of the government of the Province was combined with the functions of my inquiry. The routine of every day's administrative business brought strongly and familiarly before me the working of the institutions on which I was called to judge. The condition of the people, the system by which they were governed, were thus rendered familiar to me, and I soon became satisfied, that I must search in the very composition of society, and in the fundamental institutions of government, for the causes of the constant and extensive disorder which I witnessed.

The lengthened and various discussions which had for some years been carried on between the contending parties in the Colony, and the representations which had been circulated at home, had produced in mine, as in most minds in England, a very erroneous view of the parties at issue in Lower Canada. The quarrel which I was sent for the purpose of healing, had been a quarrel between the executive government and the popular branch of the legislature. The latter body had, apparently, been contending for popular rights and free government. The executive government had been defending the prerogative of the Crown, and the institutions which, in accordance with the principles of the British constitution, had been established as checks on the unbridled exercises of popular power. Though, during the dispute, indications had been given of the existence of dissensions, yet deeper and more formidable than any which arose from simply political causes, I had still, in common with most of my countrymen, imagined that the original and constant source of the evil was to be found in the defects of the political institutions of the provinces; that a reform of the constitution, or perhaps merely the introduction of a sounder practice into the administration of the government, would remove all causes of contest and complaint. This opinion was strengthened by the well-known fact, that the political dissensions which had produced their most formidable results in this Province, had assumed a similar, though milder form in the neighbouring Colonies; and that the tranquillity of each of the North American Provinces was subject to constant disturbance from collision between the Executive and the Representatives of the people. The Constitutions of these Colonies, the official characters and positions of the contending parties, the avowed subjects of dispute, and the general principles asserted on each side, were so similar, that I could not but concur in the very general opinion, that the common quarrel was the result of some common defect in the almost identical institutions of these Provinces. I looked upon it as a dispute analagous to those with which history and experience have made us so familiar in Europe—a dispute between a people demanding an extension of popular privileges on the one hand, and an Executive on the other, defending the powers which it conceived necessary for the maintenance of order. I supposed that my principal business would be that of determining how far each party might be in the right, or which was in the wrong; of devising some means of removing the defects which had occasioned the collision; and of restoring such a balance of the constitutional powers as might secure the free and peaceful working of the machine of government.

In a despatch which I addressed to your Majesty's Principal Secretary of State for the Colonies, on the 9th of August last, I detailed with great minuteness the impressions which had been produced on my mind by the state of things which existed in Lower Canada. I acknowledge that the experience derived from my residence in the Province had completely changed my view of the relative influence of the causes which had been assigned for the existing disorders. I had not, indeed, been brought to believe that the institutions of Lower Canada were less defective than I had originally presumed them to be. From the peculiar circumstances in which I was placed, I was enabled to make such effectual observations as convinced me that there had existed in the Constitution of the Province, in the balance of political powers, in the spirit and practice of administration in every department of the Government, defects that were quite sufficient to account for a great degree of mismanagement and dissatisfaction. The same observation had also impressed on me the conviction that, for the peculiar and disastrous dissensions of this Province, there existed a far deeper and far more efficient cause—a cause which penetrated beneath its political institutions into its social state—a cause which no reform of constitution or laws that should leave the elements of society unaltered could remove, but which must be removed ere any success could be expected in any attempt to remedy the many evils of this unhappy Province. I expected to find a contest between a government and a people: I found two nations warring in the bosom of a single state: I found a struggle, not of principles, but of races; and I perceived that it would be idle to attempt any amelioration of laws or institutions, until we could first succeed in terminating the deadly animosity that now separates the inhabitants of Lower Canada into the hostile divisions of French and English.

It would be vain for me to expect that any description I can give will impress on your Majesty such a view of the animosity of these races, as my personal experience in Lower Canada has forced on me. Our happy immunity from any feelings of national hostility, renders it difficult for us to comprehend the intensity of the hatred which the difference of language, of laws and of manners, creates between those who inhabit the same village, and are citizens of the same state. We are ready to believe that the real motive of the quarrel is something else, and that the difference of race has slightly and occasionally aggravated dissensions, which we attribute to some more usual cause. Experience of a state of society, so unhappily divided as that of Lower Canada, leads to an exactly contrary opinion. The national feud forces itself on the very senses, irresistibly and palpably, as the origin or the essence of every dispute which divides the community; we discover that dissensions, which appear to have another origin, are but forms of this constant and all-pervading quarrel; and that every contest is one of French and English in the outset, or becomes so ere it has run its course.

The political discontents, for which the vicious system of government has given too much cause, have for a long time concealed or modified the influence of the national quarrel. It has been argued that origin can have but little effect in dividing the country, inasmuch as individuals of each race have constantly been enlisted together on the side of government, or been found united in leading the Assembly to assail its alleged abuses; that the names of some of the prominent leaders of the rebellion mark their English, while those of some of the most unpopular supporters of the government denote their French origin; and that the representatives, if not of an actual majority, (as has occasionally been asserted,) at any rate of a large proportion of the purely English population, have been found constantly voting with the majority of the Assembly against what is called the British party. Temporary and local causes have no doubt, to a certain extent, produced such results. The national hostility has not assumed its permanent influence till of late years, nor has it exhibited itself every where at once. While it displayed itself long ago in the cities of Quebec and Montreal, where the leaders and masses of the rival races most speedily come into collision, the inhabitants of the eastern townships, who were removed from all personal contact with the French, and those of the district below Quebec, who experienced little interference from the English, continued to a very late period to entertain comparatively friendly feelings towards those of the opposite races. But this is a distinction which has unfortunately, year after year, been exhibiting itself more strongly, and diffusing itself more widely. One by one the ancient English leaders of the Assembly have fallen off from the majority, and attached themselves to the party which supported the British government against it. Every election from the townships added to the British minority. On the other hand, year after year, in spite of the various influences which a government can exercise, and of which no people in the world are more susceptible than the French Canadians; in spite of the additional motives of prudence and patriotism, which deter timid or calm men from acting with a party, obviously endangering the public tranquillity by the violence of its conduct, the number of French Canadians, on whom the

government could rely, has been narrowed by the influence of those associations which have drawn them into the ranks of their kindred. The insurrection of 1837 completed the division. Since the resort to arms, the two races have been distinctly and completely arrayed against each other. No portion of the English population was backward in taking arms in defence of the government; with a single exception, no portion of the Canadian population was allowed to do so, even where it was asserted by some, that their loyalty inclined them thereto. The exasperation thus generated has extended over the whole of each race. The most just and sensible of the English, those whose politics had always been most liberal, those who had always advocated the most moderate policy in the provincial disputes, seem from that moment to have taken their part against the French as resolutely, if not as fiercely, as the rest of their countrymen, and to have joined in the determination never again to submit to a French majority. A few exceptions mark the existence, rather than militate against the truth of the general rule of national hostility. A few of the French, distinguished by moderate and enlarged views, still condemn the narrow national prejudices and ruinous violence of their countrymen, while they equally resist what they consider the violent and unjust pretensions of a minority, and endeavour to form a middle party between the two extremes. A large part of the Catholic Clergy, a few of the principal proprietors of the seignorial families, and some of those who are influenced by ancient connexions of party, support the government against revolutionary violence. A very few persons of English origin, (not more perhaps than fifty out of the whole number) still continue to act with the party which they originally espoused. Those who affect to form a middle party exercise no influence on the contending extremes; and those who side with the nation from which their birth distinguishes them, are regarded by their countrymen with aggravated hatred, as renegades from their race; while they obtain but little of the real affection, confidence or esteem of those whom they have joined.

The grounds of quarrel which are commonly alleged appear, on investigation, to have little to do with its real cause; and the inquirer, who has imagined that the public demonstrations or professions of the parties have put him in possession of their real motives and designs, is surprised to find, upon nearer observation, how much he has been deceived by the false colours under which they have been in the habit of fighting. It is not, indeed, surprising, that each party should, in this instance, have practised more than the usual frauds of language, by which factions in every country seek to secure the sympathy of other communities. A quarrel based on the mere ground of national animosity, appears so revolting to the notions of good sense and charity prevalent in the civilized world, that the parties who feel such a passion the most strongly, and indulge it the most openly, are at great pains to class themselves under any denominations but those which would correctly designate their objects and feelings. The French Canadians have attempted to shroud their hostility to the influence of English emigration, and the introduction of British institutions, under the guise of warfare against the government and its supporters, whom they represented to be a small knot of corrupt and insolent dependents; being a majority, they have invoked the principles of popular control and democracy, and appealed with no little effect to the sympathy of liberal politicians in every quarter of the world. The English, finding their opponents in collision with the government, have raised the cry of loyalty and attachment to British connexion, and denounced the republican designs of the French, whom they designate, or rather used to designate, by the appellation of Radicals. Thus the French have been viewed as a democratic party, contending for reform; and the English as a conservative minority, protecting the menaced connection with the British Crown, and the supreme authority of the empire. There is truth in this notion, in so far as respects the means by which each party sought to carry its own views of government into effect. The French majority asserted the most democratic doctrines of the rights of a numerical majority. The English minority availed itself of the protection of the prerogative, and allied itself with all those of the colonial institutions which enabled the few to resist the will of the many. But when we look to the objects of each party, the analogy to our own politics seems to be lost, if not actually reversed; the French appear to have used their democratic arms for conservative purposes, rather than those of liberal and enlightened movement; and the sympathies of the friends of reform are naturally enlisted on the side of sound amelioration, which the English minority, in vain attempted to introduce into the antiquated laws of the province.

Yet even on the questions which had been most recently the prominent matters of dispute between the two parties, it is difficult to believe that the hostility of the races was the effect, and not the cause, of the pertinacity with which the desired reforms were pressed or resisted.

The English complained of the Assembly's refusal to establish registry offices, and to commute the feudal tenures; and yet it was among the ablest and most influential leaders of

the English that I found some of the opponents of both the proposed reforms. The leaders of the French were anxious to disclaim any hostility to these reforms themselves. Many of them represented the reluctance which the Assembly had exhibited to entertain these questions, as a result of the extraordinary influence which Mr. Papineau exercised over that body; his opposition was accounted for by some peculiar prejudices of education and professional practice, in which he was said to find little concurrence among his countrymen; it was stated that even his influence would not have prevented these questions from being very favourably entertained by the Assembly, had it ever met again; and I received assurances of a friendly disposition towards them, which I must say were very much at variance with the reluctance which the leading men of the party shewed to any co-operation with me in the attempts which I subsequently made to carry these very objects into effect. At the same time, while the leading men of the French party thus rendered themselves liable to the imputation of a timid or narrow-minded opposition to these improvements, the mass of the French population, who are immediate sufferers by the abuses of the seigniorial system, exhibited, in every possible shape, their hostility to the state of things which their leaders had so obstinately maintained. There is every reason to believe that a great number of the peasants who fought at St. Denis and St. Charles, imagined that the principal result of success would be the overthrow of tithes and feudal burthens; and in the Declaration of Independence, which Dr. Robert Nelson issued, two of the objects of the insurrection were stated to be the abolition of feudal tenures, and the establishment of registry offices.\* When I observe these inconsistencies of conduct among the opponents and supporters of these reforms; when I consider that their attainment was prevented by means of the *cessitaires*, the very persons most interested in their success, and that they were not more eagerly demanded by the wealthier of the English, than by the artisans and labourers of that race whose individual interests would hardly have derived much direct benefit from their success, I cannot but think that many, both of the supporters and of the opponents, cared less for the measures themselves, than for the handle which the agitation of them gave to their national hostility; that the Assembly resisted these changes chiefly because the English desired them; and that the eagerness with which many of the English urged them was stimulated by finding them opposed by the French.

Nor did I find the spirit which animated each party at all more coincident with the representations current in this country, than their objects appeared, when tried by English, or, rather, by European ideas of reforming legislation. An utterly uneducated and singularly inert population, implicitly obeying leaders who ruled them by the influence of a blind confidence and narrow national prejudices, accorded very little with the resemblance which had been discovered to that high-spirited democracy which affected the American revolution.— Still less could I discover in the English population those slavish tools of a narrow official clique, or a few purse-proud merchants, which their opponents had described them as being. I have found the main body of the English population, consisting of hardy farmers and humble mechanics, composing a very independent, not very manageable, and sometimes, a rather turbulent democracy. Though constantly professing a somewhat extravagant loyalty and high prerogative doctrines, I found them very determined on maintaining, in their own persons, a great respect for popular rights, and singularly ready to enforce their wishes by the strongest means of constitutional pressure on the government. Between them and the Canadians I found the strongest hostility; and that hostility was, as might be expected, most strongly developed among the humblest and rudest of the body. Between them and the small knot of officials, whose influence has been represented as so formidable, I found no sympathy whatever; and it must be said, in justice to this body of officials, who have been so much assailed as the enemies of the Canadian people, that however little I can excuse the injurious influence of that system of administration, which they were called upon to carry into execution, the members of the oldest and most powerful official families were, of all the English in the country, those in whom I generally found most sympathy with, and kindly feeling towards, the French population. I could not, therefore, believe that this animosity was only that subsisting between an official oligarchy and a people; and again, I was brought to a conviction that the contest, which had been represented as a contest of classes, was in fact, a contest of races.

\* Among the few petitions, except those of mere compliment, which I received from the French Canadians, were three or four for the abolition and commutation of the feudal tenures. But the most remarkable was one which was presented from the inhabitants of the county of Saguenay, and supported by Mr. Charles Drolet, late M. P. P. for that county. The petitioners, who represented themselves as suffering under a degree of distress, of which the existence is too deplorably certain, prayed to be allowed to settle on the wild lands at the head of the Saguenay. They expressed their willingness to take the lands on any conditions which the government might propose, but they prayed that it should not be granted on the feudal tenure.

However unwilling we may be to attribute the disorders of a country connected with us to a cause so fatal to its tranquillity, and one which it seems so difficult to remove, no very long or laboured consideration of the relative characters and position of these races is needed, for convincing us of their invincible hostility towards each other. It is scarcely possible to conceive descendants of any of the great European nations more unlike each other in character and temperament, more totally separated from each other by language, laws, and modes of life, or placed in circumstances more calculated to produce mutual misunderstanding, jealousy and hatred. To conceive the incompatibility of the two races in Canada, it is not enough that we should picture to ourselves a community composed of equal proportions of French and English. We must bear in mind what kind of French and English they are that are brought in contact, and in what proportions they meet.

The institutions of France, during the period of the colonization of Canada, were, perhaps, more than those of any other European nation calculated to repress the intelligence and freedom of the great mass of the people. These institutions followed the Canadian colonist across the atlantic. The same central, ill-organized, unimproving and repressive despotism, extended over him. Not merely was he allowed no voice in the government of his Province, or the choice of his rulers, but he was not even permitted to associate with his neighbours for the regulation of those municipal affairs, which the central authority neglected under the pretext of managing. He obtained his land on a tenure singularly calculated to promote his immediate comfort, and to check his desire to better his condition: he was placed at once in a life of constant and unvarying labour, of great material comfort, and feudal dependence. The ecclesiastical authority to which he had been accustomed, established its institutions around him, and the priest continued to exercise over him his ancient influence. No general provision was made for education; and, as its necessity was not appreciated, the colonist made no attempt to repair the negligence of his government. It need not surprise us that, under such circumstances, a race of men habituated to the incessant labour of a rude and unskilled agriculture, and habitually fond of social enjoyments, congregated together in rural communities, occupying portions of the wholly unappropriated soil, sufficient to provide each family with material comforts, far beyond their ancient means, or almost their conceptions; that they made little advance beyond the first progress in comfort, which the bounty of the soil absolutely forced upon them; that under the same institutions they remained the same uninstructed, inactive, unprogressive people. Along the alluvial banks of the St. Lawrence, and its tributaries, they have cleared two or three strips of land, cultivated them in the worst method of small farming, and established a series of continuous villages, which give the country of the seigniories the appearance of a never-ending street. Besides the cities which were the seats of government, no towns were established; the rude manufactures of the country were, and still are, carried on in the cottage by the family of the *habitant*; and an insignificant proportion of the population derived their subsistence from the scarcely discernible commerce of the province. Whatever energy existed among the population was employed in the fur trade, and the occupations of hunting, which they and their descendants have carried beyond the Rocky Mountains, and still, in great measure, monopolise in the whole valley\* of the Mississippi. The mass of the community exhibited in the New World the characteristics of the peasantry of Europe. Society was dense; and even the wants and the poverty which the pressure of population occasions in the Old World, became not to be wholly unknown. They clung to ancient prejudices, ancient customs and ancient laws, not from any strong sense of their beneficial effects, but with the unreasoning tenacity of an uneducated and unprogressive people. Nor were they wanting in the virtues of a simple and industrious life, or in those which common consent attributes to the nation from which they spring. The temptations which, in other states of society, lead to offences against property, and the passions which prompt to violence, were little known among them. They are mild and kindly, frugal, industrious and honest, very sociable, cheerful and hospitable, and distinguished for a courtesy and real politeness which pervades every class of society. The conquest has changed them but little. The higher classes, and the inhabitants of the towns, have adopted some English customs and feelings; but the continued negligence of the British government left the mass of the people without any of the institutions which would have elevated them in freedom and civilization. It has left them without the education and without the institutions of local self-government, that would have assimilated their character and habits, in the easiest and best way, to those of the Empire of which they become a part. They remain an old and stationary society, in a new and progressive world. In all essentials they are still French; but French

in every respect dissimilar to those of France in the present day. They resemble rather the French of the provinces under the old regime.

I cannot pass over this subject without calling particular attention to a peculiarity in the social condition of this people, of which the important bearing on the troubles of Lower Canada has never, in my opinion, been properly estimated. The circumstances of a new and unsettled country, the operation of the French laws of inheritance, and the absence of any means of accumulation, by commerce or manufactures, have produced a remarkable equality of properties and conditions. A few seigniorial families possess large, though not often very valuable properties; the class entirely dependent on wages is very small; the bulk of the population is composed of the hard-working yeomanry of the country districts, commonly called *habitants*, and their connections, engaged in other occupations. It is impossible to exaggerate the want of education among the *habitants*; no means of instruction have ever been provided for them, and they are almost universally destitute of the qualifications even of reading and writing. It came to my knowledge that out of a great number of boys and girls assembled at the school-house door of St. Thomas, all but three admitted, on inquiry, that they could not read. Yet the children of this large parish, attend school regularly, and actually make use of books. They hold the catechism book in their hand, as if they were reading, while they only repeat its contents, which they know by rote. The common assertion, however, that all classes of the Canadians are equally ignorant, is perfectly erroneous: for I know of no people among whom a larger provision exists for the higher kinds of elementary education, or among whom such education is really extended to a larger proportion of the population. The piety and benevolence of the early possessors of the country founded, in the seminaries that exist in different parts of the province, institutions, of which the funds and activity have long been directed to the promotion of education. Seminaries and colleges have been, by these bodies, established in the cities and in other central points. The education given in these establishments greatly resembles the kind given in the English public schools, though it is rather more varied. It is entirely in the hands of the Catholic Clergy. The number of pupils in these establishments is estimated altogether at about a thousand; and they turn out every year, as far as I could ascertain, between two and three hundred young men thus educated. Almost all of these are members of the family of some habitant, whom the possession of greater quickness than his brothers has induced the father or the curate of the parish to select and send to the seminary. These young men possessing a degree of information immeasurably superior to that of their families, are naturally averse to what they regard as descending to the humble occupations of their parents. A few become priests; but as the military and naval professions are closed against the colonist, the greater part can only find a position suited to their notions of their own qualifications, in the learned professions of advocate, notary, and surgeon. As from this cause these professions are greatly overstocked, we find every village in Lower Canada filled with notaries and surgeons, with little practice to occupy their attention, and living among their own families, or at any rate among exactly the same class. Thus the persons of most education in every village belong to the same families, and the same original station in life, as the illiterate habitants whom I have described. They are connected with them by all the associations of early youth, and the ties of blood. The most perfect equality always marks their intercourse, and the superior in education is separated by no barrier of manners, or pride, or distinct interests, from the singularly ignorant peasantry by which he is surrounded. He combines, therefore, the influence of superior knowledge and social equality, and wields a power over the mass, which I do not believe that the educated class of any other portion of the world possess. To this singular state of things I attribute the extraordinary influence of the Canadian demagogues.—The most uninstructed population anywhere trusted with political power is thus placed in the hands of a small body of instructed persons, in whom it reposes the confidence which nothing but such domestic connection and such community of interest could generate. Over the class of persons by whom the peasantry are thus led, the government has not acquired, or ever laboured to acquire influence. Its members have been thrown into opposition by the system of exclusion long prevalent in the colony, and it is by their agency that the leaders of the assembly have been enabled hitherto to move as one mass in whatever direction they thought proper, the simple and ductile population of the country. The entire neglect of education by the government, has thus, more than any other cause, contributed to render the people ungovernable, and to invest the agitator with the power which he wields against the laws and the public tranquillity.

Among this people the progress of emigration has of late years introduced an English population, exhibiting the characteristics with which we are familiar, as those of the most enterprising of every class of our countrymen. The circumstances of the early colonial admi-

nistration excluded the native Canadian from power, and vested all offices of trust and emolument in the hands of strangers of English origin. The highest posts in the law were confided to the same class of persons. The functionaries of the civil government, together with the officers of the army, composed a kind of privileged class, occupying the first place in the community, and excluding the higher class of the natives from society, as well as from the government of their own country. It was not till within a very few years, as was testified by persons who had seen much of the country, that this society of civil and military functionaries ceased to exhibit towards the higher order of Canadians an exclusiveness of demeanour, which was more revolting to a sensitive and polite people than the monopoly of power and profit; nor was this national favouritism discontinued, until after repeated complaints and an angry contest, which had excited passions that concession could not allay. The races had become enemies, ere a tardy justice was extorted; and even then, the Government discovered a mode of distributing its patronage among the Canadians, which was quite as offensive to that people as their previous exclusion.

It was not long after the conquest, that another and larger class of English settlers began to enter the province. English capital was attracted to Canada, by the vast quantity and valuable nature of the exportable produce of the country, and the great facilities for commerce, presented by the natural means of internal intercourse. The ancient trade of the country was conducted on a much larger and more profitable scale; and new branches of industry were explored. The active and regular habits of the English capitalist drove out of all the more profitable kinds of industry their inert and careless competitors of the French race; but in respect of the greater part (almost the whole) of the commerce and manufacturers of the country, the English cannot be said to have encroached upon the French; for, in fact, they created employments and profits which had not previously existed. A few of the ancient race smarted under the loss occasioned by the success of English competition; but all felt yet more acutely the gradual increase of a class of strangers, in whose hands the wealth of the country appeared to centre—and whose expenditure and influence eclipsed those of the class which had previously occupied the first position in the country. Nor was the intrusion of the English limited to commercial enterprizes. By degrees, large portions of land were occupied by them: nor did they confine themselves to the unsettled and distant country of the townships. The wealthy capitalist invested his money in the purchase of seigniorial properties—and it is estimated, that at the present moment, full half of the more valuable seigniories are actually owned by English proprietors. The seigniorial tenure is one so little adapted to our notions of proprietary rights, that the new Seigneur, without consciousness or intention of injustice, in many instances exercised his rights in a manner which would appear perfectly fair in this country, but which the Canadian settler reasonably regarded as oppressive. The English purchaser found an equally unexpected and just cause of complaint in that uncertainty of the laws, which rendered his possession of property precarious, and in those incidents of the tenure which rendered its alienation or improvement difficult. But an irritation greater than that occasioned by the transfer of the large properties, was caused by the competition of the English with the French farmer. The English farmer carried with him the experience and habits of the most improved agriculture in the world. He settled himself in the townships bordering on the seigniories, and brought a fresh soil and improved cultivation to compete with the worn-out and slovenly farm of the *habitant*. He often took the very farm which the Canadian settler had abandoned, and by superior management, made that a source of profit which had only impoverished his predecessor. The ascendancy which an unjust favouritism had contributed to give to the English race in the government and the legal profession, their own superior energy, skill and capital, secured to them in every branch of industry. They have developed the resources of the country—they have constructed or improved its means of communication—they have created its internal and foreign commerce. The entire wholesale, and a large portion of the retail, trade of the province, with the most profitable and flourishing farms, are now in the hands of this numerical minority of the population.

In Lower Canada, the mere working class which depends on wages, though proportionally large in comparison with that to be found in any other portion of the American continent, is, according to our ideas, very small. Competition between persons of different origin in this class has not exhibited itself till very recently, and is, even now, almost confined to the cities. The large mass of the labouring population are French, in the employ of English capitalists. The more skilled class of artisans are generally English; but in the general run of the more laborious employments, the French Canadians fully hold their ground against English rivalry. The emigration which took place a few years ago, brought in a class which entered into more direct competition with the French, in some kinds of employment, in the

towns; but the individuals affected by this competition were not very many. I do not believe that the animosity which exists between the working classes of the two origins is the necessary result of a collision of interests, or of a jealousy of the superior success of English labour. But national prejudices naturally exercise the greatest influence over the most uneducated: the difference of language is less easily overcome—the difference of manners and customs less easily appreciated. The labourers, whom the emigration introduced, contained a number of very ignorant, turbulent and demoralized persons, whose conduct and manners alike revolted the well-ordered and courteous natives of the same class. The working-men naturally ranged themselves on the side of the educated and wealthy of their own countrymen. When once engaged in the conflict, their passions were less restrained by education and prudence—and the national hostility now rages most fiercely between those whose interests in reality bring them the least in collision.

The two races, thus distinct, have been brought into the same community, under circumstances which rendered their contact inevitably productive of collision. The difference of language, from the first, kept them asunder. It is not anywhere a virtue of the English race to look with complacency on any manners, customs or laws, which appear strange to them; accustomed to form a high estimate of their own superiority, they take no pains to conceal from others their contempt and intolerance of their usages. They found the French Canadians filled with an equal amount of national pride; a sensitive, but inactive pride, which disposes that people not to resent insult, but rather to keep aloof from those who would keep them under. The French could not but feel the superiority of English enterprise; they could not shut their eyes to their success in every undertaking in which they came into contact, and to the constant superiority which they were acquiring. They looked upon their rivals with alarim—with jealousy—and finally with hatred. The English repaid them with a scorn, which soon also assumed the same form of hatred. The French complained of the arrogance and injustice of the English; the English accused the French of the vices of a weak and conquered people, and charged them with meanness and perfidy. The entire mistrust which the two races have thus learned to conceive of each other's intentions, induces them to put the worst construction on the most innocent conduct—to judge every word, every act, and every intention unfairly—to attribute the most odious designs, and reject every overture of kindness or fairness, as covering secret designs of treachery and malignity.

Religion formed no bond of intercourse and union. It is, indeed, an admirable feature of Canadian society, that it is entirely devoid of any religious dissensions. Sectarian intolerance is not merely not avowed, but it hardly seems to influence men's feelings. But though the prudence and liberality of both parties has prevented this fruitful source of animosity from embittering their quarrels, the difference of religion has in fact tended to keep them asunder. Their priests have been distinct—they have not even met in the same church.

No common education has served to remove and soften the differences of origin and language. The associations of youth—the sports of childhood—and the studies by which the character of manhood is modified, are distinct and totally different. In Montreal and Quebec there are English schools and French schools; the children in these are accustomed to fight nation against nation—and the quarrels that arise among boys in the streets, usually exhibit a division into English on one side, and French on the other.

As they are taught apart, so are their studies different. The literature with which each is the most conversant, is that of the peculiar language of each; and all the ideas which men derive from books, come to each of them from perfectly different sources. The difference of language in this respect produces effects quite apart from those which it has on the mere intercourse of the two races. Those who have reflected on the powerful influence of language on thought, will perceive in how different a manner people who speak in different languages are apt to think; and those who are familiar with the literature of France, know that the same opinion will be expressed by an English and French writer of the present day, not merely in different words, but in a style so different as to mark utterly different habits of thought. This difference is very striking in Lower Canada: it exists, not merely in the books of most influence and repute, which are, of course, those of the great writers of France and England, and by which the minds of the respective races are formed, but it is observable in the writings which now issue from the colonial press. The articles in the newspapers of each race, are written in a style as widely different as those of France and England at present—and the arguments which convince the one, are calculated to appear utterly unintelligible to the other.

The difference of language produces misconceptions yet more fatal even than those which it occasions with respect to opinions: it aggravates the national animosities, by representing all the events of the day in utterly different lights. The political misrepresentation of facts is one of the incidents of a free press in every free country; but in nations in which all speak the same language, those who receive a misrepresentation from one side, have generally some means of learning the truth from the other. In Lower Canada, however, where the French and English papers represent adverse opinions, and where no large portion of the community can read both languages with ease, those who receive the misrepresentation are rarely able to avail themselves of the means of correction. It is difficult to conceive the perversity with which misrepresentations are habitually made, and the gross delusions which find currency among the people; they thus live in a world of misconceptions—in which each party is set against the other, not only by diversity of feelings and opinions, but by an actual belief in an utterly different set of facts.

The differences thus early occasioned by education and language, are in nowise softened by the intercourse of after-life; their business and occupations do not bring the two races into friendly contact and co-operation, but only present them to each other in occasional rivalry. A laudable emulation has of late induced the French to enter on the field previously occupied by the English, and to attempt to compete with them in commerce; but it is much to be lamented, that this did not commence until the national animosities had arrived almost at the highest pitch—and that the competition has been carried on in such a manner as to widen the pre-existing differences. The establishment of the "Banque du Peuple," by French capitalists, is an event which may be regarded as a satisfactory indication of an awakening commercial energy among the French; and it is, therefore, very much to be regretted, that the success of the new enterprise was uniformly promoted by direct and illiberal appeals to the national feelings of the race. Some of the French have lately established steam-boats, to compete with the monopoly which a combination of English capitalists had for some time enjoyed on the St. Lawrence; and small and somewhat uncomfortable as they were, they were regarded with favour on account of their superiority in the essential qualities of certainty and celerity. But this was not considered sufficient to insure their success; an appeal was constantly made to the national feelings of the French for an exclusive preference of the "French" line, and I have known a French newspaper to announce with satisfaction the fact, that on the previous day the French steamers to Quebec and LaPrairie had arrived at Montreal with a great many passengers, and the English with very few. The English, on the other hand, appealed to exactly the same kind of feelings, and used to apply to the French steamboats the epithets of "Radical," "Rebel," and "Disloyal." The introduction of this kind of national preference into this department of business, produced a particularly mischievous effect, inasmuch as it separated the two races on some of the few occasions on which they had been previously thrown into each other's society. They rarely meet at the inns in the cities; the principal hotels are almost exclusively filled with English, and with foreign travellers; and the French are, for the most part, received at each other's houses, or in boarding-houses, in which they meet with few English.

Nor do their amusements bring them more in contact. Social intercourse never existed between the two races in any but the higher classes, and it is now almost destroyed. I heard of but one house in Quebec, in which both races met on pretty equal and amicable terms—and this was mentioned as a singular instance of good sense on the part of the gentleman to whom it belongs. At the commencement of Lord Aylmer's administration, an entertainment was given to his Lordship by Mr. Papineau, the Speaker of the House of Assembly. It was generally understood to be intended as a mark of confidence and good-will towards the Governor, and of a conciliatory disposition. It was given on a very large scale; a very great number of persons were present—and of that number, I was informed by a gentleman who was present, that he and one other were the only English, except the Governor and his suite. Indeed, the difference of manners in the two races, renders a general social intercourse almost impossible.

A singular instance of national incompatibility was brought before my notice, in an attempt which I made to promote an undertaking, in which the French were said to take a great deal of interest. I accepted the office of President of the Agricultural association of the District of Quebec, and attended the Show previous to the distribution of the prizes. I then found that the French farmers would not compete, even on this neutral ground; with the English. Distinct prizes were given, in almost every department, to the two races; and the national ploughing matches were carried on in separate and distant fields.

While such is their social intercourse, it is not to be expected that the animosities of the two races can frequently be softened by the formation of domestic connexions. During the first period of the possession of the Colony by the English, intermarriages of the two races were by no means uncommon. But they are now very rare; and where such unions occur, they are generally formed with members of the French families, which I have described as politically, and almost nationally, separated from the bulk of their own race.

I could mention various slight features in the state of society, which show the all-pervading and marked division of the races; but nothing (though it will sound paradoxical) really proves their entire separation so much as the rarity, nay, almost total absence of personal encounters between the two races. Disputes of this kind are almost confined to the ruder order of people, and seldom proceed to acts of violence. As respects the other classes, social intercourse between the two races is so limited, that the more prominent or excitable antagonists never meet in the same room. It came to my knowledge, that a gentleman, who was for some years a most active and determined leader amongst the English population, had never once been under a private roof with French Canadians of his own rank in life, until he met some at table, on the invitation of persons attached to my mission, who were in the habit of associating indifferently with French and English. There are, therefore, no political personal controversies. The ordinary occasions of collision never occur: and men must quarrel so publicly or so deliberately, that prudence restrains them from commencing, individually, what would probably end in a general and bloody conflict of numbers. Their mutual fears restrain personal disputes and riots, even among the lower orders; the French know and dread the superior physical strength of the English in the cities—and the English in those places refrain from exhibiting their power, from fear of the revenge that might be taken on their countrymen, who are scattered over the rural parishes.

This feeling of mutual forbearance extends so far as to produce an apparent calm, with respect to public matters, which is calculated to perplex a stranger, who has heard much of the animosities of the province. No trace of them appears in public meetings; and these take place in every direction, in the most excited periods, and go off without disturbance, and almost without dissent. The fact is, that both parties have come to a tacit understanding, not in any way to interfere with each other on these occasions—each party knowing that it would always be in the power of the other to prevent its meetings. The British party, consequently, have their meetings; the French theirs; and neither disturb the other. The complimentary addresses which I received on various occasions, marked the same entire separation—even in a matter in which it might be supposed that party feeling would not be felt, or would, from mere prudence and propriety, be concealed. I had, from the same places, French and English addresses; and I never found the two races uniting, except in a few cases, where I met with the names of two or three isolated members of one origin, who happened to dwell in a community almost entirely composed of the other. The two parties combine for no public object—they cannot harmonise even in associations of charity. The only public occasion on which they ever meet is in the Jury-box—and they meet there only to the utter obstruction of Justice.

The hostility which thus pervades society, was some time growing before it became of prominent importance in the politics of the province. It was inevitable, that such social feelings must end in a deadly political strife. The French regarded with jealousy the influence, in politics, of a daily increasing body of the strangers, whom they so much disliked and dreaded; the wealthy English were offended at finding that their property gave them no influence over their French dependents, who were acting under the guidance of leaders of their own race; and the farmers and traders of the same race were not long before they began to bear with impatience their utter political nullity, in the midst of a majority of a population, whose ignorance they contemned, and whose political views and conduct seemed utterly at variance with their own notions of the principles and practice of self-government. The superior political and practical intelligence of the English, cannot be for a moment disputed. The great mass of the Canadian population, who cannot read or write, and have found in few of the institutions of their country, even the elements of political education, were obviously inferior to the English settlers, of whom a large proportion had received a considerable amount of education, and had been trained in their own country to take a part in public business of one kind or another. With respect to the more educated classes, the superiority is not so general or apparent; indeed, from all the information that I could collect, I incline to think, that the greater amount of refinement—of speculative thought—and of the knowledge that books can give—is, with some brilliant exceptions, to be found among the

French. But I have no hesitation in stating, even more decidedly, that the circumstances in which the English have been placed in Lower Canada, acting on their original political education, have endowed the leaders of that population with much of that practical sagacity, tact, and energy, in politics, in which, I must say, that the bad institutions of the colony have, in my opinion, rendered the leaders of the French deplorably deficient. That a race, which felt itself thus superior in political activity and intelligence, should submit with patience to the rule of a majority which it could not respect, was impossible. At what time and from what particular cause the hostility between such a majority and such a minority, which was sure sooner or later to break out, actually became of paramount importance, it is difficult to say. The hostility between the Assembly and the British government had long given a tendency to attacks, on the part of the popular leaders, on the nation to which that government belonged. It is said that the appeals to the national pride and animosities of the French, became more direct and general on the occasion of the abortive attempt to re-unite Upper and Lower Canada in 1822, which the leaders of the Assembly viewed or represented as a blow aimed at the institutions of their province. The anger of the English was excited by the denunciations of themselves, which, subsequently to this period, they were in the habit of hearing. They had possibly some little sympathy with the members of the provincial government of their own race; and their feelings were, probably, yet more strongly excited in favour of the connection of the colony with Great Britain, which the proceedings of the Assembly appeared to endanger. But the abuses existing under the provincial government, gave such inducements to remain in opposition to it, that the representatives of each race continued for a long time to act together against it. And as the bulk of the English population in the townships, and on the Ottawa, were brought into very little personal contact with the French, I am inclined to think that it might have been some time longer, ere the disputes of origin would have assumed an importance paramount to all others, had not the Assembly come into collision with the whole English population, by its policy with respect to internal improvements, and to the old and defective laws, which operated as a bar to the alienation of land, and to the formation of associations for commercial purposes.

The English population, an immigrant and enterprising population, looked on the American provinces as a vast field for settlement and speculation, and in the common spirit of the Anglo-Saxon inhabitants of that continent, regarded it as the chief business of the government, to promote, by all possible use of its legislative and administrative powers, the increase of population and the accumulation of property; they found the laws of real property exceedingly adverse to the easy alienation of land, which is, in a new country, absolutely essential to its settlement and improvement; they found the greatest deficiency in the internal communications of the country, and the utter want of local self-government rendered it necessary for them to apply to the Assembly for every road or bridge, or other public work that was needed; they wished to form themselves into companies for the establishment of banks, and the construction of rail-roads and canals, and to obtain the powers necessary for the completion of such works with funds of their own. And as the first requisite for the improvement of the country, they desired that a large proportion of the revenue should be applied to the completion of that great series of public works by which it was proposed to render the St. Lawrence and the Ottawa navigable throughout their whole extent.

Without going so far as to accuse the Assembly of a deliberate design to check the settlement and improvement of Lower Canada, it cannot be denied that they looked with considerable jealousy and dislike on the increase and prosperity of what they regarded as a foreign and hostile race; they looked on the province as the patrimony of their own race; they viewed it not as a country to be settled, but as one already settled; and instead of legislating in the American spirit, and first providing for the future population of the province, their primary care was, in the spirit of legislation which prevails in the old world, to guard the interests and feelings of the present race of inhabitants, to whom they considered the new comers as subordinate; they refused to increase the burthens of the country by imposing taxes to meet the expenditure required for improvement, and they also refused to direct to that object any of the funds previously devoted to other purposes. The improvement of the harbour of Montreal was suspended, from a political antipathy to a leading English merchant who had been the most active of the commissioners, and by whom it had been conducted with the most admirable success. It is but just to say, that some of the works which the Assembly authorised and encouraged, were undertaken on a scale of due moderation, and satisfactorily perfected and brought into operation. Others, especially the great communications which I have mentioned above, the Assembly showed a great reluctance to promote or even to permit. It is true that there was considerable foundation for their objections to the

plan on which the Legislature of Upper Canada had commenced some of these works, and to the mode in which it had carried them on; but the English complained that instead of profiting by the experience which they might have derived from this source, the Assembly seemed only to make its objections a pretext for doing nothing. The applications for banks, rail-roads, and canals, were laid on one side, until some general measures could be adopted with regard to such undertakings; but the general measures thus promised were never passed, and the particular enterprises in question were prevented. The adoption of a registry was refused on the alleged ground of its inconsistency with the French institutions of the province, and no measure to attain this desirable end, in a less obnoxious mode, was prepared by the leaders of the Assembly. The feudal tenure was supported, as a mild and just provision for the settlement of a new country; a kind of assurance given by a committee of the Assembly, that some steps should be taken to remove the most injurious incidents of the seigniorial tenure produced no practical results; and the enterprises of the English were still thwarted by the obnoxious laws of the country. In all these decisions of the Assembly, in its discussions, and in the apparent motives of its conduct, the English population perceived traces of a desire to repress the influx and the success of their race. A measure for imposing a tax on emigrants, though recommended by the home government, and warranted by the policy of those neighbouring states, which give the greatest encouragement to immigration, was argued on such grounds in the Assembly, that it was not unjustly regarded as indicative of an intention to exclude any further accession to the English population; and the industry of the English was thus retarded by this conduct of the Assembly. Some districts, particularly that of the eastern townships, where the French race has no footing, were seriously injured by the refusal of necessary improvements; and the English inhabitants generally regarded the policy of the Assembly as a plan for preventing any further emigration to the province, of stopping the growth of English wealth, and of rendering precarious the English property already invested or acquired in Lower Canada.

The Assembly, of which they thus complained, and of which they entertained apprehensions so serious, was at the same time in collision with the executive government. The party in power, and which, by means of the Legislative Council, kept the Assembly in check, gladly availed itself of the discontents of this powerful and energetic minority, offered its protection, and undertook the furtherance of its views; and thus was cemented the singular alliance between the English population and the colonial officials, who combined from perfectly different motives, and with perfectly different objects, against a common enemy. The English desired reform and liberal measures from the Assembly, which refused them, while it was urging other reforms and demanding other liberal measures from the executive government. The Assembly complained of the oppressive power of the executive; the English complained that they, a minority, suffered under the oppressive use to which power was turned by the French majority. Thus a bold and intelligent democracy was impelled, by its impatience for liberal measures, joined to its national antipathies, to make common cause with a government which was at issue with the majority on the question of popular rights. The actual conflict commenced by a collision between the executive and the French majority; and as the English population rallied round the government, supported its pretensions, and designated themselves by the appellation of "loyal," the causes of quarrel were naturally supposed to be much more simple than they really were; and the extent of the division which existed among the inhabitants of Lower Canada, the number and nature of the combatants arrayed on each side, and the irremediable nature of the dispute, were concealed from the public view.

The treasonable attempt of the French party to carry its political objects into effect by an appeal to arms, brought these hostile races into general and armed collision. I will not dwell on the melancholy scenes exhibited in the progress of the contest, or the fierce passions which held an unchecked sway during the insurrection, or immediately after its suppression. It is not difficult to conceive how greatly the evils, which I have described as previously existing, have been aggravated by the war; how terror and revenge nourished, in each portion of the population, a bitter and irreconcilable hatred to each other, and to the institutions of the country. The French population, who had for some time exercised a great and increasing power through the medium of the House of Assembly, found their hopes unexpectedly prostrated in the dust. The physical force which they had vaunted was called into action, and proved to be utterly inefficient. The hope of recovering their previous ascendancy under a constitution similar to that suspended, almost ceased to exist. Removed from all actual share in the government of the country, they brood in silence over the memory of their fallen countrymen, of their burnt villages, of their ruined property, of their extinguished ascendancy, and of their humbled nationality. To the government and the English they ascribe these

wrongs, and nourish against both an indiscriminating and eternal animosity. Nor have the English inhabitants forgotten in their triumph the terror with which they suddenly saw themselves surrounded by an insurgent majority, and the incidents which alone appeared to save them from the unchecked domination of the antagonists. They find themselves still a minority in the midst of a hostile and organized people; apprehensions of secret conspiracies and sanguinary designs haunt them unceasingly, and their only hope of safety is supposed to rest on systematically terrifying and disabling the French, and in preventing a majority of that race from ever again being predominant in any portion of the Legislature of that province. I describe in strong terms the feelings which appear to me to animate each portion of the population; and the picture which I draw represents a state of things so little familiar to the personal experience of the people of this country, that many will probably regard it as the work of mere imagination; but I feel confident that the accuracy and moderation of my description will be acknowledged by all who have seen the state of society in Lower Canada during the last year. Nor do I exaggerate the inevitable constancy any more than the intensity of this animosity. Never again will the present generation of French Canadians yield a loyal submission to a British government; never again will the British population tolerate the authority of a House of Assembly, in which the French shall possess or even approximate to a majority.

Nor is it simply the working of representative government which is placed out of question, by the present disposition of the two races; every institution which requires for its efficiency a confidence in the mass of the people, or co-operation between its classes, is practically in abeyance in Lower Canada. The militia, on which the main defence of the province against external enemies, and the discharge of many of the functions of internal police have hitherto depended, is completely disorganized. A muster of that force would, in some districts, be the occasion for quarrels between the races, and in the greater part of the country the attempting to arm or employ it would be merely arming the enemies of the government. The course of justice is entirely obstructed by the same cause; a just decision in any political case is not to be relied upon; even the judicial bench is, in the opinion of both races, divided into two hostile sections of French and English, from neither of whom is justice expected by the mass of the hostile party. The partiality of grand and petty juries is a matter of certainty; each race relies on the vote of its countrymen to save it harmless from the law, and the mode of challenging allows of such an exclusion of the hostile party, that the French offender may make sure of, and the English hope for, a favourable jury, and a consequent acquittal. This state of things, and the consequent impunity of political offences, are distinctly admitted by both sides. The trial of the murderers of Chartrand has placed this disposition of the French jurors in a most glaring light; the notes of the Chief Justice in this case were transmitted by me to the Secretary of State; and a perusal of them will satisfy every candid and well-ordered mind that a base and cruel assassination, committed without a single circumstance of provocation or palliation, was brought home by evidence which no man ever pretended to doubt, against the prisoners, whom the jury nevertheless acquitted. The duty of giving this dishonest verdict had been most assiduously and shamefully inculcated by the French press before the trial came on; the jurors are said to have been kept for some time previous in the hands of zealous partisans, whose business it was not only to influence their inclination, but to stimulate their courage; the array of the leaders of the party, who were present at the trial, was supposed to be collected for the same purpose; and it is notorious that the acquittal was celebrated at public entertainments, to which the jurors were invited in order that they might be thanked for their verdict.

But the influence of this animosity does not obstruct the course of justice in political cases alone. An example of obstruction of ordinary criminal justice lately occurred at Quebec. A person had been, during a previous term, indicted and tried for some offence seriously affecting his moral character. The charge had been supported by a witness whom the jury considered perjured, and the accused had been acquitted. Having reason to believe that the witness had been instigated by a neighbour, the acquitted person indicted this neighbour for subornation of perjury, and brought the witness, who had formerly appeared against himself, to prove the falsehood of his previous evidence, and the fact of his subornation.—The proof of subornation appears to have rested, in some particulars, too much on the unsupported evidence of this witness; the jury differed in opinion, one portion of them believing the guilt of the accused to be on the whole satisfactorily established, the other refusing to believe that part of the case which depended solely on the evidence of a man who came into court to

swear to the fact of his own previous perjury. This was a difference of opinion which might naturally divide a jury; but as all the parties were French, and as there is nothing in the circumstances which marks this as a case in which feelings of politics or origin could be supposed to operate, it will, I imagine, appear singular that the jury, being composed nearly equally of French and English, all the French were on one side, all the English on the other. After long discussion the jury came into court, and declared their inability to agree; and the foreman, on being told by the Judge that they must agree, answered, that they were an equal number of French and English, and consequently never could agree. In the end they did not, and after being locked up for twelve hours, they were discharged without giving a verdict; so that even in a case in which no question of party or of race is concerned, the animosity of the races, nevertheless, appears to present an insurmountable barrier to the impartial administration of justice.

In such a state of feelings the course of civil government is hopelessly suspended. No confidence can be felt in the stability of any existing institution, or the security of person and property. It cannot occasion surprise that this state of things should have destroyed the tranquility and happiness of families, that it should have depreciated the value of property, and that it should have arrested the improvement and settlement of the country. The alarming decline of the value of landed property was attested to me by some of the principal proprietors of the province. The continual and progressive decrease of the revenue, though in some degree attributable to other causes, indicates a diminution of the wealth of the country. The staple export trade of the province, the timber trade, has not suffered; but instead of exporting grain, the province is now obliged to import for its own consumption. The influx of emigrants, once so considerable, has very greatly diminished. In 1832, the number of emigrants who landed at the port of Quebec, amounted to 52,000; in 1837, it had fallen to a few more than 22,000; and in 1838, it did not amount to 5,000. Insecurity begins to be so strongly felt by the loyal inhabitants of the Seigniories, that many of them are compelled, by fear or necessity, to quit their occupations, and seek refuge in the cities. If the present state of things continue, the most enterprising and wealthy capitalists of the province will thus, in a short time, be driven from the seats of their present industry.

Nor does there appear to be the slightest chance of putting an end to this animosity during the present generation. Passions inflamed during so long a period cannot speedily be calmed. The state of education which I have previously described as placing the peasantry entirely at the mercy of agitators, the total absence of any class of persons, or any organization of authority, that could counteract this mischievous influence, and the serious decline in the district of Montreal of the influence of the clergy, concur in rendering it absolutely impossible for the government to produce any better state of feeling among the French population. It is even impossible to impress on a people so circumstanced the salutary dread of the power of Great Britain, which the presence of a large military force in the province might be expected to produce. I have been informed by witnesses so numerous and so trustworthy, that I cannot doubt the correctness of their statements, that the peasantry were generally ignorant of the large amount of force which was sent into their country last year. The newspapers that circulate among them had informed them that Great Britain had no troops to send out; that in order to produce an impression on the minds of the country people, the same regiments were marched backwards and forwards in different directions, and represented as additional arrivals from home. This explanation was promulgated among the people by the agitators of each village; and I have no doubt that the mass of the *habitants* really believed that the government was endeavouring to impose on them by this species of fraud. It is a population with whom authority has no means of contact or explanation. It is difficult even to ascertain what amount of influence the ancient leaders of the French party continue to possess. The name of Mr. Papineau is still cherished by the people; and the idea is current that, at the appointed time, he will return at the head of an immense army, and re-establish "La Nation Canadienne." But there is great reason to doubt whether his name be not used as a mere watchword; whether the people are not in fact running entirely counter to his counsels and policy; and whether they are not really under the guidance of separate petty agitators, who have no plan but that of a senseless and reckless determination to show in every way their hostility to the British government and English race. Their ultimate designs and hopes are equally unintelligible. Some vague expectation of absolute independence still seems to delude them. The national vanity, which is a remarkable ingredient in their character, induces many to flatter themselves with the idea of a Canadian republic; the sounder information of others has led them to perceive that a separation from Great Britain must be followed by a junction

with the great confederation on their southern frontier. But they seem apparently reckless of the consequences, provided they can wreak their vengeance on the English. There is no people against which early associations and every conceivable difference of manners and opinions, have implanted in the Canadian mind a more ancient and rooted national antipathy than that which they feel against the people of the United States. Their more discerning leaders feel that their chances of preserving their nationality would be greatly diminished by an incorporation with the United States; and recent symptoms of anti-Catholic feeling in New England, well known to the Canadian population, have generated a very general belief that their religion, which even they do not accuse the British party of assailing, would find little favour or respect from their neighbours. Yet none even of these considerations weigh against their present all-absorbing hatred of the English; and I am persuaded that they would purchase vengeance and a momentary triumph, by the aid of any enemies, or submission to any yoke. This provisional but complete cessation of their ancient antipathy to the Americans is now admitted even by those who most strongly denied it during the last spring, and who then asserted that an American war would as completely unite the whole population against the common enemy, as it did in 1813. My subsequent experience leaves no doubt in my mind that the views which were contained in my despatch of the 9th of August are perfectly correct; and that an invading American army might rely on the co-operation of almost the entire French population of Lower Canada.

In the despatch above referred to I also described the state of feeling among the English population, nor can I encourage a hope that that portion of the community is at all more inclined to any settlement of the present quarrel that would leave any share of power to the hostile race. Circumstances having thrown the English into the ranks of the government, and the folly of their opponents having placed them, on the other hand, in a state of permanent collision with it, the former possess the advantage of having the force of government and the authority of the laws on their side in the present stage of the contest. Their exertions during the recent troubles have contributed to maintain the supremacy of the law and the continuance of the connection with Great Britain; but it would in my opinion be dangerous to rely on the continuance of such a state of feeling as now prevails among them, in the event of a different policy being adopted by the Imperial Government. Indeed the prevalent sentiment among them is one of anything but satisfaction with the course which has been long pursued with reference to Lower Canada by the British Legislature and Executive. The calmer view which distant spectators are enabled to take of the conduct of the two parties, and the disposition which is evinced to make a fair adjustment of the contending claims, appear iniquitous and injurious in the eyes of men who think that they alone have any claim to the favour of that government by which they alone have stood fast. They complain loudly and bitterly of the whole course pursued by the Imperial Government with respect to the quarrel of the two races, as having been founded on an utter ignorance or disregard to the real question at issue, as having fostered the mischievous pretensions of French nationality, and as having by the vacillation and inconsistency which marked it, discouraged loyalty and fomented rebellion. Every measure of clemency or even justice towards their opponents they regard with jealousy, as indicating a disposition towards that conciliatory policy which is the subject of their angry recollection; that they feel that being a minority, any return to the due course of constitutional government would again subject them to a French majority; and to this I am persuaded they would never peaceably submit. They do not hesitate to say that they will not tolerate much longer the being made the sport of parties at home, and that if the mother country forget what is due to the loyal and enterprising men of her own race, they must protect themselves. In the significant language of one of their own ablest advocates, they assert that, "Lower Canada must be English, at the expense, if necessary, of not being British."

I have in despatches of a later date than that to which I have had occasion so frequently to refer, called the attention of the home government to the growth of this alarming state of feeling among the English population. The course of the late troubles, and the assistance which the French insurgents derived from some citizens of the United States, have caused a most intense exasperation among the Canadian loyalists against the American government and people. Their papers have teemed with the most unmeasured denunciations of the good faith of the authorities, of the character and morality of the people, and of the political institutions of the United States. Yet, under this surface of hostility, it is easy to detect a strong undercurrent of an exactly contrary feeling. As the general opinion of the American people become more apparent during the course of the last year, the English of Lower Canada were

surprised to find how strong, in spite of the first burst of sympathy, with a people supposed to be struggling for independence, was the real sympathy of their republican neighbours with the great objects of the minority. Without abandoning their attachment to their mother country, they have begun, as men in a state of uncertainty are apt to do, to calculate the probable consequences of a separation, if it should unfortunately occur, and be followed by an incorporation with the United States. In spite of the shock which it would occasion their feelings, they undoubtedly think that they should find some compensation in the promotion of their interests; they believe that the influx of American emigration would speedily place the English race in a majority; they talk frequently and loudly of what has occurred in Louisiana, where, by means which they utterly misrepresent, the end nevertheless of securing an English predominance over a French population, has undoubtedly been attained; they assert very confidently that the Americans would make a very speedy and decisive settlement of the pretensions of the French; and they believe that, after the first shock of an entirely new political state had been got over, they and their posterity would share in that amazing progress, and that great material prosperity which every day's experience shows them is the lot of the people of the United States. I do not believe that such a feeling has yet sapped their strong allegiance to the British Empire; but their allegiance is founded on their deep-rooted attachment to British as distinguished from French institutions. And if they find that that authority which they have maintained against its recent assailants is to be exerted in such a manner as to subject them again to what they call a French dominion, I feel perfectly confident that they would attempt to avert the result by courting, on any terms, an union with an Anglo-Saxon people.

Such is the lamentable and hazardous state of things, produced by the conflict of races, which has so long divided the province of Lower Canada, and which has assumed the formidable and irreconcilable character which I have depicted. In describing the nature of this conflict I have specified the causes in which it originated; and though I have mentioned the conduct and constitution of the colonial government, as modifying the character of the struggle, I have not attributed to political causes a state of things which would, I believe, under any political institutions, have resulted from the very composition of society. A jealousy between two races, so long habituated to regard each other with hereditary enmity, and so differing in habits, in language, and in laws, would have been inevitable under any form of government. That liberal institutions, and a prudent policy, might have changed the character of the struggle, I have no doubt—but they could not have prevented it: they could only have softened its character, and brought it more speedily to a more decisive and peaceful conclusion. Unhappily, however the system of government pursued in Lower Canada, has been based on the policy of perpetuating that very separation of the races, and encouraging these very notions of conflicting nationalities which it ought to have been the first and chief care of government to check and extinguish. From the period of the conquest to the present time, the conduct of the government has aggravated the evil; and the origin of the present extreme disorder may be found in the institutions by which the character of the colony was determined.

There are two modes by which a government may deal with a conquered territory. The first course open to it is that of respecting the rights and nationality of the actual occupants; of recognizing the existing laws, and preserving established institutions; of giving no encouragement to the influx of the conquering people—and, without attempting any change in the elements of the community, merely incorporating the province under the general authority of the central government. The second is, that of treating the conquered territory as one open to the conquerors; of encouraging their influx; of regarding the conquered race as entirely subordinate; and of endeavouring, as speedily and as rapidly as possible, to assimilate the character and institutions of its new subjects to those of the great body of its empire. In the case of an old and long-settled country—in which the land is appropriated—in which little room is left for colonization—and in which the race of the actual occupants must continue to constitute the bulk of the future population of the province—policy, as well as humanity, render the well-being of the conquered people the first care of a just government, and recommend the adoption of the first-mentioned system; but in a new and unsettled country, a provident legislator would regard, as his first object, the interests not only of the few individuals who happen at the moment to inhabit a portion of the soil, but those of that comparatively vast population by which he may reasonably expect that it will be filled; he would form his plans with a view of attracting and nourishing that future population—and he would, therefore, establish those institutions which would be most acceptable to the race by which

he hoped to colonize the country. The course which I have described as best suited to an old and settled country, would have been impossible in the American continent, unless the conquering state meant to renounce the immediate use of the unsettled lands of the province; and in this case, such a course would have been additionally unadvisable—unless the British government were prepared to abandon, to the scanty population of French whom it found in Lower Canada, not merely the possession of the vast extent of rich soil which that province contains, but also the mouth of the St. Lawrence, and all the facilities for trade which the entrance of that great river commands.

In the first regulations adopted by the British government, for the settlement of the Canadas, in the proclamation of 1763, and the commission of the Governor-in-Chief of the province of Quebec, in the offers by which officers and soldiers of the British army, and settlers from the other North American provinces, were tempted to accept grants of land in the Canadas, we perceive very clear indications of an intention of adopting the second and the wiser of the two systems. Unfortunately, however, the conquest of Canada was almost immediately followed by the commencement of those discontents, which ended in the independence of the united provinces. From that period, the colonial policy of this country appears to have undergone a complete change. To prevent the further dismemberment of the empire, became the primary object with our statesmen; and an especial anxiety was exhibited, to adopt every expedient which appeared calculated to prevent the remaining North American colonies from following the example of successful revolt. Unfortunately, the distinct national character of the French inhabitants of Canada, and their ancient hostility to the people of New England, presented the easiest and most obvious line of demarcation. To isolate the inhabitants of the British from those of the revolted colonies, became the policy of the government; and the nationality of the French Canadians was therefore cultivated, as a means of perpetual and entire separation from their neighbours.\* It seems also to have been considered the policy of the British government to govern its colonies by means of division; and to break them down as much as possible, into petty isolated communities—incapable of combination—and possessing no sufficient strength for individual resistance to the empire. Indications of such designs are to be found in many of the acts of the British government, with respect to the North American colonies. In 1775, instructions were sent from England, directing that all grants of land within the province of Quebec, then comprising Upper and Lower Canada, were to be made in *Fief* and *Seignior*y; and even the grants to the refugee loyalists; and officers and privates of the colonial corps, promised in 1786, were ordered to be made on the same tenure. In no instance was it more singularly exhibited than in the condition annexed to the grants of land in Prince Edward's island, by which it was stipulated, that the island was to be settled by "foreign protestants"—as if they were to be foreign, in order to separate them from the people of New England: and protestants, in order to keep them apart from the Canadian and Acadian catholics. It was part of the same policy to separate the French of Canada from the British emigrants—and to conciliate the former by the retention of their language, laws, and religious institutions. For this purpose, Canada was afterwards divided into two provinces: the settled portion being allotted to the French, and the unsettled being destined to become the seat of British colonization. Thus, instead of availing itself of the means which the extent and nature of the province afforded, for the gradual introduction of such an English population into its various parts as might have easily placed the

\* This policy was not abandoned even at so late a period as the year 1816; as will appear by the following Despatch from Lord Bathurst to the Governor of Lower Canada:

"DOWNING STREET, July 1, 1816.

"Sir,—You are, no doubt, aware of the inquiries which have been made in the Province, as to the practicability of leaving in a state of nature that part of the frontier which lies between the Lake Champlain and Montreal; and you have, no doubt, had under your review the report of the Surveyor General, on this subject, which was enclosed in Sir Gordon Drummond's Despatch of 21st April, 1816, No. 119. With the opinion which His Majesty's Government entertains upon this subject, it cannot but be a matter of regret to think, that any settlements should have been made in the Districts of Hemmingford, Sherrington, Goodmanchester, or Hinchinbrook. But at the same time I cannot recommend the dispossession of the Settlers, at the expense which must result from the purchase of the lands which they have cleared, and the improvements which they have made upon them, unless indeed that purchase could be effected by an adequate assignment of other waste lands of the Crown in other quarters. I must confine myself, therefore, to instructing you to abstain altogether from making, hereafter, any grants in these Districts, and to use every endeavour to induce those who have received grants there, and have not yet proceeded to the cultivation of them, to accept uncleared lands in other Districts, more distant from the frontier of the United States. In some cases, where the lands have been long granted, they must, I apprehend, under the usual conditions of the grants, have become resumable by the Crown; and in such case you can have no difficulty in preventing their cultivation; and the expediency of making other grants, in lieu of those resumed, will depend upon the particular circumstances of each individual case.

"It is also very desirable that you should, as far as lies in your power, prevent the extension of roads in the direction of those particular Districts beyond the limits of that division of the Province referred to in the plan of the Surveyor General as being generally cultivated; and if any means should present themselves of letting those which have been already made, fall into decay, you will best comply with the views of His Majesty's Government, and materially contribute to the future security of the Province, by their adoption.

"I have the honour, &c.

(Signed)

"BATHURST.

"Lieutenant General Sir J. C. SHERBROOKE, &c."

French in a minority, the government deliberately constituted the French into a majority, and recognized and strengthened their distinct national character. Had the sounder policy of making the province English, in all its institutions, been adopted from the first, and steadily persevered in, the French would probably have been speedily outnumbered, and the beneficial operation of the free institutions of England would never have been impeded by the animosities of origin.

Not only, however, did the government adopt the unwise course of dividing Canada, and forming in one of its divisions a French community, speaking the French language, and retaining French institutions, but it did not even carry this consistently into effect; for at the same time provision was made for encouraging the emigration of English into the very province which was said to be assigned to the French. Even the French institutions were not extended over the whole of Lower Canada. The civil law of France, as a whole, and the legal provision for the catholic clergy, were limited to the portion of the country then settled by the French, and comprised in the seigniories; though some provision was made for the formation of new seigniories, almost the whole of the then unsettled portion of the province was formed into townships, in which the law of England was partially established, and the protestant religion alone endowed. Thus two populations of hostile origin and different characters were brought into juxtaposition under a common government, but under different institutions; each was taught to cherish its own language, laws and habits, and each, at the same time, if it moved beyond its original limits, was brought under different institutions, and associated with a different people. The unenterprising character of the French population, and, above all, its attachment to its church (for the enlargement of which, in proportion to the increase and diffusion of the catholic population, very inadequate provision was made,) have produced the effect of confining it within its ancient limits. But the English were attracted into the seigniories, and especially into the cities, by the facilities of commerce afforded by the great rivers. To have effectually given the policy of retaining French institutions and a French population in Lower Canada a fair chance of success, no other institutions should have been allowed, and no other race should have received any encouragement to settle therein. The province should have been set apart to be wholly French, if it was not to be rendered completely English. The attempt to encourage English emigration into a community, of which the French character was still to be preserved, was an error which planted the seeds of a contest of races in the very constitution of the colony; this was an error, I mean, even on the assumption that it was possible to exclude the English race from French Canada. But it was quite impossible to exclude the English race from any part of the North American continent. It will be acknowledged by every one who has observed the progress of Anglo-Saxon colonization in America, that sooner or later the English race was sure to predominate even numerically in Lower Canada, as they predominate already, by their superior knowledge, energy, enterprise, and wealth. The error, therefore, to which the present contest must be attributed is the vain endeavour to preserve a French Canadian nationality in the midst of Anglo-American colonies and states.

That contest has arisen by degrees. The scanty number of the English who settled in Lower Canada, during the earlier period of our possession, put out of the question any ideas of rivalry between the races. Indeed, until the popular principles of English institutions were brought effectually into operation, the paramount authority of the Government left little room for dispute among any but the few who contended for its favours. It was not until the English had established a vast trade, and accumulated considerable wealth—until a great part of the landed property of the province was vested in their hands—until a large English population was found in the cities, had scattered itself over large portions of the country, and had formed considerable communities in the townships—and not until the development of representative government had placed substantial power in the hands of the people—that that people divided itself into races, arrayed against each other in intense and enduring animosity.

The errors of the government did not cease with that to which I have attributed the origin of this animosity. The defects of the colonial constitution necessarily brought the executive government into collision with the people; and the disputes of the government and the people called into action the animosities of race; nor has the policy of the government obviated the evils inherent in the constitution of the colony, and the composition of society. It has done nothing to repair its original error, by making the province English. Occupied in a continual conflict with the Assembly, successive Governors and their councils have overlooked, in great measure, the real importance of the feud of origin; and the Imperial Government, far removed from opportunities of personal observation of the peculiar state of society, has

shaped its policy so as to aggravate the disorder. In some instances it has actually conceded the mischievous pretensions of nationality, in order to evade popular claims; as in attempting to divide the Legislative Council, and the patronage of government, equally between the two races, in order to avoid the demands for an elective council and a responsible executive: sometimes it has, for a while, pursued the opposite course. A policy founded upon imperfect information, and conducted by continually changing hands, has exhibited to the colony a system of vacillation which was in fact no system at all. The alternate concessions to the contending races have only irritated both, impaired the authority of government, and, by keeping alive the hopes of a French Canadian nationality, counteracted the influences which might, ere this, have brought the quarrel to its natural and necessary termination. It is impossible to determine precisely the respective effects of the social and political causes. The struggle between the government and the Assembly has aggravated the animosities of race; and the animosities of race have rendered the political difference irreconcilable. No remedy can be efficient that does not operate upon both evils. At the root of the disorders of Lower Canada, lies the conflict of the two races which compose its population; until this is settled, no good government is practicable; for whether the political institutions be reformed or left unchanged, whether the powers of the government be entrusted to the majority or the minority, we may rest assured that while the hostility of the races continues, whichever of them is entrusted with power will use it for partial purposes.

I have described the contest between the French and English races in Lower Canada with minuteness, because it was my wish to produce a complete and general conviction of the prominent importance of that struggle, when we are taking into consideration the causes of those disorders which have so grievously afflicted the province. I have not, however, during the course of my preceding remarks, been able to avoid alluding to other causes, which have greatly contributed to occasion the existing state of things; and I have specified among these the defects of the constitution, and the errors arising out of the system of government. It is, indeed, impossible to believe that the assigned causes of the struggle between the government and the majority have had no effect, even though we may believe that they have had much less than the contending parties imagined. It is impossible to observe the great similarity of the constitutions established in all our North American Provinces, and the striking tendency of all to determine in pretty nearly the same result, without entertaining a belief that some defect in the form of government, and some erroneous principle of administration, have been common to all; the hostility of the races being probably insufficient to account for all the evils which have affected Lower Canada, inasmuch as nearly the same results have been exhibited among the homogeneous population of the other provinces. It is too evident that Lower Canada, or the two Canadas, have not alone exhibited repeated conflicts between the executive and the popular branches of the Legislature. The representative body of Upper Canada was, before the late election, hostile to the policy of the government; the most serious discontents have only recently been calmed in Prince Edward's Island and New Brunswick; the government is still, I believe, in a minority in the lower house in Nova Scotia; and the dissensions of Newfoundland are hardly less violent than those of the Canadas. It may fairly be said that the natural state of government in all these colonies is that of collision between the executive and the representative body. In all of them the administration of public affairs is habitually confided to those who do not co-operate harmoniously with the popular branch of the legislature; and the government is constantly proposing measures which the majority of the Assembly reject, and refusing its assent to bills which that body has passed.

A state of things so different from the working of any successful experiment of representative government appears to indicate a deviation from sound constitutional principles or practice. Though occasional collisions between the Crown and the House of Commons have occurred in this country since the establishment of our constitution at the revolution of 1688, they have been rare and transient. A state of frequent and lasting collisions appears almost identical with one of convulsion and anarchy; and its occurrence in any country is calculated to perplex us as to the mode in which any government can be carried on therein, without an entire evasion of popular controul. But when we examine into the system of government in these colonies, it would almost seem as if the object of those by whom it was established, had been the combining of apparently popular institutions with an utter absence of all efficient controul of the people over their rulers. Representative assemblies were established on the basis of a very wide and, in some cases, almost universal suffrage; the annual meeting of these bodies was secured by positive enactment, and their apparent attributes were locally nearly as extensive as those of the English House of Commons. At the same time the Crown almost

entirely relied on its territorial resources, and on duties imposed by imperial Acts, prior to the introduction of the representative system, for carrying on the government, without securing the assent of the representative body, either to its policy, or to the persons by whom that policy was to be administered.

It was not until some years after the commencement of the present century, that the population of Lower Canada began to understand the representative system which had been extended to them, and that the Assembly evinced any inclination to make use of its powers.—Immediately, however, upon its so doing, it found how limited those powers were, and entered upon a struggle to obtain the authority which analogy pointed out as inherent in a representative assembly. Its freedom of speech immediately brought it into collision with the Governor; and the practical working of the Assembly commenced by its principal leaders being thrown into prison. In the course of time, however, the government was induced, by its necessities, to accept the Assembly's offer to raise an additional revenue by fresh taxes; and the Assembly thus acquired a certain control over the levying and appropriation of a portion of the public revenue. From that time until the final abandonment in 1832, of every portion of the reserved revenue, excepting the casual and territorial funds, an unceasing contest was carried on, in which the Assembly, making use of every power which it gained for the purpose of gaining more, acquired, step by step, an entire control over the whole revenue of the country.

I pass thus briefly over the events which have heretofore been considered the principal features of the Canadian controversy, because, as the contest has ended in the concession of the financial demands of the Assembly, and the admission by the Government of the impropriety of attempting to withhold any portion of the public revenues from its control, that contest can now be regarded as of no importance, except as accounting for the exasperation and suspicion which survived it. Nor am I inclined to think that the disputes which subsequently occurred are to be attributed entirely to the operation of mere angry feelings. A substantial cause of contest yet remained. The Assembly, after it had obtained entire control over the public revenues, still found itself deprived of all voice in the choice or even designation of the persons in whose administration of affairs it could feel confidence. All the administrative power of Government remained entirely free from its influence; and though Mr. Papineau appears by his own conduct to have deprived himself of that influence in the government which he might have acquired, I must attribute the refusal of a civil list to the determination of the Assembly not to give up its only means of subjecting the functionaries of government to any responsibility.

The powers for which the Assembly contended appear, in both instances, to be such as it was perfectly justified in demanding. It is difficult to conceive what could have been their theory or government who imagined, that in any colony of England a body invested with the name and character of a representative assembly could be deprived of any of those powers which, in the opinion of Englishmen, are inherent in a popular legislature. It was a vain delusion to imagine that by mere limitations in the constitutional Act, or an exclusive system of government, a body, strong in the consciousness of wielding the public opinion of the majority, could regard certain portions of the provincial revenues as sacred from its control, could confine itself to the mere business of making laws, and look on as a passive or indifferent spectator, while those laws were carried into effect or invaded, and the whole business of the country was conducted by men, in whose intentions or capacity it had not the slightest confidence.—Yet such was the limitation placed on the authority of the Assembly of Lower Canada; it might refuse or pass laws, vote or withhold supplies, but it could exercise no influence on the nomination of a single servant of the Crown. The Executive council, the law officers, and whatever heads of departments are known to the administrative system of the province, were placed in power, without any regard to the wishes of the people or their representatives; nor indeed are there wanting instances in which a mere hostility to the majority of the Assembly elevated the most incompetent persons to posts of honour and trust. However decidedly the Assembly might condemn the policy of the government, the persons who had advised that policy, retained their offices and their power of giving bad advice. If a law was passed after repeated conflicts, it had to be carried into effect by those who had most strenuously opposed it. The wisdom of adopting the true principle of representative government, and facilitating the management of public affairs, by entrusting it to the persons who have the confidence of the representative body, has never been recognised in the government of the North American Colonies. All the officers of government were independent of the Assembly; and that body, which had nothing to say to their appointment, was left to get on as it best might, with a set

of public functionaries, whose paramount feeling may not unfairly be said to have been one of hostility to itself.

A body of holders of office thus constituted, without reference to the people or their representatives, must in fact, from the very nature of colonial Government, acquire the entire direction of the affairs of the province. A governor, arriving in a colony in which he almost invariably has had no previous acquaintance with the state of parties, or the character of individuals, is compelled to throw himself almost entirely upon those whom he finds placed in the position of his official advisers. His first acts must necessarily be performed, and his first appointments made, at their suggestion. And as these first acts and appointments give a character to his policy, he is generally brought thereby into immediate collision with the other parties in the country, and thrown into more complete dependence upon the official party and its friends. Thus, a Governor of Lower Canada has almost always been brought into collision with the Assembly, which his advisers regard as their enemy. In the course of the contest in which he was thus involved, the provocations which he received from the Assembly, and the light in which their conduct was represented by those who alone had any access to him, naturally imbued him with many of their antipathies; his position compelled him to seek the support of some party against the Assembly; and his feelings and his necessities thus combined to induce him to bestow his patronage and to shape his measures to promote the interests of the party on which he was obliged to lean. Thus, every successive year consolidated and enlarged the strength of the ruling party. Fortified by family connection, and the common interest felt by all who held, and all who desired, subordinate offices, that party was thus erected into a solid and permanent power, controlled by no responsibility, subject to no serious change, exercising over the whole government of the province an authority utterly independent of the people and its representatives, and possessing the only means of influencing either the government at home, or the colonial representative of the Crown.

This entire separation of the legislative and executive powers of a state, is the natural error of governments desirous of being free from the check of representative institutions.— Since the revolution of 1688, the stability of the English constitution has been secured by that wise principle of our government which has vested the direction of the national policy, and the distribution of patronage, in the leaders of the parliamentary majority. However partial the monarch might be to particular ministers, or however he might have personally committed himself to their policy, he has invariably been constrained to abandon both, as soon as the opinion of the people has been irrevocably pronounced against them through the medium of the House of Commons. The practice of carrying on a representative government on a different principle seems to be the rock on which continental imitations of the British constitution have invariably split; and the French revolution of 1830 was the necessary result of an attempt to uphold a ministry with which no parliament could be got to act in concert. It is difficult to understand how any English statesmen could have imagined that representative and irresponsible government could be successfully combined. There seems, indeed, to be an idea that the character of representative institutions ought to be thus modified in colonies; that it is an incident of colonial dependence, that the officers of government should be nominated by the Crown, without any reference to the wishes of the community, whose interests are entrusted to their keeping. It has never been very clearly explained what are the imperial interests, which require this complete nullification of representative government. But, if there be such a necessity, it is quite clear that a representative government in a colony must be a mockery, and a source of confusion. For those who support this system have never yet been able to devise, or to exhibit in the practical working of colonial government, any means for making so complete an abrogation of political influence palatable to the representative body. It is not difficult to apply the case to our own country. Let it be imagined that at a general election the opposition were to return 500 out of 658 members of the House of Commons, and that the whole policy of the ministry should be condemned, and every bill introduced by it rejected by this immense majority. Let it be supposed that the crown should consider it a point of honour and duty to retain a ministry so condemned and so thwarted, that repeated dissolutions should in no way increase, but should even diminish, the ministerial minority; and that the only result which could be obtained by such a development of the force of the opposition, were not the slightest change in the policy of the ministry, not the removal of a single minister, but simply the election of a speaker of the politics of the majority; and, I think, it will not be difficult to imagine the fate of such a system of government. Yet such was the system, such literally was the course of events in Lower Canada, and such its character,

though not quite in degree, was the spectacle exhibited in Upper Canada, and, at one time or another, in every one of the North American colonies. To suppose that such a system would work well there, implies a belief that the French Canadians have enjoyed representative institutions for half a century, without acquiring any of the characteristics of a free people; that Englishmen renounce every political opinion and feeling when they enter a colony, or that the spirit of Anglo-Saxon freedom is utterly changed and weakened among those who are transplanted across the Atlantic.

It appears, therefore, that the opposition of the Assembly to the government was the unavoidable result of a system which stunted the popular branch of the legislature of the necessary privileges of a representative body, and produced thereby a long series of attempts on the part of that body to acquire control over the administration of the province. I say all this without reference to the ultimate aim of the Assembly, which I have before described as being the maintenance of a Canadian nationality, against the progressive intrusion of the English race. Having no responsible ministers to deal with, it entered upon that system of long inquiries by means of its committees, which brought the whole action of the executive immediately under its purview, and transgressed our notions of the proper limits of parliamentary interference. Having no influence in the choice of any public functionary, no power to procure the removal of such as were obnoxious to it merely on political grounds, and seeing almost every office of the colony filled by persons in whom it had no confidence, it entered on that vicious course of assailing its prominent opponents individually, and disqualifying them for the public service, by making them the subjects of inquiries and consequent impeachments, not always conducted with even the appearance of a due regard to justice; and when nothing else could attain its end of altering the policy or the composition of the colonial government, it had recourse to that *ultima ratio* of representative power to which the more prudent forbearance of the crown has never driven the House of Commons in England, and endeavoured to disable the whole machine of government by a general refusal of the supplies.

It was an unhappy consequence of the system which I have been describing, that it relieved the popular leaders of all the responsibilities of opposition. A member of opposition in this country acts and speaks with the contingency of becoming a minister constantly before his eyes, and he feels, therefore, the necessity of proposing no course, and of asserting no principles, on which he would not be prepared to conduct the government, if he were immediately offered it. But the colonial demagogue bids high for popularity, without the fear of future exposure. Hopelessly excluded from power, he expresses the wildest opinions, and appeals to the most mischievous passions of the people, without any apprehension of having his sincerity or prudence hereafter tested, by being placed in a position to carry his views into effect; and thus the prominent places in the ranks of opposition are occupied for the most part by men of strong passions, and merely declamatory powers, who think but little of reforming the abuses which serve them as topics for exciting discontent.

The collision with the executive government necessarily brought on one with the Legislative Council. The composition of this body, which has been so much the subject of discussion, both here and in the colony, must certainly be admitted to have been such as could give it no weight with the people, or with the representative body, on which it was meant to be a check. The majority was always composed of members of the party which conducted the executive government; the clerks of each council were members of the other; and in fact, the Legislative Council was practically hardly anything but a veto in the hands of public functionaries on all the acts of that popular branch of the legislature, in which they were always in a minority. This veto they used without much scruple. I am far from concurring in the censure which the Assembly and its advocates have attempted to cast on the acts of the Legislative Council. I have no hesitation in saying that many of the bills which it is most severely blamed for rejecting, were bills which it could not have passed without a dereliction of its duty to the constitution, the connection with Great Britain, and the whole English population of the colony. If there is any censure to be passed on its general conduct, it is for having confined itself to the merely negative and defensive duties of a legislative body; for having too frequently contented itself with merely defeating objectionable methods of obtaining desirable ends, without completing its duty by proposing measures, which would have achieved the good in view without the mixture of evil. The national animosities which pervaded the legislation of the Assembly, and its thorough want of legislative skill or respect for constitutional principles, rendered almost all its bills obnoxious to the objections made by the Legislative Council; and the serious evil which their enactment would have occasioned, convinces me that the colony has reason to congratulate itself on the existence of an institution which possessed and

used the power of stopping a course of legislation that, if successful, would have sacrificed every British interest, and overthrown every guarantee of order and national liberty. It is not difficult for us to judge thus calmly of the respective merits of these distant parties; but it must have been a great and deep-rooted respect for the constitution and composition of the Legislative Council, that could have induced the representatives of a great majority to submit with patience to the impediment thus placed in their way by a few individuals. But the Legislative Council was neither theoretically unobjectionable, nor personally esteemed by the Assembly; its opposition appeared to that body but another form of official hostility, and it was inevitable that the Assembly should, sooner or later, make those assaults on the constitution of the Legislative Council which, by the singular want of judgment and temper with which they were conducted, ended in the destruction of the provincial constitution.

From the commencement, therefore, to the end of the disputes which mark the whole parliamentary history of Lower Canada, I look on the conduct of the Assembly as a constant warfare with the executive, for the purpose of obtaining the powers inherent in a representative body by the very nature of representative government. It was to accomplish this purpose, that it used every means in its power; but it must be censured for having, in pursuit of this object, perverted its powers of legislation, and disturbed the whole working of the constitution. It made the business of legislation, and the practical improvement of the country, subordinate to its struggle for power; and being denied its legitimate privileges, it endeavoured to extend its authority in modes totally incompatible with the principles of constitutional liberty.

One glaring attempt, which was made directly and openly, to subvert the constitution of the country, was, by passing a bill for the formal repeal of those parts of the 31st Geo. III. chap. 31. commonly called the Constitutional Act, by which the constitution and powers of the Legislative Council were established. It can hardly be supposed that the framers of this bill were unaware, or hoped to make any concealment of the obvious illegality of a measure which, commencing, as all Canadian Acts do, by a recital of the 31st Geo. III. as the foundation of the legislative authority of the Assembly, proceeded immediately to infringe some of the most important provisions of that very Statute; nor can it be supposed that the Assembly hoped really to carry into effect this extraordinary assumption of power, inasmuch as the bill could derive no legal effect from passing the Lower House, unless it should subsequently receive the assent of the very body which it purported to annihilate.

A more dangerous, because, in some measure, more effectual device for assuming unconstitutional powers, was practised by the Assembly in its attempts to evade the necessity of obtaining the assent of the other branches of the Legislature, by claiming for its own resolutions, and that, too, on points of the greatest importance, the force of laws. A remarkable instance of this was exhibited in the resolution which the Assembly passed on the rejection of a bill for vacating the seats of Members, on the acceptance of offices under the Crown; and which, in fact, and undisguisedly, purported, by its own single authority, to give effect to the provisions of the rejected bill. This resolution brought the Assembly into a long dispute with Lord Aylmer, in consequence of his refusing to issue a writ for the election of a member, in place of Mr. Mondelet, whose seat was declared vacant, in consequence of his having accepted the office of Executive Councillor. The instance in which the Assembly thus attempted to enforce this principle of disqualification, happened to be one to which it could not be considered applicable, either from analogy to the law of England, or from the apparent intent of the resolution itself; for the office which Mr. Mondelet accepted, though one of high importance and influence, was one to which no salary or emolument of any kind was attached.

But the evils resulting from such open attempts to dispense with the constitution were small, in comparison with the disturbance of the regular course of legislation, by systematic abuse of constitutional forms, for the purpose of depriving the other branches of the legislature of all real legislative authority. The custom of passing the most important laws in a temporary form, has been an ancient and extensive defect of the legislation of the North American Colonies, partially authorised by royal instructions to the Governors, but never sanctioned by the Imperial Legislature, until it was established in Lower Canada by the 1st Vict. chap. 9. It remained, however, for the Assembly of Lower Canada to reduce the practice to a regular system, in order that it might have the most important institutions of the province periodically at its mercy, and use the necessities of the government, and the community, for the purpose of extorting the concession of whatever demands it might choose to make. Objectionable in itself, on account of the uncertainty and continual changes which it tended to introduce into legislation, this system of temporary laws derived its worst character from the facilities which

it afforded to the practice of "tacking" together various legislative measures; a practice not unknown to the British Constitution, and which had sometimes been found useful, because the prudence of the House of Commons has induced that body rarely to have recourse to it—but which the Legislators of Lower Canada converted into the ordinary mode of legislation. By the abuse of this practice, any branch of the Legislature had during every session the power, if it had the inclination, to make the renewal of expiring laws the means of dictating its own terms to the others: and to this end it was systematically converted by the Assembly. It adopted the custom of renewing all expiring laws, however heterogencous in their character, in one and the same bill. Having the first choice to exercise, it renewed, of course, only those Acts of which it approved, and left to the Legislative Council, and the Governors, only the alternative of rejecting such as had proved to be beneficial, or of passing such as in their opinion had proved to be mischievous. A singular instance of this occurred in 1836, with respect to the renewal of the Jury law, to which the Assembly attached great importance, and to which the Legislative Council felt a strong repugnance—on account of its having, in effect, placed the Juries entirely in the hands of the French portion of the population. In order to secure the renewal of this law, the Assembly coupled it in the same bill, by which it renewed the tolls of the Lachine Canal, calculating on the Council not venturing to defeat a measure of so much importance to the revenue as the latter, by resisting the former. The Council, however, rejected the bill; and thus the canal remained toll free for a whole season, because the two Houses differed about a Jury law.

Nor was this custom of "tacking" confined to the case of the renewal of expiring laws. A bill for the independence of the Judges was coupled with the establishment of a new tribunal for trying impeachments, and, with other provisions, to which it was known that the Crown was decidedly hostile; and thus, in the attempt to extort an objectionable concession, a most desirable guarantee for the pure administration of justice, was sacrificed.

The system thus framed, was completed by the regulations with respect to a quorum, and the use which the majority made of them. A quorum of nearly half the whole House was required for the transaction of business. Towards the end of every recent session, the majority used to break up the quorum, and disperse to their respective homes, without waiting to be prorogued, immediately after sending up a number of bills to the Council: thus leaving no means of considering or adopting any amendments which that body might make, and leaving it no option but that of rejecting or confirming, by wholesale, the measures of the Assembly.

But in describing the means by which the Assembly obtained and attempted to consolidate its power, I must not omit to direct particular attention to that which, after all, was the most effectual—and which originated in a defect common to the system of government in all the North American Colonies; it is the practice of making Parliamentary grants for local works—a system so vicious, and so productive of evil, that I believe that until it is entirely eradicated, representative government will be incapable of working well and smoothly in those colonies.

I know, indeed, of no difference in the machinery of government in the old and new world, that strikes an European more forcibly, than the apparently undue importance which the business of constructing public works appears to occupy in American legislation. In speaking of the character of a government, its merit appears to be estimated by the public works which it has carried into effect. If any individual is asked how his own legislature has acted, he will generally say what roads or bridges it has made, or neglected to make, in his own district; and if he is consulted about changes in a constitution, he seems to try their soundness by calculating whether his neighbourhood would get more and better roads and bridges under the existing or the proposed system. On examining the proceedings of a legislature, we find that a great proportion of its discussions turn on such questions; and if we look to the budget, we find that a still greater proportion of the public money is applied to these purposes. Those who reflect on the circumstances of the new world, will not find it very difficult to account for the attention there paid to what is necessarily the first business of society, and is naturally the first care of every responsible government. The provision which, in Europe, the state makes for the protection of its citizens against foreign enemies, is in America required for what a French writer has beautifully and accurately called, the "war with the wilderness." The defence of an important fortress, or the maintenance of a sufficient army or navy in exposed spots, is not more a matter of common concern to the European, than is the construction of the greater communications to the American settler; and the state, very naturally, takes on itself the making of the works, which are matters of concern to all alike.

Even the municipal institutions of the northern states of the American Union have not entirely superseded the necessity of some interference on the part of their legislatures in aid of local improvements; though the main efforts of those states have been directed to those vast undertakings which are the common concern and common glory of their citizens. In the southern states, where municipal institutions are less complete, the legislatures are in the habit of taking part more constantly and extensively in works which are properly of mere local interest; and great complaints are made of consequent corruption and mismanagement. But in the British colonies, in none of which is there any effectual system of municipal government, the evil has been carried to the greatest height, and exercises the most noxious influence. The great business of the Assemblies is, literally, parish business; the making parish roads and parish bridges. There are in none of these provinces any local bodies possessing authority to impose local assessments, for the management of local affairs. To do these things is the business of the Assembly; and to induce the Assembly to attend to the particular interests of each county, is the especial business of its county member. The surplus revenue of the province is swelled to as large an amount as possible, by cutting down the payment of public services to as low a scale as possible; and the real duties of Government are, sometimes, insufficiently provided for, in order that more may be left to be divided among the constituent bodies. "When we want a bridge, we take a judge to build it," was the quaint and forcible way in which a member of a provincial legislature described the tendency to retrench, in the most necessary departments of the public service, in order to satisfy the demands for local works. This fund is voted by the Assembly on the motion of its members; the necessity of obtaining the previous consent of the Crown to money votes never having been adopted by the Colonial Legislature from the practice of the British House of Commons. There is a perfect scramble among the whole body to get as much as possible of this fund for their respective constituents; cabals are formed, by which the different members mutually play into each other's hands; general politics are made to bear on private business, and private business on general politics; and at the close of the parliament, the member who has succeeded in securing the largest portion of the prize for his constituents, renders an easy account of his stewardship, with confident assurance of re-election.

The provincial assemblies being, as I have previously stated, in a state of permanent collision with the government, have never been in the habit of entrusting the executive with any control over these funds; and they have been wholly dispensed by commissioners named by the legislature. The assemblies do not appear to have been at all insensible to the possibility of turning this patronage to their own account. An electioneering handbill, which was circulated by the friends of government at the last dissolution in Upper Canada, exhibited, in a very strong light, the expense of the commissioners of the assembly, contrasted with those of the officers of the executive government; but the province of Nova Scotia has carried this abuse to an extent which appears almost inconceivable. According to a report presented to me by Major Head, an assistant commissioner of inquiry whom I sent to that colony, a sum of £10,000 was, during the last session, appropriated to local improvements; this sum was divided into 830 portions, and as many commissioners were appointed to expend it, giving, on an average, a commissioner for rather more than every £12, with a salary of 5s. a day, and a further remuneration of two and a half per cent. on the money expended, to be deducted out of each share.

Not only did the leaders of the Lower Canadian Assembly avail themselves of the patronage thus afforded by the large surplus revenue of the province, but they turned this system to much greater account, by using it to obtain influence over the constituencies. In a furious struggle like that which subsisted in Lower Canada, it was natural that a body wielding, with hardly any responsibility, this direct power of promoting the immediate interests of each constituency, should show some favour to that which concurred in its political views, and should exhibit its displeasure towards that which obstinately resisted the majority. But the majority of the assembly of Lower Canada is accused by its opponents of having, in the most systematic and persevering manner, employed this means of corrupting the electoral bodies. The adherents of Mr. Papineau are said to have been lavish in their promises of the benefits which they could obtain from the assembly for the county whose suffrages they solicited. By such representations the return of members of opposition politics is asserted in many instances to have been secured; and obstinate counties are alleged to have been sometimes starved into submission, by an entire withdrawal of grants, until they returned members favourable to the majority. Some of the English members who voted with Mr. Papineau excused themselves

to their countrymen, by alleging that they were compelled to do so, in order to get a road or a bridge, which their constituents desired. Whether it be true or false that the abuse was ever carried to such a pitch, it is obviously one which might have been easily and safely perpetrated by a person possessing Mr. Papineau's influence in the Assembly.

But the most bold and extensive attempt for erecting a system of patronage, wholly independent of the government, was that which was, for some time, carried into effect by the grants for education made by the Assembly, and regulated by the act, which the Legislative Council has been most bitterly reproached with refusing to renew. It has been stated, as a proof of the deliberate intention of the legislative council to crush every attempt to civilize and elevate the great mass of the people, that it thus stopped at once the working of about 1,000 schools, and deprived of education no less than 40,000 scholars who were actually profiting by the means of instruction thus placed within their reach. But the reasons which induced, or rather compelled, the Legislative Council to stop this system are clearly stated, in the report of that body, which contains the most unanswerable justification of the course which it pursued. By that it appears, that the whole superintendence and patronage of these schools had, by the expired law, been vested in the hands of the county members; and that they had been allowed to manage the funds without even the semblance of sufficient accountability. The members of the Assembly had thus a patronage, in this single department, of about £25,000 per annum, an amount equal to half of the whole ordinary civil expenditure of the province. They were not slow in profiting by the occasion thus placed in their hands; and as there existed in the province no sufficient supply of competent schoolmasters and mistresses, they nevertheless immediately filled up the appointments with persons who were utterly and obviously incompetent. A great proportion of the teachers could neither read nor write. The gentleman whom I directed to enquire into the state of education in the province showed me a petition from certain schoolmasters, which had come into his hands, and the majority of the signatures were those of marksmen. These ignorant teachers could convey no useful instruction to their pupils; the utmost amount which they taught them was to say the Catechism by rote. Even within seven miles of Montreal there was a schoolmistress thus unqualified. These appointments were, as might have been expected, jobbed by the members among their political partizans; nor were the funds very honestly managed. In many cases the members were suspected or accused of misapplying them to their own use; and in the case of Beauharnois, where the seigneur, Mr. Ellice, has, in the same spirit of judicious liberality, by which his whole management of that extensive property has been marked, contributed most largely towards the education of his tenants, the school funds were proved to have been misappropriated by the county member. The whole system was a gross political abuse; and however laudable we must hold the exertions of those who really laboured to relieve their country from the reproach of being the least furnished with the means of education of any on the North American continent, the more severely must we condemn those who sacrificed this noble end, and perverted ample means to serve the purposes of party.

I know not whether to ascribe the system which was adopted for the relief of the distress periodically occurring in certain districts, to the same policy of extending the influence of the Assembly by local grants, or merely to the antiquated prejudices which seem to have pervaded many parts of the Assembly's legislation, which dictated laws against hucksters and the maintenance of foundling hospitals. No general system for the relief of destitution, no poor-law of any kind was established, and the wants of the country hardly demanded it.— But when I arrived at Quebec, I received a number of petitions from parishes situated on the lower part of the St. Lawrence, praying for relief, in consequence of the failure of the harvest. I found, on inquiry, that relief had been granted to these districts for several successive years. The cause of the calamity was obvious; it was the unsuitableness of wheat crops under the wretched system of Canadian small farming, to the severe climate of that portion of the province. By the side of the distressed parishes were large districts, in which a better system of farming, and above all, the employment of the land for pasture and green crops, had diffused the most general comfort among the agricultural population, and completely obviated the occurrence of failure or distress. There were, in the vicinity of the distressed parishes, large tracts of rich and unsettled land, available for the permanent amelioration of the condition of this suffering people; and there were valuable and extensive fisheries in the neighbourhood, which might have supported it in comfort; yet no persevering attempt had been made to provide permanent relief by encouraging the population which was thus thrown on the legislature for support, either to adopt a better system of agriculture, or to settle on other portions of the country, or to avail itself of the fisheries. The Assembly met the evil

by relieving the distress in such a way as to stave off its immediate results, and ensure its recurrence. It gave food for the season of scarcity, and seed to sow a crop even of wheat as late as the 20th of June, which was, of course, to fail in its turn; for it had thus relieved the same kind of distress, in precisely the same places, for several successive years; and its policy seemed to be to pension a portion of the people to sow wheat where it would not ripen.

It is melancholy to think of the opportunities of good legislation which were sacrificed in this mere contest for power. No country in the world ever demanded from a paternal government, or patriotic representatives, more unceasing and vigorous reforms, both of its laws and its administrative system. Lower Canada had, when we received it at the conquest, two institutions, which alone preserved the semblance of order and civilization in the community—the catholic church and the militia, which was so constituted and used as partially to supply the want of better civil institutions. The beneficial influence of the catholic church has been cramped and weakened; the militia is now annihilated, and years must elapse ere it can be revived and used to any good purpose. Lower Canada remains without municipal institutions of local self-government, which are the foundations of Anglo-Saxon freedom and civilization: nor is their absence compensated by any thing like the centralization of France. The most defective judicial institutions remain unreformed. Alone, among the nations that have sprung from the French, Lower Canada remains under the unchanged civil laws of ancient France. Alone, among the nations of the American Continent, it is without a public system of education. Nor has it, in other respects, caught the spirit of American progress. While the Assembly was wasting the surplus revenues of the province in jobs for the increase of patronage, and in petty peddling in parochial business, it left untouched those vast and easy means of communication which deserved, and would have repaid the application of the provincial revenues. The state of New York made its own St. Lawrence from Lake Erie to the Hudson, while the government of Lower Canada could not achieve, or even attempt, the few miles of canal and dredging which would have rendered its mighty rivers navigable almost to their sources. The time which should have been devoted to wise legislation, was spent in a contest for power between the executive and the people, which a wise executive would have stopped at the outset, by submitting to a legitimate responsibility, and which a wise people would have ceased to press when it had virtually attained its end. This collision, and the defective constitution were, in conjunction with the quarrel of the races, the causes of the mischiefs which I have detailed. It will be a ground, I trust, of permanent congratulation, that the contest terminated in destruction of the impracticable constitution which caused the strife; nor can I conceive any course of conduct which could so effectually have destroyed the previous system of mismanagement, and cleared the ground for future improvement, as that continued stoppage of supplies which the Assembly, in its intemperance effected. It broke down at once the whole of that vicious appropriation of public funds, which was the great bane of provincial legislation, and has left the abuses of the colony so long unred, that a reforming government may hereafter work upon an unencumbered soil.

The inevitable result of the animosities of race, and of the constant collision of the different powers of the state, which I have described, was a thorough disorganization of the institutions and administrative system of the country. I do not think that I necessarily cast any stigma on my predecessors in Lower Canada, or on the uniform good intentions which the Imperial government has clearly evinced towards every class and every race in the colony, when I assert that a country which has been agitated by these social and political dissensions, has suffered under great misgovernment. The blame rests not on individuals, but on the vicious system, which has generated the manifold and deep-rooted abuses that pervade every department of the public service, and constitute the real grievances of the colony. These grievances are common to the whole people of Lower Canada; and it is not one race, or one party only, that suffers by their existence; they have hindered the prosperity, and endangered the security of all; though, unquestionably, the interests which have most materially been retarded by misgovernment, are the English. From the highest to the lowest officers of the executive government, no important department is so organized as to act vigorously and completely, throughout the province; and every duty which a government owes to its subjects is imperfectly discharged.

The defective system of administration in Lower Canada, commences at the very source of power; and the efficiency of the public service is impaired throughout, by the entire want, in the colony, of any vigorous administration of the prerogative of the crown. The fact is, that according to the present system, there is no real representative of the crown in the province: there is in it, literally, no power which originates and conducts the executive govern-

ment. The governor, it is true, is said to represent the sovereign—and the authority of the crown is, to a certain extent delegated to him; but he is, in fact, a mere subordinate officer—receiving his orders from the Secretary of State—responsible to him for his conduct—and guided by his instructions. Instead of selecting a governor, with an entire confidence in his ability to use his local knowledge of the real state of affairs in the colony, in the manner which local observation and practical experience best prescribe to him, it has been the policy of the colonial department, not only at the outset to instruct a governor as to the general policy which he was to carry into effect, but to direct him, from time to time, by instructions, sometimes very precise, as to the course which he was to pursue, in every important particular of his administration. Theoretically irresponsible to the colonial legislature, the governor was, in effect, the only officer in the colony who was at all responsible: inasmuch as the Assembly, by centering their attacks on him, and making him appear the sole cause of the difficulties of the government, could occasion him so much vexation, and represent him in so unfavourable a light at home, that it frequently succeeded in imposing on him the necessity of resigning, or on the colonial minister, that of recalling him. In order to shelter himself from this responsibility, it has inevitably, and I must say very justifiably, been the policy of governors, to take care that the double responsibility shall be as light as possible—to endeavour to throw it, as much as possible, on the home government, and to do as little as possible without previously consulting the colonial minister at home, and receiving his instructions. It has, therefore, been the tendency of the local government to settle every thing by reference to the colonial department, in Downing-street. Almost every question on which it was possible to avoid, even with great inconvenience, an immediate decision, has been habitually the subject of reference; and this applies, not merely to those questions on which the local executive and legislative bodies happened to differ—wherein the reference might be taken as a kind of appeal—but to questions of a strictly local nature, on which it was next to impossible for the colonial office to have any sufficient information. It had become the habit of the colonial office to originate these questions—to entertain applications from individuals—to refer these applications to the governor—and, on his answer, to make a decision. The governor has been enabled, by this system, to shift responsibility on the colonial office: inasmuch as in every important case he was, in reality, carrying into effect the order of the authority to which he was responsible. But the real vigour of the executive has been essentially impaired—distance and delay have weakened the force of its decisions—and the colony has, in every crisis of danger, and almost every detail of management, felt the mischief of having its executive authority exercised on the other side of the Atlantic.

Nor has any thing been gained, either in effectual responsibility or sound information, by thus transferring the details of executive government to the colonial department at home. The complete and unavoidable ignorance in which the British public, and even the great body of its legislators, are, with respect to the real interests of distant communities, so entirely different from their own, produces a general indifference, which nothing but some great colonial crisis ever dispels; and responsibility to parliament, or to the public opinion of Great Britain, would, except on these great and rare occasions, be positively mischievous—if it were not impossible. The repeated changes, caused by political events at home, having no connection with colonial affairs, have left to most of the various representatives of the colonial department in parliament, too little time to acquire even an elementary knowledge of the condition of those numerous and heterogenous communities for which they have had both to administer and legislate. The persons with whom the real management of these affairs has or ought to have rested, have been the permanent but utterly irresponsible members of the office. Thus the real government of the colony has been entirely dis severed from the slight nominal responsibility which exists. Apart even from this great and primary evil of the system, the pressure of multifarious business thus thrown on the colonial office, and the repeated changes of its ostensible directors, have produced disorders in the management of public business which have occasioned serious mischief, and very great irritation. This is not my own opinion merely; for I do but repeat that of a select committee of the present House of Assembly, of Upper Canada, who, in a Report dated February 8, 1838, say—“It appears to your committee, that one of the chief causes of dissatisfaction with the administration of colonial affairs, arises from the frequent changes in the office of Secretary of State, to whom the colonial department is intrusted. Since the time the late Lord Bathurst retired from that charge in 1827, your committee believe there has not been less than eight colonial ministers, and that the policy of each successive statesman has been more or less marked by a difference from that of his predecessor. This frequency of change, in itself, almost necessarily entails two evils: *first*, an imperfect knowledge of the affairs of the colonies, on the part of the chief

secretary, and the consequent necessity of submitting important details to the subordinate officers of the department; and, *second*, the want of stability and firmness in the general policy of the government—and which, of course, creates much uneasiness on the part of the governors, and other officers of the colonies, as to what measures may be approved.

“But undoubtedly,” continues the Report, “by far the greatest objection to the system is, the impossibility it occasions of any colonial minister, unaided by persons possessing local knowledge, becoming acquainted with the wants, wishes, feelings and prejudices, of the inhabitants of the colonies, during his temporary continuance in office, and of deciding satisfactorily upon the conflicting statements and claims that are brought before him. A firm, unflinching resolution to adhere to the principles of the constitution, and to maintain the just and necessary powers of the crown, would do much towards supplying the want of local information. But it would be performing more than can be reasonably expected from human sagacity, if any man or set of men, should always decide in an unexceptionable manner on subjects that have their origin thousands of miles from the seat of imperial government, where they reside, and of which they have no personal knowledge whatever; and therefore wrong may be often done to individuals, or a false view taken of some important political question, that in the end may throw a whole community into difficulty and dissension, not from the absence of the most anxious desire to do right, but from an imperfect knowledge of facts upon which to form an opinion.

“To these objections,” adds the Report, “it may be answered, that although the Chief Secretary of State retires with a change of ministers, the Under Secretaries, (or at least one of them,) and the other subordinate officers of the department, remain and hold their offices permanently—and therefore information upon all subjects can be readily imparted to the superior by the gentlemen who are thus retained; and it may be admitted, that the knowledge of this fact ought to lessen the force of the objections that rest on other grounds. But it cannot be disguised, that there is a growing impatience and unwillingness on the part of the colonists, especially in these extensive provinces, to have the measures of government, whether connected with their general system of government, legislation or patronage, controlled by persons who are utter strangers to them—not responsible, in any way, to themselves or the British parliament—and who, perhaps, being advanced to their office from length of service, or other like cause, are not regarded as competent (perhaps unjustly) to manage and direct measures which they (the colonists) deem of vital importance. Much of this feeling may be traced to pride; but it is a pride that springs from an honourable and laudable feeling—and always accompanies self-respect, true patriotism and love of country; and it therefore ought not to be disregarded, nor should any attempt be made to lessen or control it, if it were possible to do so. But the imperfection that exists in the system of colonial government that prevails in England, is rendered more apparent by the want of that confidence that ought to be reposed in the distinguished officers who, from time to time, are commissioned as governors to different colonies, than by any other fact that can be distinctly pointed out.”

I will now only point out one instance of these evils—and I select it because it is an instance occurring in relation to the most important function of the executive—namely, its exercise of the legislative prerogative of the crown, and because its existence has been admitted by the present Secretary of State for the Colonies, in his instructions to my predecessor, Lord Gosford—I mean the reservation of bills for the Royal assent. The “too frequent reservation of bills” is a “grievance,” says his Lordship, “of which my inquiries lead me to believe the reality.” And in a subsequent part of the same despatch, his Lordship admits that, owing to this cause, great mischief has been done, by the wholly unintentional delay in giving the Royal assent to some perfectly unobjectionable bills, having for their object the endowment of colleges by benevolent persons. This delay, his Lordship describes as “chiefly attributable to political events, and the consequent changes of the colonial administration at home.” I know not to what cause is to be attributed a delay, which produced, with respect to another bill, the still more serious effect of a doubt of its legality, after it had been considered and acted on as a law. This bill\* was reserved; and the Royal assent was so long delayed through mere inadvertence, that when it was sent out to the colony as an act, the question was raised whether the Royal assent had been delayed beyond the two years allowed by law, and whether, having been so delayed, it was valid.

\* The 9th and 10th Geo. IV, chap. 77:—The period began to run in March, 1829, and the Royal assent was not given till May, 1831.

One of the greatest of all the evils arising from this system of irresponsible government, was the mystery in which the motives and actual purposes of their rulers were hid from the colonists themselves. The most important business of government was carried on—not in open discussions or public acts—but in a secret correspondence between the governor and the secretary of state. Whenever this mystery was dispelled, it was long after the worst effects had been produced by doubts and misapprehension; and the colonies have been frequently the last to learn the things that most concerned them, by the publication of papers, on the order of the British Houses of Parliament.

The governor, thus slightly responsible, and invested with functions so ill-defined, found himself at the head of a system, in which all his advisers and subordinates had still less responsibility, and duties still less defined. Disqualified at first by want of local information, and very often, subsequently, by an entire absence of all acquaintance with the business of civil government, the governor, on his arrival in the colony, found himself under the necessity of being, in many respects, guided by the persons whom he found in office. In no country, therefore, could there be a greater necessity for a proper demarcation of the business of each public officer, and of a greater responsibility resting on each. Now, I do not at all exaggerate the real state of the case when I assert, that there is no head of any of the most important departments of public business in the colony. The limited powers of the local government in a colony necessarily obviate the necessity of any provision for some of the most important departments which elsewhere require a superintending mind. But the mere ordinary administration of justice, police, education, public works and internal communications, of finance and of trade, would require the superintendence of persons competent to advise the governor, on their own responsibility, as to the measures which should be adopted; and the additional labours which fall on the heads of such departments in other countries, in devising improvements of the system and the laws relating to each, would certainly afford additional occupation, growing out of the peculiarly defective legislation and administration of Lower Canada. Yet, of no one of these departments is there any responsible head, by whose advice the governor may safely be guided. There are some subordinate and very capable officers in each department, from whom he is, in fact, compelled to get information from time to time. But there is no one to whom he, or the public, can look for the correct management and sound decision on the policy of each of these important departments.

The real advisers of the governor have, in fact, been the Executive Council, and an institution more singularly calculated for preventing the responsibility of the acts of the government resting on any body can hardly be imagined. It is a body of which the constitution somewhat resembles that of the Privy Council: it is bound by a similar oath of secrecy; it discharges in the same manner certain anomalous judicial functions; and its "consent and advice" are required in some cases in which the observance of that form has been thought a requisite check on the exercise of particular prerogatives of the crown. But in other respects it bears a greater resemblance to a cabinet, the governor being in the habit of taking its advice on most of the important questions of his policy. But as there is no division into departments in the Council, there is no individual responsibility, and no individual superintendence. Each member of the Council takes an equal part in all the business brought before it. The power of removing members being very rarely exercised, the Council is, in fact, for the most part, composed of persons placed in it long ago; and the governor is obliged either to take the advice of persons in whom he has no confidence, or to consult only a portion of the Council. The secrecy of the proceedings adds to the irresponsibility of the body; and when the governor takes an important step, it is not known, or not authentically known, whether he has taken the advice of this Council or not, what members he has consulted, or by the advice of which of the body he has been finally guided. The responsibility of the Executive Council has been constantly demanded by the Reformers of Upper Canada, and occasionally by those of the lower province. But it is really difficult to conceive how desirable responsibility could be attained, except by altering the working of this cumbrous machine, and placing the business of the various departments of government in the hands of competent public officers.

In the ordinary course of public business in the colony, almost all matters come, in fact, before the Governor, or his immediate assistant, the civil secretary of the province. The civil secretary's office is, in fact, the one general public office in which almost every species of business originates, or through which it passes in some stage or other. The applications which every day reach this office show the singular want of proper organization in the province, and the great confusion of ideas respecting the functions of government, generated in the minds of the people. A very considerable proportion consists of requests to the governor to inter-

fere with the course of civil justice. Every decision of subordinate officers is made matter of appeal; and no reference to the proper department satisfies the applicants, who imagine that they have a right to claim a personal investigation of every case by the governor or the civil secretary. The appeals from the past are equally numerous; and it appears to be expected that every new governor should sit in judgment on every decision of any or all of his predecessors, which happens to have dissatisfied the applicant.

But if such is the bad organization and imperfection of the system at the seat of government, it may be easily believed that the remainder of the province enjoyed no very vigorous or complete administration. In fact, beyond the walls of Quebec, all regular administration of the country appeared to cease; and there literally was hardly a single public officer of the civil government, except in Montreal and Three Rivers, to whom any order could be directed. The solicitor-general commonly resides at Montreal; and in each of the districts there is a sheriff. In the rest of the province there is no sheriff, no mayor, no constable, no superior administrative officer of any kind. There are no county, no municipal, no parochial officers, either named by the Crown, or elected by the people. There is a body of unpaid justices of the peace, whom I will describe more particularly hereafter. The officers of the militia used to be employed for purposes of police, as far as regarded the service of criminal warrants; but their services were voluntary, and not very assiduous; and the whole body is now completely disorganised. In every case in which any information was required by the government, or any service was to be performed in a remote part of the province, it was necessary either to send some one to the spot, or to find out, by enquiry at the seat of government, the name of some resident there whom it was advisable and safe to consult on the subject, or direct to do the act required. In the state of parties in the country, such a step could hardly ever be taken without trusting to very suspicious information, or delegating power to persons who would be, or be suspected of being, likely to abuse it.

This utter want of any machinery of executive government in the province is not, perhaps, more striking than might be observed in some of the most flourishing portions of the American continent. But in the greater part of the states to which I refer, the want of means at the disposal of the central executive is amply supplied by the efficiency of the municipal institutions; and even where these are wanting, or imperfect, the energy and self-governing habits of an Anglo-Saxon population enable it to combine whenever a necessity arises. But the French population of Lower Canada possesses neither such institutions nor such a character. Accustomed to rely entirely on the government, it has no power of doing anything for itself, much less of aiding the central authority.

The utter want of municipal institutions giving the people any control over their local affairs, may indeed be considered as one of the main causes of the failure of representative government, and of the bad administration of the country. If the wise example of those countries in which a free representative government has alone worked well, had been in all respects followed in Lower Canada, care would have been taken that, at the same time that a parliamentary system, based on a very extended suffrage, was introduced into the country, the people should have been entrusted with a complete control over their own local affairs, and been trained for taking their part in the concerns of the province, by their experience in the management of that local business which was most interesting and most easily intelligible to them. But the inhabitants of Lower Canada were unhappily initiated into self-government at exactly the wrong end, and those who were not trusted with the management of a parish, were enabled, by their votes, to influence the destinies of a state. During my stay in the province, I appointed a commission to enquire into its municipal institutions, and the practicability of introducing an effective and free system for the management of local affairs. The gentlemen entrusted with this enquiry had, when they were interrupted in their labours, made considerable progress towards preparing a report, which will, I hope, develop, in a full and satisfactory manner, the extent of the existing evil, and the nature of the practicable remedies.

There never has been, in fact, any institution in Lower Canada, in which any portion of the French population have been brought together for any administrative purpose, nor is there among the divisions of the country any one which has been constituted with a view to such an end. The larger divisions, called "districts," are purely judicial divisions.

The counties may be called merely parliamentary divisions; for I know of no purpose for which they appear to have been constituted, except for the election of members for the House of Assembly; and during the present suspension of representative government, they are merely arbitrary and useless geographical divisions. There are no hundreds, or corres-

ponding sub-divisions of counties. The parishes are purely ecclesiastical divisions, and may be altered by the Catholic bishops. The only institution in the nature of local management, in which the people have any voice, is the *fabrique*, by which provision is made for the repairs of the Catholic churches.

The townships are inhabited entirely by a population of British and American origin; and may be said to be divisions established for surveying, rather than any other purposes. The eastern townships present a lamentable contrast in the management of all local matters to the bordering state of Vermont, in which the municipal institutions are the most complete, it is said, of any part even of New England. In any new settled districts of New England, a small number of families settling within a certain distance of each other, are immediately empowered by law to assess themselves for local purposes, and to elect local officers. The settlers in the eastern townships, many of whom are natives of New England, and all of whom can contrast the state of things on their own, with that which is to be seen on the other side of the line, have a serious and general cause of discontent in the very inferior management of all their own local concerns. The government appears even to have discouraged the American settlers from introducing their own municipal institutions by common assent. "I understood," says Mr. Richards, in a report to the Secretary of State of the Colonies, ordered by the House of Commons, to be printed in March, 1832, "that the Vermonters had crossed the line, and partially occupied several townships, bringing with them their own municipal customs; and that when the impropriety of electing their own officers was pointed out to them, they had quickly given them up, and promised to conform to those of Canada."

But the want of municipal institutions has been and is most glaringly remarkable in Quebec and Montreal. These cities were incorporated a few years ago by a temporary provincial Act, of which the renewal was rejected in 1836. Since that time these cities have been without any municipal government; and the disgraceful state of the streets, and the utter absence of lighting, are consequences which arrest the attention of all, and seriously affect the comfort and security of the inhabitants.

The worst effects of this most faulty system of general administration will be developed in the view which I shall hereafter give of the practices adopted with respect to the public lands, and the settlement of the province, but which I postpone for the present, because I purpose considering this subject with reference to all the North American Provinces. But I must here notice the mischievous results prominently exhibited in the provision which the government of Lower Canada makes for the first want of a people, the efficient administration of justice.

The law of the province and the administration of justice are, in fact, a patch-work of the results of the interference at different times of different legislative powers, each proceeding on utterly different and generally incomplete views, and each utterly regardless of the other. The law itself is a mass of incoherent and conflicting laws, part French, part English, and with a line between each very confusedly drawn. Thus, the criminal law is the criminal law of England, as it was introduced in 1774, with such modifications as have since been made by the provincial legislature, it being now disputed whether the provincial legislature had any power to make any change whatever in that law, and it not being at all clear what is the extent of the phrase "criminal law." The civil law is the ancient civil law, also modified in some, but unfortunately very few respects; and these modifications have been almost exclusively effected by acts of the British Parliament and by ordinances of the governor and council constituted under the Quebec Act. The French law of evidence prevails in all civil matters, with a special exception of "commercial" cases, in which it is provided that the English law is to be adopted; but no two lawyers agree in their definition of "commercial."

For judicial purposes, the province is divided into four superior districts, having unlimited and supreme original jurisdiction, and one inferior, with limited jurisdiction. The four superior are those of Quebec, Montreal, Three Rivers and St. Francis; the inferior, that of Gaspé.

The district of Gaspé is subordinate to that of Quebec, with some special provisions for the administration of justice within it under a particular provincial act, which expires next May. I could obtain no very satisfactory information respecting this district, except that every body appeared to be of opinion that, from its distance and scanty population, it had always met with very little attention from either the legislature or the executive government. About the administration of justice therein, I could hardly obtain any information; indeed, on one occasion, it being necessary, for some particular purpose, to ascertain the fact, inquiry was made at all the public offices at Quebec, whether or not there was any coroner for Gaspé.

It was a long time before any information could be got on this point, and it was at last in some measure cleared up, by the Accountant-General discovering an estimate for the salary of such an officer. The only positive information, therefore, that I can give respecting the present administration of justice in Gaspé is, that I received a petition from the inhabitants, praying that the act by which it is regulated might not be renewed.

Each of the courts of Quebec and Montreal has a Chief Justice, and three Puisné Judges: there is but one Judge in each of the districts of Three Rivers and St. Francis. During term time, Judges from other districts make up the bench in these two.

In all civil cases, these courts have original jurisdiction to an unlimited amount; and in spite of the immense extent of all, but particularly of the two greater districts, the parties are, in almost all cases, brought up to the chief towns for the trial of their causes.

An attempt, but of a very trifling and abortive character, has been made to introduce the English system of circuits. The Judges of these districts make circuits once a year, in order to try causes in which the disputed value is not more than £10 sterling. The limitation of the value—the introduction of small debt courts, and the consequent failure of attendance on the part of the bar during their progress—and the very insufficient time allotted for the stay at each place—have, I am informed, rendered these circuits almost useless; and even the suits which might be tried at the circuits, are generally, in preference, carried up for trial to the chief places of these districts.

There are some complaints that excessive fees are taken in the courts of Montreal and Quebec. The distribution of legal patronage is a matter of great, it is not easy to say, of how just, complaint; but the substantial evil of the administration of civil justice consists in the practical denial of it—caused by the utter inefficiency of the circuit system, and the enormous expense and delay of carrying every suit, where the value in dispute is more than £10 sterling, from the extremities of the three large and settled districts of the province, to the three district towns—in the vicious constitution of the inferior tribunals, by which it has been attempted to supply the want of an effective system, either of circuits or local courts—and in the very faulty nature of the supreme appellate jurisdiction of the province.

The minor litigation of the country is, in fact, carried on throughout these three districts in the courts of the commissioners of small causes. These courts are established in the different parishes, by the Governor, on an application made by a certain number of the parishioners, according to forms prescribed by the provincial statute, in which this institution takes its rise, and have jurisdiction over all debts not exceeding twenty-five dollars, equal to £6 5s. currency. The commissioners are appointed by the Governor, upon the recommendation of the petitioners; these are residents in the parish, and almost wholly unversed in law. The constitution of these courts is, in fact, nothing else in substance but an elective judiciary—elected under the most irregular, fraudulent, and absurd, electoral system that could possibly be devised. I cannot better illustrate this description, than by narrating simply the mode in which the appointment is, in fact, made. It is, and has for a long time been, left almost entirely in the hands of a subordinate assistant, in the civil secretary's office. This gentleman stated that he took no steps, and indeed by law he could not, until he received a petition, with the requisite number of names attached. His impression was, that these signatures were generally obtained by assiduous canvassing in the parish, generally on the part of some person who wanted the appointment of clerk, which is paid, and who took this trouble, in order to secure the nomination of commissioners from whom he expected to get the appointment. After some inquiry from any person whom this assistant secretary thought proper to consult, respecting the characters of the persons proposed, they were, almost as a matter of course, appointed. After a short time, if some other person in the district happened to acquire more popularity, and to covet the office, a petition was got up, containing charges against the occupant of the office, and praying for his removal, and the substitution of his rival. Upon most of the appointments, also, there arose long controversies respecting the politics, qualification, and character, of the candidate for office; and a removal or new appointment was always attributed to some political causes, by the newspapers of each party or race. The inquiry into the qualification of persons proposed—the investigation of the charges made—the defence urged in reply—and the distant and unsatisfactory evidence adduced in support of each—formed a large proportion of the business of the civil secretary's office. Whatever appointment was made, the government was sure to create dissatisfaction; and the administration of justice was left in the hands of incompetent men, whose appointment had been made in such a manner, as even, sometimes, to

render their integrity suspicious, in the eyes, not only of those who had opposed, but also of those who had supported their nomination. I shall only add, that sometime previous to my leaving the province, I was very warmly and forcibly urged, by the highest legal authorities in the country, to abolish all these tribunals at once, on the ground that a great many of them being composed entirely of disaffected French Canadians, were busily occupied in harrasing loyal subjects, by entertaining actions against them, on account of the part they had taken in the late insurrection. There is no appeal from their decision; and it was stated that they had, in the most bare-faced inanner, given damages against loyal persons, for acts done in the discharge of their duty, and judgments by default against persons who were absent, as volunteers in the service of the Queen, and enforced their judgment by levying distresses on their property.

I must now turn from the lowest to the highest civil tribunal in the province. In a country in which the administration of justice is so imperfect in all the inferior stages, and in which two different and often conflicting systems of law are administered by judges, whose professional education and origin necessarily cause different leanings in favour of the respective systems in which each is more particularly versed, the existence of a good and available appellate jurisdiction, which may keep the law uniform and certain, is matter of much greater importance than in those countries in which the law is homogenous, and its administration by the subordinate tribunals is satisfactory. But the appellate jurisdiction of Lower Canada is vested in the Executive Council—a body established simply for political purposes—and composed of persons in great part having no legal qualifications whatever. The Executive Council sits as a Court of Appeal, four times in the year, and for the space of ten days during each session; and on these occasions the two Chief Justices of Quebec and Montreal were, *ex officio*, Presidents—and each in turn presided, when appeals from the other's district were heard. The laymen who were present to make up the necessary quorum of five, as a matter of course, left the whole matter to the presiding Chief Justice, except in some instances, in which party feelings or pecuniary interests are asserted to have induced the unprofessional members to attend in unusual numbers, to disregard the authority of the Chief Justice, and to pervert the law. In the general run of cases, therefore, the decision was left to the President alone: and each Chief Justice became, in consequence, the real Judge of Appeal from the whole court of the other district. It is a matter of perfect and undisputed notoriety, that this system has produced the results which ought to have been foreseen as inevitable; and that, for some time before I arrived in the province, the two Chief Justices had constantly differed in opinion upon some most important points, and had been in the habit of generally reversing each other's judgments. Not only, therefore, was the law uncertain and different in the two districts, but owing to the ultimate power of the Court of Appeal, that which was the real law of each district was that which was held not to be the law by the judges of that district. This is not merely an inference of my own; it is very clear that it was the general opinion of the profession and the public. The Court of Appeal, as re-modelled by me, at the only sitting which it held, reversed all but one of the judgments brought before it. This induced a member of the court to remark to one of the Chief Justices, that so general a reversal of the law of a very competent court below, by a tribunal so competent as the Court of Appeals then was, appeared to him utterly inexplicable: inasmuch as it could in nowise be attributed, as it was before, to the influence of a single judge. The reply of the Chief Justice was, that the matter was easily accounted for; that the system previously adopted in the Court of Appeals had rendered the decision of the court below so complete a nullity, that the parties and counsel below often would not take the trouble to enter into the real merits of their case—and that the real bearing and law of the case were, generally, most fully stated before the Court of Appeals.

As the business of the Court of Appeals was thus of great extent and importance, it became necessary that, having from political considerations altered the composition of the Executive Council, I should re-organize the Court of Appeals. I determined to do this upon the best principle that I could carry into effect, under the circumstances of the case; for, as the constitution of the Court of Appeals is prescribed by the constitutional act, I could not vest the appellate jurisdiction in any other body than the Executive Council. I called, therefore, to the Executive Council, the Chief Justice and one Puisné Judge from each of the two districts of Quebec and Montreal, and by summoning also the Judge of Three Rivers, I gave the members of the two conflicting tribunals an impartial arbiter, in the person of M. Vallière de St. Real, admitted, by universal consent, to be the ablest French lawyer in the province. But the regulations of the Executive Council, which it was supposed I could not alter in this

case, required the presence of a quorum of five; and as no Judge could sit on an appeal from his own court, I had now only provided three for every appeal from the two greater districts. In order to make up the quorum, the court was therefore attended by two other Executive Councillors—one of whom, by his thorough knowledge of commercial law, and his general legal experience, was commonly admitted to have rendered essential service. I believe I may confidently say, that the decisions of this court carried far greater weight than those of any previous Court of Appeals.

The further appeal to the Privy Council, allowed in cases where the value was above £500, is, from the great delay and great expense attendant on it, hardly ever resorted to. The establishment of a good appellate jurisdiction for the whole of the North American colonies is therefore greatly desired by every province; and a competent tribunal for this purpose would spare the cost and delay of a resort to the Privy Council, and answer all the purposes proposed to be attained by the present double system of appeal.

The evils of the system of criminal justice are not so various, but from the faulty judicial division and administrative system of the province, the defects which exist in the constitution of the courts of justice are even more severely felt in this department; for, except at the principal towns of the five districts, there is not the slightest provision for criminal justice, and to these places all prisoners must be brought for trial from the most remote parts subject to their jurisdiction. Thus, from the extreme settlements on the Ottawa, where is now the great seat of the lumber trade, and of the large and wild population which it brings together, all prisoners have to be carried to a distance of two hundred miles, by bad and uncertain means of conveyance, to Montreal for trial. On the left bank of the Ottawa the law has, according to a high legal authority, no power. It was but lately that a violent mob, called Shiners, for a long time set the law at defiance, and had entirely at their mercy the large properties invested in that part of the country.

Besides those in the five places above mentioned, there are only three county gaols, one of which is in the district of Gaspé. There are no sessions held in any other than those places. At the Quebec, Montreal and Three Rivers quarter sessions there were, some years ago, professional and salaried chairmen, but the Assembly discontinued them. There are sheriffs only in the districts, and not in each county. They are named by the crown for life, and are removable at pleasure. The offices are very lucrative, and are said to have been frequently disposed of from personal or political favouritism. It is also matter of complaint, that insufficient security has been taken from those appointed to them; and many individuals have consequently sustained very serious loss from the defalcation of sheriffs.

But the most serious mischief in the administration of criminal justice, arises from the entire perversion of the institution of juries, by the political and national prejudices of the people. The trial by jury was introduced with the rest of the English criminal law. For a long time the composition of both grand and petit juries was settled by the governor, and they were at first taken from the cities, which were the *chefs lieux* of the district. Complaints were made that this gave an undue preponderance to the British in those cities; though, from the proportions of the population, it is not very obvious how they could thereby obtain more than an equal share. In consequence, however, of these complaints, an order was issued under the government of Sir James Kempt, directing the sheriffs to take the juries not only from the cities, but from the adjacent country, for fifteen leagues in every direction. An act was subsequently passed, commonly called "Mr. Viger's Jury Act," extending these limits to those of the district. The principle of taking the jury from the whole district, to which the jurisdiction of the court extended, is undoubtedly in conformity with the principles of English law; and Mr. Viger's act, adopting the other regulations of the English jury law, provided a fair selection of juries. But if we consider the French an entire preponderance in the juries, the practical effect of this law was to give the French an entire preponderance in the juries. This act was one of the temporary acts of the Assembly, and having expired in 1836, the Legislative Council refused to renew it. Since that period, there has been no jury law whatever. The composition of the juries has been altogether in the hands of the government; private instructions, however, have been given to the sheriff to act in conformity with Sir James Kempt's ordinance; but though he has always done so, the public have had no security for any fairness in the selection of the juries. There was no visible check on the sheriff; the public knew that he could pack a jury whenever he pleased, and supposed, as a matter of course, that an officer holding a lucrative appointment at the pleasure of government would be ready to carry into effect those unfair designs which they were always ready to attribute

to the government. When I arrived in the province, the public was expecting the trials of the persons accused of participation in the late insurrection. I was on the one hand informed by the law officers of the crown and the highest judicial authorities, that not the slightest chance existed under any fair system of getting a jury that would convict any of these men, however clear the evidence of their guilt might be; and on the other side I was given to understand that the prisoners and their friends supposed that, as a matter of course, they would be tried by packed juries, and that even the most clearly innocent of them would be convicted.

It is, indeed, a lamentable fact, which must not be concealed, that there does not exist in the minds of the people of this province the slightest confidence in the administration of criminal justice; nor were the complaints, or the apparent grounds for them, confined to one party.

The French complain that the institution of both grand and petit juries have been repeatedly tampered with against them. They complain that when it has suited the interests of the government to protect persons guilty of gross offences against the French party, they have attained their end by packing the grand jury. Great excitement has long existed among the French party in consequence of a riot which took place at the election for the west ward of Montreal, in May, 1832, on which occasion the troops were called out, fired on the people, and killed three of them. An indictment was preferred against the magistrates and officers who ordered the troops to fire. It was urged by the French that the grand jury was composed almost entirely of Englishmen, that twelve out of the twenty-three were taken from the parish of Lachine, the smallest in the whole island; a selection which, they said, could hardly be attributed to mere chance, and that they were not in the usual station in life of grand jurymen. The opposite party, it must be observed, however, argued that this apparent selection of a majority of the grand jury from a single parish was a necessary result of some ill-contrived provision of Mr. Viger's jury act. The bill was thrown out, and all judicial investigation into the circumstances consequently quashed. I am merely mentioning the complaints of parties. I know not whether the preceding allegations were well founded, but there can be no doubt that such was the impression produced among the French Canadians by these proceedings, which, in their minds, completely destroyed all confidence in the administration of justice.

The French Canadians further complain that the favourable decision of a grand jury was of no avail to those who had fallen under the displeasure of the government. There are several instances in the recent history of Lower Canada, in which an attorney-general, being dissatisfied with the conduct of the grand jury in ignoring a bill, either repeated by preferred indictments for the same offence, until he obtained a grand jury which would find them, or filed *ex officio* informations.

Nor are the complaints of the English population of a less serious nature. They assert, unhappily on two undisputable grounds, that the Canadian grand and petit juries have invariably used their power to insure impunity to such of their countrymen as had been guilty of political offences. The case of Chartrand is not the only one in which it is generally believed that this has been done. The murderers of an Irish private soldier of the 24th Regiment, of the name of Hands, are asserted to have been saved by an equally gross violation of their oaths on the part of the jury. A respectable and intelligent member of the grand jury which sat at Montreal, in October, 1837, informed the government that nothing could be more proper than the behaviour of a great majority of the jurymen, who were French Canadians, while they were occupied with cases not connected with politics. They attended patiently to the evidence, and showed themselves well disposed to follow the opinion of the foreman, who was a magistrate of great competence; but it was added, that the instant they came to a political case, all regard for even the appearance of impartiality vanished, and they threw out the bills by acclamation, without listening to the remonstrances of the foreman.

The trial by jury is therefore at the present moment not only productive in Lower Canada of no confidence in the honest administration of the laws, but also provides impunity for every political offence.

I cannot close this account of the system of criminal justice, without making some remarks with respect to the body by which it is administered in its primary stages and minor details, to the great mass of the people of the province. I mean the magistracy; and I cannot but express my regret, that among the few institutions for the administration of justice throughout the country which have been adopted in Lower Canada from those of England, should be that of unpaid justices of the peace. I do not mean in any way to disparage the character, or depreciate the usefulness, of that most respectable body in this country. But the warmest admirer of that institution must admit that its benefits result entirely from the peculiar char-

acter of the class from which our magistracy is selected ; and that without the general education, the moral responsibility imposed by their high station in the eyes of their countrymen, the check exercised by the opinion of their own class, and of an intelligent and vigilant public, and the habits of public business, which almost every Englishman more or less acquires ; even the country gentlemen of England could not wield their legally irresponsible power as justices of the peace to the satisfaction of their countrymen. What, then, must be conceived of the working of this institution in a colony by a class over whom none of these checks exist, and whose station in life and education would alone almost universally exclude them from a similar office at home ? When we transplant the institutions of England into our colonies, we ought at least to take care beforehand that the social state of the colony should possess those peculiar materials on which alone the excellence of those institutions depends in the mother country. The body of justices of the peace scattered over the whole of Lower Canada are named by the Governor, on no very accurate information, there being no lieutenants or similar officers of counties in this, as in the Upper Province. The real property qualification required for the magistracy is so low, that in the country parts almost every one possesses it ; and it only excludes some of the most respectable persons in the cities. In the rural districts the magistrates have no clerks. The institution has become unpopular among the Canadians, owing to their general belief that the appointments have been made with party and national bias. It cannot be denied that many most respectable Canadians were long left out of the commission of the peace, without any adequate cause ; and it is still more undeniable, that most disreputable persons of both races have found their way into it, and still continue to abuse the power thus vested in them. Instances of indiscretion, of ignorance, and of party feeling, and accusations of venality, have been often adduced by each party. Whether these representations be exaggerated or not, or whether they apply to a small or to a large portion of the magistracy, it is undeniable that the greatest want of confidence in the practical working of the institution exists ; and I am therefore of opinion that, whilst this state of society continues, and, above all, in the present exasperation of parties, a small stipendiary magistracy would be much better suited to both Upper and Lower Canada.

The police of the province has always been lamentably defective. No city, from the lawless and vicious character of a great part of its population, requires a more vigilant police than Quebec. Until May, 1836, the police of this city was regulated by an act which then expired, and was not renewed, and it consisted of forty-eight watchmen, half of whom served every night for the whole town. The day police consisted of six constables, who were under no efficient control. On the expiration of this act there was no night police at all, and murders occurring in the streets, the inhabitants formed a voluntary patrol for the upper town.— Lord Gosford, in December, 1837, appointed Mr. Young inspector of police, with eight policemen under him ; a sergeant and eight men of the Volunteer Seamen's Company were placed under his order ; and another magistrate had a corporal and twelve men of the same company for the police of the lower town. Finding their force wholly insufficient, receiving daily complaints, and witnessing daily instances of disorder and neglect, and above all being much pressed to increase the police by the owners of vessels, who had no power of restraining the desertion of their crews, I ordered a regular police of thirty-two men to be organized on the plan of London police in June last. This body was further augmented in October to seventy-five ; and this number is represented to me by the inspector as by no means more than sufficient.

In Montreal, where no approach to a general system of police had been made, I directed Mr. Leclerc, who had been appointed a stipendiary magistrate by Lord Gosford, to organise a force similar to that of Quebec. The number of this is now carried, I think, as high as 100.

Throughout the rest of the province, where the functions of a police used to be discharged by the militia, that body being now disorganised, there is, in fact, no police at all. In the course of the autumn, I was informed by Mr. Young, that at St. Catharine's, forty-six miles from Quebec, a man, after notoriously committing an assault with intent to murder, was still at large a fortnight after the act ; and that no means had been found of executing a warrant issued against him by a county magistrate. As the only means of enforcing the law, Mr. Young was authorised to send policemen sworn in as special constables, the place being out of his jurisdiction ; and by them the arrest was effected. When Theller and Dodge escaped from the citadel, and were supposed to have taken the direction of the Kennebec road, no means existed of stopping their flight, except by sending the police of Quebec to the very frontier of the United States.

As there was no rural police, the same step had been taken in the case of a deserter.

In the course of the preceding account, I have already incidentally given a good many of the most important details of the provision for education made in Lower Canada. I have described the general ignorance of the people, and the abortive attempt which was made, or rather which was professed to be made, for the purpose of establishing a general system of public instruction; I have described the singular abundance of a somewhat defective education which exists for the higher classes, and which is solely in the hands of the Catholic priesthood. It only remains that I should add, that though the adults who have come from the old country are generally more or less educated, the English are hardly better off than the French, for the means of education for their children—and indeed possess scarcely any, except in the cities.

There exists at present no means of college education for protestants in the province; and the desire of obtaining general, and still more professional instruction, yearly draws a great many young men into the United States.

I can, indeed, add little to the general information possessed by the government, respecting the great deficiency of instruction, and of the means of education in this province. The commissioner whom I appointed to enquire into the state of education in the province, endeavoured very properly to make inquiries so minute and ample, that the real state of things should be laid fully open; and with this view he had, with great labour, prepared a series of questions, which he had transmitted to various persons in every parish. At the time when his labours were brought to a close, together with mine, he had received very few answers; but as it was desirable that the information which he had thus prepared the means of obtaining should not be lost, a competent person has been engaged to receive and digest the returns. Complete information respecting the state of education, and of the result of past attempts to instruct the people, will thus, before long, be laid before the government.

The inquiries of the Commissioner were calculated to inspire but slender hopes of the immediate practicability of any attempt to establish a general and sound system of education for the province. Not that the people themselves are indifferent or opposed to such a scheme. I was rejoiced to find that there existed, among the French population, a very general and deep sense of their own deficiencies in this respect: and a great desire to provide means for giving their children those advantages which had been denied to themselves. Among the English the same desire was equally felt; and I believe that the population of either origin would be willing to submit to local assessments for this purpose.

The inhabitants of the North American Continent, possessing an amount of material comfort, unknown to the peasantry of any other part of the world, are generally very sensible to the importance of education. And the noble provision which every one of the Northern States of the Union has gloried in establishing for the education of its youth, has excited a general spirit of emulation amongst the neighbouring provinces, and a desire, which will probably produce some active efforts, to improve their own educational institutions.

It is, therefore, much to be regretted, that there appear to exist obstacles to the establishment of such a general system of instruction as would supply the wants, and, I believe, meet the wishes of the entire population.

The Catholic clergy, to whose exertions the French and Irish population of Lower Canada are indebted for whatever means of education they have ever possessed, appear to be very unwilling that the state should in any way take the instruction of youth out of their hands. Nor do the clergy of some other denominations exhibit generally a less desire to give to education a sectarian character, which would be peculiarly mischievous in this province, inasmuch as its inevitable effect would be to aggravate and perpetuate the existing distinctions of origin. But as the laity of every denomination appear to be opposed to these narrow views, I feel confident that the establishment of a strong popular government in this province would very soon lead to the introduction of a liberal and general system of public education.

I am grieved to be obliged to remark, that the British Government has, since its possession of this province, done, or even attempted, nothing for the promotion of general education. Indeed the only matter in which it has appeared in connection with the subject, is one by no means creditable to it—For it has applied the Jesuits' estates, part of the property destined for purposes of education, to supply a species of fund for secret service, and for a number of years it has maintained an obstinate struggle with the Assembly, in order to continue this misappropriation.

Under the head of the hospitals, prisons, and charitable institutions of Lower Canada, I beg to refer to some valuable information collected, by my direction, by Sir John Doratt, during the exercise of his office of Inspector General of Hospitals, and Charitable and Literary Institutions, which will be found in a separate part of the appendix to this report. I regret that the pressure of more urgent subjects did not allow me time to institute into these subjects, so searching and so comprehensive an inquiry as I should have desired to make in other circumstances. But there are some points brought under my notice by Sir John Doratt, to which I think it important that the attention of your Majesty's Government should be directed without delay. I advert to the existing want of any public establishment for the reception of insane persons either in Lower or Upper Canada; to the bad state of the prisons in general, and especially the disgraceful condition of the gaol of the city of Quebec; to the defects of the quarantine station at Grosse Isle; to the low and ignorant state of the medical profession throughout the rural districts: and to the necessity of a change in the system of providing for the insane, the invalid poor, and foundlings, by payment of public moneys to convents for that purpose. It is evident that considerable abuses exist in the management of several philanthropic institutions. I have adverted, in another part of my report, to the subject of pauperism, as connected with emigration; and the evidence there cited is in some respects confirmed, by the information communicated by Sir John Doratt.

It is a subject of very just congratulation, that religious differences have hardly operated as an additional cause of dissension in Lower Canada; and that a degree of practical toleration, known in very few communities, has existed in this colony from the period of the conquest down to the present time.

The French Canadians are exclusively Catholics, and their church has been left in possession of the endowments which it had at the conquest. The right to tithe is enjoyed by their priests; but as it is limited by law to lands of which the proprietor is a Catholic, the priest loses his tithe the moment that an estate passes, by sale or otherwise, into the hands of a Protestant. This enactment, which is at variance with the true spirit of national endowments for religious purposes, has a natural tendency to render the clergy averse to the settlement of Protestants in the seigniories. But the Catholic priesthood of this province have, to a very remarkable degree, conciliated the good will of persons of all creeds; and I know of no parochial clergy in the world whose practice of all the christian virtues, and zealous discharge of their clerical duties, is more universally admitted, and has been productive of more beneficial consequences. Possessed of incomes sufficient, and even large, according to the notions entertained in the country, and enjoying the advantages of education, they have lived on terms of equality and kindness with the humblest and least instructed inhabitants of the rural districts. Intimately acquainted with the wants and characters of their neighbours, they have been the promoters and dispensers of charity, and the effectual guardians of the morals of the people; and in the general absence of any permanent institutions of civil government, the Catholic church has presented almost the only semblance of stability and organization, and furnished the only effectual support for civilization and order. The Catholic clergy of Lower Canada are entitled to this expression of my esteem, not only because it is founded on truth, but because a grateful recognition of their eminent services, in resisting the arts of the disaffected, is especially due to them from one who has administered the government of the province in these troubled times.

The constitutional act, while limiting the application of the Clergy Reserves in the townships to a Protestant clergy, made no provision for the extension of the Catholic clerical institution, in the event of the French population settling beyond the limits of the seigniories. Though I believe that some power exists, and has been in a few cases used, for the creation of new Catholic parishes, I am convinced that this absence of the means of religious instruction has been the main cause of the indisposition of the French population to seek new settlements, as the increase of their numbers pressed upon their resources. It has been rightly observed, that the religious observances of the French Canadians are so intermingled with all their business and all their amusements, that the priest and the church are with them, more than with any other people, the centres of their little communities. In order to encourage them to spread their population, and to seek for comfort and prosperity in new settlements, a wise government would have taken care to aid, in every possible way, the diffusion of their means of religious instruction.

The Protestant population of Lower Canada have been, of late, somewhat agitated by the question of the Clergy Reserves. The meaning of the ambiguous phrase "Protestant Clergy," has been discussed with great ardour in various quarters; and each disputant has

displayed his ingenuity in finding reasons for a definition in accordance with his own inclination, either to the aggrandizement of his own sect, or the establishment of religious equality. Owing to the small numbers of the British population—to the endowment of the Catholic church, in most of the peopled and important districts of the colony—and, above all, to the much more formidable and extensive causes of dissension existing in the province, the dispute of the various Protestant denominations for the funds reserved for a "Protestant Clergy," has not assumed the importance which it has acquired in Upper Canada. In my account of that province, I shall give a more detailed explanation of the present position of this much-disputed question. I have reason to know, that the apprehension of measures tending to establish the predominance of a particular creed and clergy, has produced an irritation in this province, which has very nearly deprived the crown of the support of some portions of the British population, in a period of very imminent danger. I must therefore most strongly recommend, that any plan by which the question of Clergy Reserves shall be set at rest in Upper Canada, should also be extended to the lower province. The endowments of the Catholic church, and the services of its numerous and zealous parochial clergy, have been of the greatest benefit to the large body of Catholic emigrants from Ireland, who have relied much on the charitable as well as religious aid, which they have received from the priesthood. The priests have an almost unlimited influence over the lower classes of Irish; and this influence is said to have been very vigorously exerted last winter, when it was much needed, to secure the loyalty of a portion of the Irish during the troubles. The general loyalty exhibited by the Irish settlers in the Canadas, during the last winter, and the importance of maintaining it unimpaired in future times of difficulty, render it of the utmost moment that the feelings and interests of the Catholic clergy and population, should invariably meet with due consideration from the government.

Setting on one side the management of the crown lands, and the revenue derived therefrom, which will be treated of fully in another part, it is not necessary that I should, on the present occasion, enter into any detailed account of the financial system of Lower Canada, my object being merely to point out the working of the general system of government, as operating to produce the present condition of the province. I need not inquire whether its fiscal, monetary or commercial arrangements, have been in accordance with the best principles of public economy. But I have reason to believe, that improvement may be made in the mode of raising and expending the provincial revenue. During my stay in Canada, the evils of the banking and monetary systems of the province forced themselves on my attention. I am not inclined, however, to regard these evils as having been in anywise influential in causing the late disorders. I cannot regard them as indicative of any more mismanagement or error, than are observable in the measures of the best governments, with respect to questions of so much difficulty; and though the importance of finding some sufficient remedy for some of these disorders has, as I shall hereafter explain, very materially influenced my views of the general plan to be adopted for the government of this and the other North American colonies, I regard the better regulation of the financial and monetary system of the province as a matter to be settled by the local government, when established on a permanent basis.

With the exception of the small amount now derived from the casual and territorial funds, the public revenue of Lower Canada is derived from duties imposed, partly by imperial, and partly by provincial statutes. These duties are, in a great proportion, levied upon articles imported into the colony from Great Britain and foreign countries; they are collected at the principal ports by officers of the imperial customs.

The amount of the revenue has within the last four years diminished from about £150,000 to little more than £100,000 per annum. The diminution is ascribed principally to the decreased consumption of spirituous liquors, & some other articles of foreign import, in consequence of the growth of native manufactures of such articles. Nevertheless, as the permanent expenditure of the civil government only amounts to about £60,000 a year, there remains still a considerable surplus to be disposed of for local purposes, in the mischievous manner which I have described in the preceding pages. A vigorous and efficient government would find the whole revenue hardly adequate to its necessities; but in the present state of things, I consider the existence and application of this surplus revenue as so prejudicial, that I should, as the less of two evils, recommend a reduction of the duties levied, were it possible to do this without an equal diminution of the revenue of Upper Canada, which can by no means afford it.

The financial relations between these two provinces are a source of great and increasing disputes. The greater part, almost the whole, of the imports of Upper Canada entering at the ports of Lower Canada, the Upper Province has urged and established its claim to a

proportion of the duties levied on them. This proportion is settled, from time to time, by commissioners appointed from each province. Lower Canada now receives about three, and Upper Canada about two fifths of the whole amount; nor is this the greatest cause of dissension and dissatisfaction. The present revenue of Upper Canada being utterly inadequate to its expenditure, the only means that that province will have of paying the interest of its debt, will be by increasing its Customs' duties. But as these are almost all levied in Lower Canada, this cannot be done without raising the taxation also of the Lower Canadians, who have, as it is, a large surplus revenue. It was for the better settlement of these points of difference, that the union of the two Canadas was proposed in 1822; and the same feeling produces a great part of the anxiety now manifested for that measure by a portion of the people of Upper Canada.

A considerable revenue is raised from all these provinces by the post-office establishment common to all of them, and subordinate to the general post-office in England. The surplus revenue, which appears from a report of the House of Assembly to amount to no less than £10,000 per annum, is transmitted to England. The Assembly made it a matter of great complaint that, an important internal public institution of the provinces should be entirely regulated and administered by the rulers and servants of an English public office, and that so large an amount of revenue, raised entirely without the consent of the colonies, in a manner not at all free from objections, should be transmitted to the mother country.\* I cannot but say that there is great justice in these complaints, and I am decidedly of opinion that if any plan of an united government of these provinces should be adopted, the control and revenue of the post-office should be given up to the colony.

For the reasons I have before explained, there is hardly the semblance of direct taxation in Lower Canada for general and local purposes. This immunity from taxation has been sometimes spoken of as a great privilege of the people of Lower Canada, and a great proof of the justice and benevolence of their government. The description which I have given of the singularly defective provision made for the discharge of the most important duties of both the general and the local government will, I think, make it appear that this apparent saving of the pockets of the people, has been caused by their privation of many of the institutions which every civilized community ought to possess. A people can hardly be congratulated on having had at little cost a rude and imperfect administration of justice, hardly the semblance of police, no public provision for education, no lighting, and bad pavements in its cities, and means of communication so imperfect, that the loss of time, and wear and tear caused in taking any article to market, may probably be estimated at ten times the expence of good roads.— If the Lower Canadians had been subjected, or rather had been taught to subject themselves, to a much greater amount of taxation, they would probably at this time have been a much wealthier, a much better governed, a much more civilized, and a much more contented people.

## UPPER CANADA.

The information which I have to give respecting the state of Upper Canada not having been acquired in the course of my actual administration of the government of that province, will necessarily be much less ample and detailed than that which I have laid before your Majesty respecting Lower Canada. My object will be to point out the principal causes to which a general observation of the province induces me to attribute the late troubles; and even this task will be performed with comparative ease and brevity, inasmuch as I am spared the labour of much explanation and proof, by being able to refer to the details which I have given, and the principles which I have laid down, in describing the institutions of the Lower Province.

At first sight it appears much more difficult to form an accurate idea of the state of Upper, than of Lower Canada. The visible and broad line of demarcation which separates parties by

\*“ The privilege of franking, possessed by a few public officers in this province, is of a singular kind. For, as it is necessary for the public service that such a privilege should be exercised, and as the English Office accords no immunities to the functionaries of a Colonial Government, the postage is charged on all franked letters, and the provincial treasury has to pay the amount over to the post office. This, in fact, destroys in a great measure the utility of the privilege for public purposes; because public officers are unwilling to use the post for their communications, when their doing so diminishes the revenues of the province.

the distinctive characters of race, happily has no existence in the Upper Province. The quarrel is one of an entirely English, if not British, population. Like all such quarrels, it has, in fact, created not two, but several parties; each of which has some objects in common with some one of those to which it is opposed. They differ on one point and agree on another; the sections which unite together one day, are strongly opposed the next; and the very party which acts as one against a common opponent, is in truth composed of divisions seeking utterly different or incompatible objects. It is very difficult to make out from the avowals of parties the real objects of their struggles, and still less easy is it to discover any cause of such importance as would account for its uniting any large mass of the people in an attempt to overthrow, by forcible means, the existing form of government.

The peculiar geographical character of the province greatly increases the difficulty of obtaining very accurate information. Its inhabitants scattered along an extensive frontier, with very imperfect means of communication, and a limited and partial commerce, have, apparently, no unity of interest or opinion. The province has no great centre with which all the separate parts are connected, and which they are accustomed to follow in sentiment and action; nor is there that habitual intercourse between the inhabitants of different parts of the country, which, by diffusing through all a knowledge of the opinions and interests of each, makes a people one and united, in spite of extent of territory and dispersion of population. Instead of this, there are many petty local centres, the sentiments and the interests (or at least what are fancied to be so) of which are distinct, and perhaps opposed. It has been stated to me by intelligent persons from England, who had travelled through the province for purposes of business, that this isolation of the different districts from each other was strikingly apparent in all attempts to acquire information in one district respecting the agricultural and commercial character of another; and that not only were very gross attempts made to deceive an inquirer on these points, but that even the information which had been given in a spirit of perfect good faith, generally turned out to be founded in great misapprehension. From these causes a stranger who visits any one of these local centres, or who does not visit the whole, is almost necessarily ignorant of matters, a true knowledge of which is essential to an accurate comprehension of the real position of parties, and of the political prospects of the country.

The political contest which has so long been carried on in the Assembly and the press, appears to have been one exhibiting throughout its whole course the characteristic features of the purely political part of the contest in Lower Canada; and, like that, originating in an unwise distribution of power in the constitutional system of the province. The financial disputes which so long occupied the contending parties in Lower Canada, were much more easily and wisely arranged in the upper province; and the struggle, though extending itself over a variety of questions of more or less importance, avowedly and distinctly rested on the demand for responsibility in the executive government.

In the preceding account of the working of the constitutional system in Lower Canada, I have described the effect which the irresponsibility of the real advisers of the governor had in lodging permanent authority in the hands of a powerful party, linked together not only by common party interests, but by personal ties. But in none of the North American provinces has this exhibited itself for so long a period, or to such an extent, as in Upper Canada, which has long been entirely governed by a party commonly designated through the province as the "family compact," a name not much more appropriate than party designations usually are, inasmuch as there is, in truth, very little of family connection among the persons thus united. For a long time this body of men, receiving at times, accessions to its numbers, possessed almost all the highest public offices, by means of which, and of its influence in the Executive Council, it wielded all the powers of government; it maintained influence in the Legislature by means of its predominance in the Legislative Council; and it disposed of the large number of petty posts which are in the patronage of the government all over the province. Successive governors, as they came in their turn, are said to have either submitted quietly to its influence, or, after a short and unavailing struggle, to have yielded to this well-organized party the real conduct of affairs. The bench, the magistracy, the high offices of the Episcopal church, and a great part of the legal profession, are filled by the adherents of this party; by grant or purchase they have acquired nearly the whole of the waste lands of the province; they are all-powerful in the chartered banks, and, till lately, shared among themselves almost exclusively all offices of trust and profit. The bulk of this party consists, for the most part, of native-born inhabitants of the colony, or of emigrants who settled in it before the last war with the United States; the principal members of it belong to the church of England, and

the maintenance of the claims of that church has always been one of its distinguishing characteristics.

A monopoly of power so extensive and so lasting could not fail, in process of time, to excite envy, create dissatisfaction, and ultimately provoke attack; and an opposition consequently grew up in the Assembly, which assailed the ruling party, by appealing to popular principles of government—by denouncing the alleged jobbing and profusion of the official body—and by instituting inquiries into abuses, for the purpose of promoting reform, and especially economy. The question of the greatest importance, raised in the course of these disputes, was that of the disposal of the Clergy Reserves; and, though different modes of applying these lands, or rather the funds derived from them, were suggested, the reformers, or opposition, were generally very successful in their appeals to the people against the project of the tory, or official party, which was that of devoting them exclusively to the maintenance of the English Episcopal church. The reformers, by successfully agitating this and various economical questions, obtained a majority. Like almost all popular colonial parties, it managed its power with very little discretion and skill—offended a large number of the constituencies—and, being baffled by the Legislative Council, and resolutely opposed by all the personal and official influence of the official body—a dissolution again placed it in a minority in the Assembly. This turn of fortune was not confined to a single instance; for neither party has for some time possessed the majority in two successive parliaments. The present is the fifth of these alternating Houses of Assembly.

The reformers, however, at last discovered that success in the elections insured them very little practical benefit; for the official party, not being removed when it failed to command a majority in the Assembly, still continued to wield all the powers of the Executive Government—to strengthen itself by its patronage—and to influence the policy of the Colonial Governor, and the Colonial Department at home. By its secure majority in the Legislative Council, it could effectually control the legislative powers of the Assembly. It could choose its own moment for dissolving hostile assemblies: and could always insure, for those that were favourable to itself, the tenure of their seats for the full term of four years allowed by the law. Thus the reformers found that their triumph at elections could not, in any way, facilitate the progress of their views, while the executive government remained constantly in the hands of their opponents. They rightly judged that, if the higher offices and the Executive Council were always held by those who could command a majority in the Assembly, the constitution of the Legislative Council was a matter of very little moment: inasmuch as the advisers of the Governor could always take care, that its composition should be modified, so as to suit their own purposes. They concentrated their powers, therefore, for the purpose of obtaining the responsibility of the Executive Council; and I cannot help contrasting the practical good sense of the English reformers of Upper Canada, with the less prudent course of the French majority in the Assembly of Lower Canada, as exhibited in the different demands of constitutional change, most earnestly pressed by each. Both, in fact, desired the same object—namely, an extension of popular influence in the government. The Assembly of Lower Canada attacked the Legislative Council—a body, of which the constitution was certainly the most open to obvious theoretical objections on the part of all the advocates of popular institutions; but, for the same reason, most sure of finding powerful defendants at home. The reformers of Upper Canada paid little attention to the composition of the Legislative Council, and directed their exertions to obtaining such an alteration of the Executive Council as might have been obtained without any derangement of the constitutional balance of power; but they well knew, that if once they obtained possession of the Executive Council, and the higher offices of the province, the Legislative Council would soon be unable to offer any effectual resistance to their meditated reforms.

It was upon this question of the responsibility of the Executive Council, that the great struggle has, for a long time, been carried on between the official party and the reformers; for the official party, like all parties long in power, was naturally unwilling to submit itself to any such responsibility as would abridge its tenure, or cramp its exercise of authority.—Reluctant to acknowledge any responsibility to the people of the colony, this party appears to have paid a somewhat refractory and nominal submission to the Imperial Government—relying, in fact, on securing a virtual independence, by this nominal submission to the distant authority of the colonial department, or to the powers of a Governor, over whose policy they were certain, by their facilities of access, to obtain a paramount influence.

The views of the great body of reformers appear to have been limited, according to their favourite expression, to the making the colonial constitution “an exact transcript of that of

Great Britain"; and they only desired that the Crown should, in Upper Canada, as at home, intrust the administration of affairs to men possessing the confidence of the Assembly. It cannot be doubted, however, that there were many of the party who wished to assimilate the institutions of the province rather to those of the United States than to those of the mother country. A few persons, chiefly of American origin, appear to have entertained these designs from the outset; but the number had at last been very much increased by the despair which many of those who started with more limited views, conceived of their being ever carried into effect, under the existing form of government.

Each party, while it possessed the ascendancy, has been accused by its opponents of having abused its power over the public funds, in those modes of local jobbing which I have described as so common in the North American colonies. This, perhaps, is to be attributed partly to the circumstances adverted to above, as increasing the difficulty of obtaining any accurate information as to the real circumstances of the province. From these causes it too often happened, that the members of the House of Assembly come to the meeting of the legislature ignorant of the real character of the general interests intrusted to their guardianship, intent only on promoting sectional objects, and anxious chiefly to secure for the county they happen to represent, or the district with which they are connected, as large a proportion as possible of any funds which the legislature may have at its disposal. In Upper Canada, however, the means of doing this were never so extensive as those possessed by the Lower Province; and the great works which the province commenced on a very extended scale, and executed in a spirit of great carelessness and profusion, have left so little surplus revenue, that this province alone, among the North American colonies, has, fortunately for itself, been compelled to establish a system of local assessments, and to leave local works, in a great measure, to the energy and means of the localities themselves. It is asserted, however, that the nature of those great works, and the manner in which they were carried on, evinced merely a regard for local interests, and a disposition to strengthen party influence. The inhabitants of the less thickly peopled districts complained, that the revenues of the province were employed in works by which only the frontier population would benefit. The money absorbed by undertakings which they described as disproportioned to the resources and to the wants of the province, would, they alleged, have sufficed to establish practicable means of communication over the whole country; and they stated, apparently not without foundation, that had this latter course been pursued, the population and the resources of the province would have been so augmented as to make the works actually undertaken both useful and profitable. The carelessness and profusion which marked the execution of these works, the management of which, it was complained, was intrusted chiefly to members of the ruling party, were also assumed to be the result of a deliberate purpose, and to be permitted, if not encouraged, in order that a few individuals might be enriched at the expense of the community. Circumstances to which I shall hereafter revert, by which the further progress of these works has been checked, and the large expenses incurred in bringing them to their present state of forwardness have been rendered unavailing, have given greater force to these complaints, and, in addition to the discontent produced by the objects of the expenditure, the governing party has been made responsible for a failure in the accomplishment of these objects, attributable to causes over which it had no control. But, to whatever extent these practices may have been carried, the course of the parliamentary contest in Upper Canada has not been marked by that singular neglect of the great duties of a legislative body, which I have remarked in the proceedings of the parliament of Lower Canada. The statute book of the Upper Province abounds with useful and well-constructed measures of reform, and presents an honourable contrast to that of the Lower Province.

While the parties were thus struggling, the operation of a cause, utterly unconnected with their disputes, suddenly raised up a very considerable third party, which began to make its appearance among the political disputants about the time the quarrel was at its height. I have said that in Upper Canada there is no animosity of races; there is nevertheless a distinction of origin, which has exercised a very important influence on the composition of parties, and appears likely, sooner or later, to become the prominent and absorbing element of political division. The official and reforming parties, which I have described, were both composed, for the most part, and were almost entirely led, by native-born Canadians, American settlers or emigrants, of a very ancient date; and as one section of this, more ancient population, possessed, so another was the only body of persons that claimed, the management of affairs, and the enjoyment of offices conferring emolument or power, until the extensive emigration from Great Britain which followed the disastrous period of 1825 and 1826, changed the state

of things, by suddenly doubling the population, and introducing among the ancient disputants for power an entirely new class of persons. The new-comers, however, did not for a long time appear as a distinct party in the politics of Upper Canada. A large number of the higher class of emigrants, particularly the half-pay officers, who were induced to settle in this province, had belonged to the tory party in England, and, in conformity with their ancient predilections, naturally arrayed themselves on the side of the official party, contending with the representatives of the people. The mass of the humbler order of emigrants, accustomed in the mother country to complain of the corruption and profusion of the government, and to seek for a reform of abuses by increasing the popular influence in the representative body, arrayed themselves on the side of those who represented the people, and attacked oligarchical power and abuses; but there was still a great difference of opinion between each of the two Canadian parties, and that section of the British which for a while acted with it. Each of the Canadian parties, while it differed with the other about the tenure of political powers in the colony, desired almost the same degree of practical independence of the mother country; each felt and each betrayed in its political conduct a jealousy of the emigrants, and a wish to maintain the powers of office and the emoluments of the professions in the hands of persons born or long resident in the colony. The British, on the contrary, to whichever party they belong, appear to agree in desiring that the connexion with the mother country should be drawn closer. They differ very little among themselves, I imagine, in desiring such a change as should assimilate the government of Upper Canada, in spirit as well as in form, to the government of England, retaining an executive sufficiently powerful to curb popular excesses, and giving to the majority of the people, or to such of them as the less liberal would trust with political rights, some substantial control over the administration of affairs. But the great common object was, and is, the removal of those disqualifications to which British emigrants are subject, so that they might feel as citizens, instead of aliens, in the land of their adoption.

Such was the state of parties when Sir F. Head, on assuming the government of the colony, dismissed from the executive council some of the members who were most obnoxious to the House of Assembly, and requested three individuals to succeed them. Two of these gentlemen, Dr. Rolph and Mr. R. Baldwin, were connected with the reforming party, and the third, Mr. Dunn, was an Englishman, who had held the office of Receiver General for nearly 14 years, and up to that time had abstained from any interference in politics. These gentlemen were at first reluctant to take office, because they feared that, as there were still three of the former council left, they would be constantly maintaining a doubtful struggle for the measures which they considered necessary. They were, however, at length induced to forego their scruples, chiefly upon the representations of some of their friends, that when they had a Governor who appeared sincere in his professions of reform, and who promised them his entire confidence, it was neither generous nor prudent to persist in a refusal which might be taken to imply distrust of his sincerity, and they accordingly accepted office. Among the first acts of the Governor, after the appointment of this council, was, however, the nomination to some vacant offices of individuals, who were taken from the old official party, and this without any communication with his council. These appointments were attacked by the House of Assembly, and the new Council, finding that their opinion was never asked upon these or other matters, and that they were seemingly to be kept in ignorance of all those public measures which popular opinion, nevertheless, attributed to their advice, remonstrated privately on the subject with the Governor. Sir Francis desired them to make a formal representation to him on the subject; they did so, and this produced such a reply from him, as left them no choice but to resign. The occasion of the difference which had caused the resignation was made the subject of communication between the Governor and the Assembly, so that the whole community were informed of the grounds of the dispute.

The contest which appeared to be thus commenced on the question of the responsibility of the Executive Council was really decided on very different grounds. Sir F. Head, who appears to have thought that the maintenance of the connexion with Great Britain depended upon his triumph over the majority of the assembly, embarked in the contest with a determination to use every influence in his power in order to bring it to a successful issue. He succeeded, in fact, in putting the issue in such a light before the province, that a great portion of the people really imagined that they were called upon to decide the question of separation by their votes. The dissolution, on which he ventured when he thought the public mind sufficiently ripe, completely answered his expectations. The British, in particular, were roused by the proclaimed danger to the connexion with the mother country; they were indignant

at some portions of the conduct and speeches of certain members of the late majority, which seemed to mark a determined preference of American over British institutions. They were irritated by indications of hostility to British emigration, which they saw, or fancied they saw, in some recent proceedings of the Assembly. Above all, not only they, but a great many others, had marked with envy the stupendous public works which were at that period producing their effect in the almost marvellous growth of the wealth and population of the neighbouring state of New York; and they reproached the Assembly with what they considered an unwise economy in preventing the undertaking, or even completion, of similar works, that might, as they fancied, have produced a similar development of the resources of Upper Canada. The general support of the British determined the elections in favour of the Government; and though very large and close minorities, which in many cases supported the defeated candidates, marked the force which the reformers could bring into the field, even in spite of the disadvantages under which they laboured from the momentary prejudices against them, and the unusual manner in which the Crown, by its representative, appeared to make itself a party in an electioneering contest, the result was the return of a very large majority, hostile in politics to that of the late Assembly.

It is rather singular, however, that the result which Sir F. Head appears really to have aimed at, was by no means secured by this apparent triumph. His object in all his previous measures, and in the nomination of the Executive Councillors, by whom he replaced the retiring members, was evidently to make the council a means of administrative independence for the Governor. Sir F. Head would seem to have been, at the commencement of his administration, really desirous of effecting certain reforms which he believed to be needful, and of rescuing the substantial power of the government from the hands of the party by which it had been so long monopolized. The dismissal of the old members of the Executive Council was the consequence of this intention; but, though willing to take measures for the purpose of emancipating himself from the thralldom in which it was stated that other Governors had been held, he could not acquiesce in the claims of the House of Assembly to have a really responsible colonial executive. The result of the elections was to give him, as he conceived, a House of Assembly pledged to support him, as Governor, in the exercise of the independent authority he had claimed. On the very first occasion, however, on which he attempted to protect an officer of the government, unconnected with the old official party, from charges which, whether well or ill founded, were obviously brought forward on personal grounds, he found that the new house was even more determined than its predecessor to assert its right to exercise a substantial control over the government; and that unless he was disposed to risk a collision with both branches of the legislature, then composed of similar materials, and virtually under one influence, he must succumb. Unwilling to incur this risk, when, as he justly imagined, there was no party upon whose support he could rely to bear him safely through the contest, he yielded the point. Although the committee appointed to inquire into the truth of the charges made against Mr. Hepburn refused to adopt a report confirming these charges prepared by their chairman (by whom the accusation had been brought forward, and by whom the committee was virtually nominated), Sir F. Head persuaded the individual in question to resign his office, and to take one of very inferior emolument. From that time he never attempted to assert the independence which the new House of Assembly had been elected to secure. The government consequently reverted in effect to the party which he had found in office when he assumed the governorship, and which it had been his first act to dispossess. In their hands it still remains; and I must state that it is the general opinion that, never was the power of the "family compact" so extensive or so absolute as it has been from the first meeting of the existing parliament down to the present time.

It may, indeed, be fairly said, that the real result of Sir F. Head's policy was to establish that very administrative influence of the leaders of a majority in the legislature which he had so obstinately disputed. The executive councillors of his nomination, who seem to have taken office almost on the express condition of being mere ciphers, are not, in fact then, the real government of the province. It is said that the new officers of government whom Sir F. Head appointed from without the pale of official eligibility feel more apprehension of the present house than, so far as can be judged, was ever felt by their predecessors with regard to the most violent of the reforming Houses of Assembly. Their apprehension, however, is not confined to the present house; they feel that, under no conceivable contingency, can they expect an Assembly disposed to support them; and they accordingly appear to desire such a change in the colonial system as might make them dependent upon the Imperial Government alone, and secure them against all interference from the legislature of the province, whatever party should obtain a preponderance in the Assembly.

While the nominal government thus possesses no real power, the legislature, by whose leaders the substantial power is enjoyed, by no means possesses so much of the confidence of the people as a legislature ought to command, even from those who differ from it on the questions of the day. I say this without meaning to cast any imputation on the members of the House of Assembly, because, in fact, the circumstances under which they were elected were such as to render them peculiarly objects of suspicion and reproach to a number of their countrymen. They were accused of having violated their pledges at the election. It is said that many of them came forward, and were elected, as being really reformers, though opposed to any such claims to colonial independence as might involve a separation from the mother country. There seems to be no doubt that in several places where the tories succeeded, the electors were merely desirous of returning members who would not hazard any contest with England, by the assertion of claims which, from the proclamation of the Lieutenant Governor, they believed to be practically needless; and who should support Sir F. Head in those economical reforms which the country desired far more than political changes—reforms, for the sake of which alone political changes had been sought. In a number of other instances, too, the elections were carried by the unscrupulous exercise of the influence of the government, and by a display of violence on the part of the tories, who were emboldened by the countenance afforded to them by the authorities. It was stated, but I believe without any sufficient foundation, that the government made grants of land to persons who had no title to them, in order to secure their votes. This report originated in the fact, that patents for persons who were entitled to grants, but had not taken them out, were sent down to the polling places, to be given to the individuals entitled to them, if they were disposed to vote for the government candidate. The taking such measures, in order to secure their fair right of voting to the electors, in a particular interest, must be considered rather as an act of official favouritism, than as an electoral fraud. But we cannot wonder that the defeated party put the very worst construction on acts which gave some ground for it; and they conceived, in consequence, a strong resentment against the means by which they believed that the representative of the crown had carried the elections, his interference in which in any way was stigmatised by them as a gross violation of constitutional privilege and propriety.

It cannot be matter of surprise, that such facts and such impressions produced in the country an exasperation and a despair of good government, which extended far beyond those who had actually been defeated at the poll. For there was nothing in the use which the leaders of the Assembly have made of their power to soften the discontent excited by their alleged mode of obtaining it. Many even of those who had supported the successful candidates, were disappointed in every expectation which they had formed of the policy to be pursued by their new representatives. No economical reforms were introduced. The Assembly, instead of supporting the governor, compelled his obedience to itself, and produced no change in the administration of affairs, except that of reinstating the "family compact" in power. On some topics, on which the feelings of the people were very deeply engaged, as for instance the Clergy Reserves, the Assembly is accused of having shown a disposition to act in direct defiance of the known sentiments of a vast majority of its constituents. The dissatisfaction arising from these causes was carried to its height by an act, that appeared in defiance of all constitutional right, to prolong the power of a majority which, it was supposed, counted on not being able to retain its existence after another appeal to the people. This was the passing of an act preventing the dissolution of the existing, as well as any future Assembly, on the demise of the crown. The act was passed in expectation of the approaching decease of his late Majesty; and it has, in fact, prolonged the existence of the present Assembly from the period of a single year, to one of four. It is said that this step is justified by the example of the other North American colonies. But it is certain, that it nevertheless caused very great dissatisfaction, and was regarded as an unbecoming usurpation of power.

It was the prevalence of the general dissatisfaction thus caused, that emboldened the parties who instigated the insurrection, to an attempt which may be characterised as having been as foolishly contrived and ill-conducted, as it was wicked and treasonable. This outbreak, which common prudence and good management would have prevented from coming to a head, was promptly quelled by the alacrity with which the population, and especially the British portion of it, rallied round the government. The proximity of the American frontier—the nature of the border country—and the wild and daring character, together with the periodical want of employment of its population—have, unfortunately, enabled a few desperate exiles to continue the troubles of their country, by means of the predatory gangs which have, from time to time, invaded and robbed, under the pretext of revolutionizing the pro-

vince. But the general loyalty of the population has been evinced by the little disposition that has been exhibited by any portion of it to accept of the proffered aid of the refugees and foreign invaders, and by the unanimity with which all have turned out to defend their country.

It has not indeed, been exactly ascertained what proportion of the inhabitants of Upper Canada were prepared to join Mackenzie, in his treasonable enterprise, or were so disposed that we may suppose they would have arrayed themselves on his side, had he obtained any momentary success, as indeed was for some days within his grasp. Even if I were convinced that a large proportion of the population would, under any circumstances, have lent themselves to his projects, I should be inclined to attribute such a disposition merely to the irritation produced by those temporary causes of dissatisfaction with the government of the province which I have specified, and not to any settled design on the part of any great number, either to subvert existing institutions, or to change their present connection with Great Britain for a junction with the United States. I am inclined to view the insurrectionary movements which did take place as indicative of no deep-rooted disaffection—and to believe, that almost the entire body of the reformers of this province sought only, by constitutional means, to obtain those objects for which they had so long peaceably struggled, before the unhappy troubles occasioned by the violence of a few unprincipled adventurers and heated enthusiasts.

It cannot, however, be doubted, that the events of the past year have greatly increased the difficulty of settling the disorders of Upper Canada. A degree of discontent, approaching, if not amounting to disaffection, has gained considerable ground. The causes of dissatisfaction continue to act on the minds of the reformers; and their hope of redress, under the present order of things, has been seriously diminished. The exasperation caused by the conflict itself—the suspicions and terrors of that trying period—and the use made by the triumphant party of the power thrown into their hands—have heightened the passions which existed before. It certainly appeared too much as if the rebellion had been purposely invited by the government—and the unfortunate men who took part in it deliberately drawn into a trap, by those who subsequently inflicted so severe a punishment on them for their error. It seemed, too, as if the dominant party made use of the occasion afforded it by the real guilt of a few desperate and imprudent men, in order to persecute or disable the whole body of their political opponents. A great number of perfectly innocent individuals were thrown into prison, and suffered in person, property and character. The whole body of reformers were subjected to suspicion, and to harrassing proceedings, instituted by magistrates whose political leanings were notoriously adverse to them. Severe laws were passed, under colour of which, individuals very generally esteemed were punished without any form of trial.

The two persons who suffered the extreme penalty of the law unfortunately engaged a great share of the public sympathy; their pardon had been solicited in petitions signed, it is generally asserted, by no less than 30,000 of their countrymen. The rest of the prisoners were detained in confinement a considerable time. A large number of the subordinate actors in the insurrection were severely punished; and public anxiety was raised to the highest pitch, by the uncertainty respecting the fate of the others, who were, from time to time, partially released. It was not until the month of October last, that the whole of the prisoners were disposed of, and a partial amnesty proclaimed, which enabled the large numbers who had fled the country, and so long, and at such imminent hazard, hung on its frontier, to return in security to their homes. I make no mention of the reasons which, in the opinion of the local government, rendered these different steps advisable, because my object is not to discuss the propriety of its conduct, but to point out the effect which it necessarily had in augmenting irritation.

The whole party of the reformers—a party which I am inclined to estimate as very considerable, and which has commanded large majorities in different Houses of Assembly—has certainly felt itself assailed by the policy pursued. It sees the whole powers of government wielded by its enemies, and imagines that it can perceive also a determination to use these powers inflexibly against all the objects which it most values. The wounded private feelings of individuals and the defeated public policy of a party, combine to spread a wide and serious irritation; but I do not believe that this has yet proceeded so far as to induce at all, a general disposition to look to violent measures for redress. The reformers have been gradually recovering their hopes of regaining their ascendancy by constitutional means; the sudden pre-eminence which the question of the Clergy Reserves and Rectories has again assumed during the last summer, appears to have increased their influence and confidence; and I have no reason to believe, that anything can make them generally and decidedly desirous of separation, except some such act of the Imperial government as shall deprive them of all hopes of

obtaining real administrative power, even in the event of their again obtaining a majority in the Assembly. With such a hope before them, I believe that they will remain in tranquil expectation of the result of the general election, which cannot be delayed beyond the summer of 1840.

To describe the character and objects of the other parties in this province would not be very easy; and their variety and complication is so great, that it would be of no great advantage were I to explain the various shades of opinion that mark each. In a very laboured essay, which was published in Toronto, during my stay in Canada, there was an attempt to classify the various parties in the province under six different heads. Some of these were classified according to strictly political opinions—some according to religion—and some according to birth-place; and each party, it was obvious, contained in its ranks a great many who would, according to the designations used, have as naturally belonged to some other.—But it is obvious, from all accounts of the different parties, that the nominal government, that is, the majority of the Executive Council, enjoy the confidence of no considerable party—and that the party called the “Family Compact,” which possesses the majority in both branches of the legislature, is, in fact, supported at present by no very large number of persons of any party. None are more hostile to them than the greater part of that large and spirited British born population, to whose steadfast exertions the preservation of the colony, during the last winter, is mainly attributable—and who see, with indignation, that a monopoly of power and profit is still retained by a small body of men, which seems bent on excluding, from any participation in it, the British emigrants. Zealously co-operating with the dominant party, in resisting treason and foreign invasion, this portion of the population, nevertheless, entertains a general distrust and dislike of them; and though many of the most prominent of the British emigrants have always acted, and still invariably act, in opposition to the reformers, and dissent from their views of responsible government, I am very much inclined to think that they, and certainly the great mass of their countrymen, really desire such a responsibility of the government, as would break up the present monopoly of office and influence.

Besides those causes of complaint, which are common to the whole of the colony, the British settlers have many peculiar to themselves. The emigrants who have settled in the country within the last ten years, are supposed to comprise half the population. They complain that while the Canadians are desirous of having British capital and labour brought into the colony, by means of which their fields may be cultivated, and the value of their unsettled possessions increased, they refuse to make the colony really attractive to British skill and British capitalists. They say that an Englishman, emigrating to Upper Canada, is practically as much an alien in that British colony, as he would be if he were to emigrate to the United States. He may equally purchase and hold lands, or invest his capital in trade, in one country as in the other, and he may in either exercise any mechanical avocation, and perform any species of manual labour. This, however, is the extent of his privileges; his English qualifications avail him little or nothing. He cannot, if a surgeon, licensed to act in England, practise without the license of a board of examiners in the province. If an attorney, he has to submit to an apprenticeship of five years, before he is allowed to practise. If a barrister, he is excluded from the profitable part of his profession; and, though allowed to practise at the bar, the permission thus accorded to him is practically of no use in a country where, as nine attorneys out of ten are barristers also, there can be no business for a mere barrister. Thus a person who has been admitted to the English bar, is compelled to serve an apprenticeship of three years to a provincial lawyer.

By an Act passed last session, difficulties are thrown in the way of the employment of capital in banking, which have a tendency to preserve the monopoly possessed by the chartered banks of the colony, in which the Canadian party are supreme—and the influence of which is said to be employed directly as an instrument for upholding the political supremacy of the party. Under the system, also, of selling land, pursued by the government, an individual does not acquire a patent for his land until he has paid the whole of the purchase-money—a period of from four to ten years, according as his purchase is a Crown or Clergy lot; and until the patent issues he has no right to vote. In some of the new states of America, on the contrary, especially in Illinois, an individual may practise as a surgeon or lawyer almost immediately on his arrival in the country—and he has every right of citizenship after a residence of six months in the state. An Englishman is therefore, in effect, less an alien in a foreign country, than in one which forms a part of the British empire. Such are the superior advantages of the United States at present, that nothing but the feeling, that in the one country

he is among a more kindred people—under the same laws—and in a society whose habits and sentiments are similar to those to which he has been accustomed—can induce an Englishman to settle in Canada, in preference to the States; and if in the former he is deprived of rights which he obtains in the latter, though a foreigner, it is not to be wondered at that he should, in many cases, give the preference to the land in which he is treated most as a citizen. It is very possible, that there are but few cases in which the departure of an Englishman from Upper Canada to the States, can be traced directly to any of these circumstances in particular; yet the state of society and of feeling which they have engendered, has been among the main causes of the great extent of re-emigration to the new States of the Union. It operates, too, still more to deter emigration from England to the provinces: and thus both to retard the advance of the colony, and to deprive the mother-country of one of the principal advantages, on account of which the existence of colonies is desirable—the field which they afford for the employment of her surplus population and wealth. The native Canadians, however, to whatever political party they may belong, appear to be unanimous in the wish to preserve these exclusive privileges. The course of legislation, since the tide of emigration set most strongly to the country, and while under its influence the value of all species of property was rising, and the resources of the province were rapidly, and (for the old inhabitants) profitably developed, has been to draw a yet more marked line between the two classes, instead of obliterating the former distinctions. The law excluding English lawyers from practise is of recent origin. The speaker of the reforming House of Assembly, Mr. Bidwell, was among the strongest opponents of any alteration of that law, which might render it less rigidly exclusive—and, on more than one occasion, gave his casting vote against a bill having for its object the admission of an English lawyer to practise in the province, without serving a previous apprenticeship. This point is of more importance in a colony than it would at first sight appear to any one accustomed only to such a state of society as exists in England. The members of the legal profession are, in effect, the leaders of the people, and the class from which, in a larger proportion than from any other class, legislators are taken. It is, therefore, not merely a monopoly of profit, but, to a considerable extent, a monopoly of power—which the present body of lawyers contrive, by means of this exclusion, to secure to themselves. No man of mature age, emigrating to a colony, could afford to lose five years of his life in an apprenticeship from which he could acquire neither learning nor skill. The few professional men, therefore, who have gone to Upper Canada, have turned their attention to other pursuits, retaining, however, a strong feeling of discontent against the existing order of things. And many who might have emigrated remain at home, or seek some other colony, where their course is not impeded by similar restrictions.

But as in Upper Canada, under a law passed immediately after the last war with the United States, American citizens are forbidden to hold land, it is of the more consequence that the country should be made as attractive as possible to the emigrating middle classes of Great Britain, the only class from which an accession of capital, to be invested in the purchase or improvement of lands, can be hoped for. The policy of the law just referred to may well be doubted, whether the interests of the colony or of the mother country are considered, since the wealth and activity, and consequent commerce of the province, would have been greatly augmented, had its natural advantages of soil and position been allowed to operate in attracting those who were most aware of their existence, and eminently fitted to aid in their development; and there is great reason to believe, that the uncertainty of the titles which many Americans possess to the land on which they have squatted since the passing of this law, is the main cause of much of the disloyalty, or rather very lukewarm loyalty, evinced by that population in the Western District. But when this exclusion has been determined upon, it would at least have been wise to have removed everything that might have seemed like an obstacle in the way of those for whom the land was to be kept open, instead of closing the principal avenues to wealth or distinction against them, in a spirit of petty provincial jealousy.

The great practical question, however, on which these various parties have for a long time been at issue, and which has within a very few months again become the prominent matter in debate, is that of the Clergy Reserves. The prompt and satisfactory decision of this question is essential to the pacification of Canada; and as it was one of the most important questions referred to me for investigation, it is necessary that I should state it fully, and not shrink from making known the light in which it has presented itself to my mind. The disputes on this subject are now of long standing. By the constitutional act, a certain portion of the land in every township was set apart for the maintenance of a "Protestant Clergy." In that portion of this report which treats of the management of the waste lands, the economical mischiefs

which have resulted from this appropriation of territory are fully detailed; and the present disputes relate solely to the application, and not to the mode of raising the funds, which are now derived from the sale of the Clergy Reserves. Under the term "Protestant Clergy," the clergy of the Church of England have always claimed the sole enjoyment of the funds. The members of the Church of Scotland have claimed to be put entirely on a level with the Church of England, and have demanded that these funds should be equally divided between both. The various denominations of Protestant dissenters have asserted that the term includes them, and that out of these funds an equal provision should be made for all Christians who do not belong to the Church of Rome. But a great body of all Protestant denominations, and the numerous Catholics who inhabit the province, have maintained that any such favour towards any one, or even all the Protestant sects, would be most unadvisable, and have either demanded the equal application of those funds to the purposes of all religious creeds whatsoever, or have urged the propriety of leaving each body of religionists to maintain its own establishment, to repeal or disregard the law, and to apply the clergy funds to the general purposes of the government, or to the support of a general system of education.

The supporters of these different schemes having long contended in this province, and greatly inconvenienced the Imperial government by constant references to its decision, the Secretary of State for the Colonies proposed to leave the determination of the matter to the provincial legislatures, pledging the Imperial government to do its utmost to get a parliamentary sanction to whatever course they might adopt. Two bills in consequence passed the last House of Assembly, in which the reformers had the ascendancy, applying these funds to the purposes of education; and both these bills were rejected by the Legislative Council.

During all this time, however, though much irritation had been caused by the exclusive claims of the Church of England, and the favour shown by the government to one, and that a small religious community, the clergy of that church, though an endowed, were not a dominant priesthood. They had a far larger share of the public money than the clergy of any other denomination, but they had no exclusive privileges, and no authority, save such as might spring from the efficient discharge of their sacred duties, or from the energy, ability or influence of members of their body. But the last public act of Sir John Colborne before quitting the government of the province in 1835, which was the establishment of the fifty-seven rectories, has completely changed the aspect of the question. It is understood that every rector possesses all the spiritual and other privileges enjoyed by an English rector; and that though he may have no right to levy tithes, (for even this has been made a question) he is in all other respects in precisely the same position as a clergyman of the established church in England. This is regarded by all other teachers of religion in the country as having at once degraded them to a position of legal inferiority to the clergy of the Church of England; and it has been resented most warmly. In the opinion of many persons, this was the chief predisposing cause of the recent insurrection, and it is an abiding and unabated cause of discontent. Nor is this to be wondered at. The Church of England in Upper Canada, by numbering in its ranks all those who belong to no other sect, represents itself as being more numerous than any single denomination of christians in the country. Even admitting, however, the justice of the principle upon which this enumeration proceeds, and giving that church credit for all that it thus claims, its number could not amount to one-third, probably not a fourth, of the population. It is not, therefore, to be expected that the other sects, three at least of whom—the Methodists, the Presbyterians, and the Catholics—claim to be individually more numerous than the Church of England, should acquiesce quietly in the supremacy thus given to it. And it is equally natural that the English Dissenters and Irish Catholics, remembering the position which they have occupied at home, and the long and painful struggle through which alone they have obtained the imperfect equality they now possess, should refuse to acquiesce for themselves in the creation of a similar establishment in their new country, and thus to bequeath to their children a strife as arduous and embittered as that from which they have so recently and imperfectly escaped.

But for this act, it would have been possible, though highly impolitic, to have allowed the clergy reserves to remain upon their former undetermined and unsatisfactory footing.—But the question as to the application of this property must now be settled, if it is intended that the province is to be free from violent and perilous agitation. Indeed, the whole controversy, which has been, in a great measure, suspended by the insurrection, was, in the course of last summer, revived with more heat than ever by the most inopportune arrival in the colony of opinions given by the English law officers of the Crown, in favour of the legality of the establishment of the rectories. Since that period the question has again absorbed public

attention: and it is quite clear that it is upon this practical point that issue must sooner or later be joined on all the constitutional questions to which I have previously adverted. I am well aware that there are not wanting some who represent the agitation of this question as merely the result of its present unsettled character, and who assert, that if the claims of the English church to the exclusive enjoyment of this property were established by the Imperial Parliament, all parties, however loud their present pretensions, or however vehement their first complaints, would peacefully acquiesce in an arrangement which would then be inevitable. This might be the case if the establishment of some dominant church were inevitable. But it cannot be necessary to point out that in the immediate vicinity of the United States, and with their example before the people of Canada, no injustice, real or fancied, occasioned and supported by a British rule, would be regarded in this light. The result of any determination on the part of the British government or legislature to give one sect a predominance and superiority would be, it might be feared, not to secure the favoured sect, but to endanger the loss of the colony, and, in vindicating the exclusive pretensions of the English church, to hazard one of the fairest possessions of the British Crown.

I am bound, indeed, to state, that there is a degree of feeling, and an unanimity of opinion, on the question of ecclesiastical establishments, over the northern part of the continent of America, which it will be prudent not to overlook in the settlement of this question. The superiority of what is called 'the voluntary principle' is a question on which I may almost say that there is no difference of opinion in the United States; and it cannot be denied that on this, as on other points, the tone of thought prevalent in the Union has exerted a very considerable influence over the neighbouring provinces. Similar circumstances, too, have had the effect of accustoming the people of both countries to regard this question in a very different light from that in which it appears in the old world; and the nature of the question is indeed entirely different in old and new countries. The apparent right which time and custom give to the maintenance of an ancient and respected institution cannot exist in a recently settled country, in which every thing is new; and the establishment of a dominant church there is a creation of exclusive privileges in favour of one out of many religious denominations, and that composing a small minority, at the expense, not merely of the majority, but of many as large minorities. The church, too, for which alone it is proposed that the state should provide is the church which, being that of the wealthy, can best provide for itself, and has the fewest poor to supply with gratuitous religious instruction. Another consideration which distinguishes the grounds on which such a question must be decided in old and new countries is, that the state of society in the latter is not susceptible of such an organization as is necessary for the efficiency of any church establishment of which I know, more especially of one so constituted as the established church of England; for the essence of the establishment is its parochial clergy. The services of a parochial clergy are almost inapplicable to a colony where a constantly varying population is widely scattered over the country. Any clergy there must be rather missionary than parochial.

A still stronger objection to the creation of a church establishment in this colony is, that not merely are the members of the church of England a small minority at present, but, inasmuch as the majority of emigrants are not members of the church of England, the disproportion is likely to increase, instead of disappearing, in the course of time. The mass of British emigrants will be either from the middle classes of Great Britain or the poorer classes of Ireland, the latter almost exclusively Catholics, and the former in a great proportion either Scotch Presbyterians or English Dissenters.

It is most important that this question should be settled, and so settled as to give satisfaction to the majority of the people of the two Canadas, whom it equally concerns: and I know of no mode of doing this but by repealing all provisions in imperial Acts that relate to the application of the clergy reserves, and the funds arising from them, leaving the disposal of the funds to the local legislature, and acquiescing in whatever decision it may adopt. The views which I have expressed on this subject sufficiently mark my conviction, that, without the adoption of such a course, the most mischievous practical cause of dissension will not be removed.

I feel it my duty, also, in this, as in the Lower Province, to call especial attention to the policy which has been, and which ought to be, pursued towards the large catholic population of the province. On this subject I have received complaints of a general spirit of intolerance and disfavour towards all persons of this creed, to which I am obliged to give considerable credit, from the great respectability and undoubted loyalty of those from whom the complaints

were received. Bishop McDonell, the venerable Roman Catholic Bishop of Kingston, and Mr. Manahan, M.P. for the county of Hastings, have made representations in letters, which will be given in the appendix to this report. The Catholics constitute at least a fifth of the whole population of Upper Canada. Their loyalty was most generally and unequivocally exhibited at the late outbreak. Nevertheless, it is said that they are wholly excluded from all share in the government of the country and the patronage at its disposal. "In Upper Canada," says Mr. Manahan, "there never was one Irish Roman Catholic an executive or legislative councillor, nor has one been ever appointed to any public situation of emolument and profit in the colony."

The Irish Catholics complain very loudly and justly of the existence of Orangism in this colony. They are justly indignant that, in a province which their loyalty and bravery have materially contributed to save, their feelings are outraged by the symbols and processions of this association. It is somewhat difficult to understand the nature and objects of the rather anomalous Orangism of Upper Canada. Its members profess to desire to uphold the Protestant religion, but to be free from those intolerent feelings toward their Catholic countrymen which are the distinctive marks of the Irish Orangemen. They assert that the main object, to which the support of the English church is subsidiary, is to maintain the connexion with Great Britain. They have sworn, it is said, many ignorant Catholics into their body; and at their public dinners, after drinking the "pious, glorious, and immortal memory," with all the usual formality of abuse of the Catholics, they toast the health of the Catholic Bishop, McDonell. It would seem that their great purpose has been to introduce the machinery, rather than the tenets, of orangeism; and the leaders probably hope to make use of this kind of permanent conspiracy and illegal organization to gain political power for themselves. In fact, the Catholics scarcely appear to view this institution with more jealousy than the reformers of the province. It is an Irish Tory institution, having not so much a religious as a political bearing. The Irish Catholics who have been initiated have entered it chiefly from its supposed national character, and probably with as little regard to the political as to the religious objects, with which it is connected. Still the organization of this body enables its leaders to exert a powerful influence over the populace; and it is stated that at the last general election the Tories succeeded in carrying more than one seat by means of the violence of the organized mob thus placed at their disposal. It is not, indeed, at the last election only that the success of the government candidate has been attributed to the existence of this association. At former elections, especially those for the county of Leeds, it is asserted, that the return of the Canadian Deputy Grand Master, and of the then Attorney-General, his colleague, was procured by means of a violent and riotous mob of Orangemen, who prevented the voters in the opposition interest from coming up to the poll. In consequence of this and other similar outrages, the Assembly presented an address to Sir Francis Head, begging "that his Excellency would be pleased to inform the house whether the government of the province had taken, or determined to take, any steps to prevent or discourage public processions of Orange societies, or to discourage the formation and continuance of such societies." To this address the Governor made the following reply;—"The government of this province has neither taken, nor has it determined to take, any steps to prevent or discourage the formation or continuance of such societies." It is to be presumed that this answer proceeded from a disbelief of the truth of those charges of outrage and riot which were made the foundation of the address. But it can excite no surprise that the existence of such an institution, offending one class by its contemptuous hostility to their religion, and another by its violent opposition to their politics, and which had been sanctioned by the governor, as was conceived, on account of its political tendencies, should excite among both classes a deep feeling of indignation, and add seriously to the distrust with which the government was regarded.

In addition to the irritation engendered by the position of parties, by the specific causes of dispute to which I have adverted, and by those features in the government of the colony which deprive the people of all power to effect a settlement of the questions by which the country is most deeply agitated, or to redress abuses in the institutions or in the administration of the province, there are permanent causes of discontent, resulting from the existence of deep-seated impediments in the way of its industrial progress. The province is without any of those means by which the resources of a country are developed, and the civilization of a people is advanced or upheld. The general administration of justice, it is true, appears to be much better in Upper than in Lower Canada. Courts of justice, at least, are brought into every man's neighbourhood by a system of circuits, and there is still some integrity in

juries. But there are general complaints of the union of political and judicial functions in the Chief Justice; not because any suspicion attaches to that judge's discharge of his duties, but on account of the party grounds upon which his subordinates are supposed to be appointed, and the party bias attributed to them. Complaints, too, similar to those which I have adverted to in the lower province, are made against the system by which the sheriffs are appointed. It is stated that they are selected exclusively from the friends or dependents of the ruling party; that very insufficient securities are taken from them; and that the money arising from executions and sales, which are represented as unhappily very numerous in this province, generally remains in their hands for at least a year. For reasons also which I have specified in my account of the lower province, the composition of the magistracy appears to be a serious cause of mischief and dissatisfaction.

But, independently of these sources of complaint, are the impediments which I have mentioned. A very considerable portion of the province has neither roads, post-offices, mills, schools, nor churches. The people may raise enough for their own subsistence, and may even have a rude and comfortless plenty, but they can seldom acquire wealth; nor can even wealthy land-owners prevent their children from growing up ignorant and boorish, and from occupying a far lower mental, moral and social position than they themselves fill. Their means of communication with each other, or the chief towns of the province, are limited and uncertain. With the exception of the labouring class, most of the emigrants who have arrived within the last ten years are poorer now than at the time of their arrival in the province. There is no adequate system of local assessment to improve the means of communication; and the funds occasionally voted for this purpose are, under the present system, disposed of by a House of Assembly which represents principally the interests of the more settled districts, and which, it is alleged, has been chiefly intent in making their disposal a means of strengthening the influence of its members in the constituencies which they represent. These funds have consequently almost always been applied in that part of the country where they were least needed; and they have been too frequently expended so as to produce scarcely any perceptible advantages. Of the lands which were originally appropriated for the support of schools throughout the country, by far the most valuable portion has been diverted to the endowment of the University, from which those only derive any benefit who reside in Toronto, or those who, having a large assured income, are enabled to maintain their children in that town at an expense which has been estimated at £50 per annum for each child. Even in the most thickly peopled districts, there are but few schools, and those of a very inferior character; while the more remote settlements are almost entirely without any.

Under such circumstances there is little stimulus to industry or enterprise, and their effect is aggravated by the striking contrast presented by such of the United States as border upon this province, and where all is activity and progress. I shall hereafter, in connection with the disposal of the public lands, advert to circumstances affecting not Upper Canada merely, but the whole of our North American colonies in an almost equal degree, which will illustrate in detail the causes and results of the more prominent of these evils. I have referred to the topic in this place, in order to notice the inevitable tendency of these inconveniences to aggravate whatever discontent may be produced by purely political causes, and to draw attention to the fact, that those who are most satisfied with the present political state of the province, and least disposed to attribute economical injuries or social derangement to the form or the working of the government, feel and admit that there must have been something wrong to have caused so striking a difference in progress and wealth, between Upper Canada and the neighbouring States of the Union. I may also observe, that those evils affect chiefly that portion of the people which is composed of British emigrants, and who have had no part in the causes to which they are attributable. The native-born Canadians, as they generally inhabit the more settled districts of the province, are the owners of nearly all the waste lands, and have almost exclusively had the application of all public funds, might be expected to have escaped from the evils alluded to, and even to have profited by the causes out of which they sprung. The number of those who have thus profited is, however, comparatively small; the majority of this class, in common with the emigrant population, have suffered from the general depression, and share in the discontent and restlessness which this depression has produced.

The trade of the country is, however, a matter which appears to demand a notice here, because, so long as any such marked and striking advantages in this respect are enjoyed by Americans, as at present arise from causes which government has the power to remove, it is impossible but that many will look forward with desire to political changes. There are laws

which regulate, or rather prohibit, the importation of particular articles, except from England, especially of tea, which were framed originally to protect the privileges of monopolies here, but which have been continued in the province after the English monopoly has been removed. It is not that these laws have any appreciable effect in raising the price of the commodities in question—almost all used in the province is smuggled across the frontier—but their operation is at once injurious to the fair dealer, who is undersold by persons who have obtained their articles in the cheaper market of the United States, and to the province, which can neither regulate the traffic, nor make it a source of revenue. It is probable, indeed, that the present law has been allowed to continue through inadvertance; but if so, it is no very satisfactory evidence of the care or information of the Imperial Government, that it knows or feels so little the oppressive influence of the laws to which it subjects its dependencies.

Another, and more difficult topic connected with this subject is, the wish of this province that it should be allowed to make use of New York as a port of entry. At present the rate of duty upon all goods coming from the United States, whatever may be their nature, or the port in Europe from which they have been shipped, is such as to compel all importers to receive the articles of their trade through the St. Lawrence, the navigation of which river opens generally several weeks later than the time at which goods may be obtained in all the parts of Upper Canada bordering upon Lake Ontario, by way of Oswego. The dealer, therefore, must submit to an injurious delay in his business, or must obtain his goods in the autumn, and have his capital lying dead for six months. Either of these courses must lessen the amount of traffic, by diminishing the quantity, or increasing the price, of all commodities; and the mischief is seriously enhanced by the monopoly which the present system places in the hands of what are called the 'forwarders' on the St. Lawrence and the Rideau Canal.—If goods might be shipped from England to be landed at New York in bond, and to be admitted into Upper Canada free of duty upon the production of a certificate from the officer of customs at the English port from which they are shipped, this inconvenience would be removed, and the people of the province would in reality benefit by their connexion with England in the superior cheapness of their articles, without paying for it as highly as they do at the present in the limitation of their commerce.

I have already stated, in my account of Lower Canada, the difficulties and disputes which are occasioned by the financial relations of the two provinces. The state of affairs, however, which causes these disputes is of far greater practical mischief to Upper Canada. That province, some years ago, conceived the very noble project of removing or obviating all the natural impediments to the navigation of the St. Lawrence; and the design was to make these works on a scale so commensurate with the capabilities of that broad and deep river, as to enable sea-going vessels to navigate its whole course to the head of Lake Huron. The design was, perhaps, too vast, at least for the first effort of a state at that time comparatively so small and poor; but the boldness with which the people undertook it, and the immense sacrifices which they made in order to achieve it, are gratifying indications of a spirit which bids fair hereafter to render Upper Canada as thriving a country as any state of the American Union. The House of Assembly, with this object in view, took a large portion of the shares of the Welland Canal, which had been previously commenced by a few enterprising individuals. It then commenced the great ship canal, called the Cornwall Canal, with a view of enabling ships of considerable draught to avoid the Long Sault Rapids; and this work was, at an immense outlay, brought very far towards a completion. It is said that there was great mismanagement, and perhaps no little jobbing, in the application of the funds, and the execution of the work. But the greatest error committed was the undertaking the works in Upper, without insuring their continuation in Lower Canada; for the whole of the works in the Upper province, when completed, would be comparatively, if not utterly useless, without the execution of similar works on that part of the St. Lawrence which lies between the province line and Montreal. But this co-operation the Lower Canadian Assembly refused or neglected to give; and the works of the Cornwall Canal are now almost suspended, from the apparent inutility of completing them.

The necessary expense of these great undertakings was very large; and the prodigality superadded thereto has increased it to such an extent, that this province is burdened with a debt of more than £1,000,000; the whole revenue, which is about £60,000, being hardly adequate to pay the interest. The province has already been fortunately obliged to throw the whole support of the few and imperfect local works which are carried on in different parts of the province, on local assessments; but it is obvious that it will soon be obliged to have recourse to direct taxation, to meet its ordinary civil expenditure; for the custom duties can-

not be increased without the consent of Lower Canada; and that consent it is useless to expect from any House of Assembly chosen under the suspended constitution. The canals, of which the tolls would, if the whole series of necessary works were completed, in all probability render the past outlay a source of profit, instead of loss, remain in a state of almost hopeless suspension; the Cornwall canal being unfinished, and the works already completed daily falling into decay, and the Welland Canal, which has been a source of great commercial benefit, being now in danger of becoming useless, from want of money to make the necessary repairs. After all its great hopes, and all the great sacrifices which it has made to realize them, Upper Canada now finds itself loaded with an enormous debt, which it is denied the means of raising its indirect taxation to meet, and mocked by the aspect of those unfinished works, which some small combined efforts might render a source of vast wealth and prosperity, but which now are a source of useless expense and bitter disappointment.

It may well be believed that such a state of things is not borne without repining by some of the most enterprising and loyal people of the province. It is well known that the desire of getting over these difficulties has led many persons in this province to urge the singular claim to have a convenient portion of Lower Canada taken from that province and annexed to Upper Canada; and that it induces many to desire an union of the provinces as the only efficient means of settling all these disputes on a just and permanent footing. But it cannot be matter of surprise, that in despair of any sufficient remedies being provided by the Imperial Government, many of the most enterprising colonists of Upper Canada look to that bordering country, in which no great industrial enterprise ever feels neglect or experiences a check, and that men the most attached to the existing form of government would find some compensation in a change, whereby experience might bid them hope that every existing obstacle would be speedily removed, and each man's fortune share in the progressive prosperity of a flourishing state.

A dissatisfaction with the existing order of things, produced by causes such as I have described, necessarily extends to many who desire no change in the political institutions of the province. Those who most admire the form of the existing system wish to see it administered in a very different mode. Men of all parties feel that the actual circumstances of the colony are such as to demand the adoption of widely different measures from any that have yet been pursued in reference to them. They ask for greater firmness of purpose in their rulers, and a more defined and consistent policy on the part of the government—something, in short, that will make all parties feel that an order of things has been established, to which it is necessary that they should conform themselves, and which is not to be subject to any unlooked for and sudden interruption, consequent upon some unforeseen move in the game of politics in England. Hitherto, the course of policy adopted by the British government towards this colony, has had reference to the state of parties in England, instead of the wants and circumstances of the province: neither party could calculate upon a successful result to their struggles for any particular object, because, though they might be able to estimate accurately enough their strength in the colony, they could not tell how soon some hidden spring might be put in motion in the Colonial Office in England, which would defeat their best laid plans, and render utterly unavailing whole years of patient effort.

## THE EASTERN PROVINCES, AND NEWFOUNDLAND.

THOUGH I have stated my opinion that my inquiries would have been very incomplete had they been confined to the two Canadas, the information which I am enabled to communicate with respect to the other North American colonies is necessarily very limited. As, however, in these provinces, with the exception of Newfoundland, there are no such discontents as threaten the disturbance of the public tranquillity, I did not think it necessary to institute any minute inquiries into the details of the various departments of government. It is only necessary that I should state my impression of the general working of the government in these colonies, in order that if insitutions similar to those of the disturbed provinces should here appear to be tending to similar results, a common remedy may be devised for the impending as well as for existing disorders. On this head I have obtained much useful information from the communications which I had with the Lieutenant Governors of these colonies, as well as with individuals connected with them, but above all, from the lengthened discussions which passed between me and the gentlemen who composed the deputations sent to me last autumn from each of the three Eastern Provinces, for the purpose of discussing the principles as well as

details of a plan of general government for the whole of the British North American colonies. It was most unfortunate that the events of temporary, but pressing importance, which compelled my return to England, interrupted these discussions; but the delegates with whom I had the good fortune to carry them on, were gentlemen of so much ability, so high in station, and so patriotic in their views, that their information could not fail to give me a very fair view of the working of the colonial constitution under somewhat different circumstances in each. I insert in the appendix a communication which I received from one of the gentlemen, Mr. Young, a leading and very active member of the House of Assembly of Nova Scotia, respecting that province.

It is not necessary, however, that I should enter into any lengthened account of the nature or working of the form of government established in these provinces, because in my account of Lower Canada I have described the general characteristics of the system common to all, and adduced the example of these provinces in illustration of the defects of their common system. In all these provinces we find representative government coupled with an irresponsible executive; we find the same constant collision between the branches of the government; the same abuse of the powers of the representative bodies, owing to the anomaly of their position, aided by the want of good municipal institutions, and the same constant interference of the imperial administration, in matters which should be left wholly to the provincial governments. And if in these provinces there is less formidable discontent, and less obstruction to the regular course of government, it is because in them there has been recently a considerable departure from the ordinary course of the colonial system, and a nearer approach to sound constitutional practice.

This is remarkably the case in New Brunswick, a province which was till a short time ago one of the most constantly harrassed by collisions between the executive and legislative powers; the collision has now been in part terminated by the concession of all the revenues of the province to the Assembly. The policy of this concession, with reference to the extent and mode in which it was made, will be discussed in the separate report on the disposal and management of public lands; but the policy of the government in this matter has at any rate put an end to disputes about the revenue, which were on the point of producing a constant parliamentary conflict between the crown and the Assembly, in many respects like that which has subsisted in Lower Canada; but a more important advance has been made towards the practice of the British constitution in a recent change which has been made in the Executive and Legislative Councils of the colony, whereby, as I found from the representatives of the present official body in the delegation from New Brunswick, the administrative power of the province had been taken out of the hands of the old official party, and placed in those of members of the former liberal opposition. The constitutional practice had been, in fact, fully carried into effect in this province; the government had been taken out of the hands of those who could not obtain the assent of the majority of the Assembly, and placed in the hands of those who possessed its confidence: the result is, that the government of New Brunswick, till lately, one of the most difficult in the North American colonies, is now the most harmonious and easy.

In Nova Scotia, some, but not a complete, approximation has been made to the same judicious course. The government is in a minority in the House of Assembly, and the Assembly and the Legislative Council do not perfectly harmonize. But the questions which divide parties at present happen really to be of no great magnitude, and all are united and zealous in the great point of maintaining the connection with Great Britain. It will be seen from Mr. Young's paper, that the questions at issue, though doubtless of very considerable importance, involve no serious discussion between the government and the people. The majority of the opposition is stated by the official party to be very uncertain, and is admitted by themselves to be very narrow. Both parties look with confidence to the coming general election; and all feel the greatest reliance on the good sense and good intentions of the present Lieutenant Governor, Sir Colin Campbell.

I must, however, direct particular attention to the following temperate remarks of Mr. Young on the constitution of the Executive and Legislative Councils:—

“The majority of the House of Assembly is dissatisfied with the composition of the Executive and Legislative Councils, and the preponderance in both of interests which they conceive to be unfavourable to reform;—this is the true ground, as I take it, of the discontent that is felt. The respectability and private virtues of the gentlemen who sit at the two

Council Boards, are admitted by all; it is of their political and personal predilections that the people complain; they desire reforming and liberal principles to be more fully represented and advocated there, as they are in the Assembly.

"The majority of the House, while they appreciate and have acknowledged the anxiety of His Excellency the Lieutenant-Governor to gratify their just expectations, have also expressed their dissatisfaction that the Church of England should have been suffered to retain a majority in both councils, notwithstanding the remonstrances of the house and the precise and explicit directions of the Colonial Secretary. Religious dissensions are happily unknown amongst us, and the true way to prevent their growth and increase, is to avoid conferring an inordinate power on any one sect, however worthy it may be of respect or favour."

The political history of Prince Edward's Island is contained in the system pursued with regard to its settlement, and the appropriation of its lands, which is fully detailed in the subsequent view of that department of government in the North American Colonies; and its past and present disorders are but the sad result of that fatal error which stifled its prosperity in the very cradle of its existence, by giving up the whole island to a handful of distant proprietors. Against this system, this small and powerless community has in vain been struggling for some years; a few active and influential proprietors in London have been able to drown the remonstrances and defeat the efforts of a distant and petty province; for the ordinary evils of distance are, in the instance of Prince Edward's Island, aggravated by the scantiness of its population, and the confined extent of its territory. This island, most advantageously situated for the supply of the surrounding colonies, and of all the fisheries, possesses a soil peculiarly adapted to the production of grain, and, from its insular position, is blessed with a climate far more genial than a great part of the continent which lies to the southward. Had its natural advantages been turned to proper account, it might at this time have been the granary of the British colonies, and, instead of barely supporting a poor and enterprising population of 40,000, its more agricultural resources would, according to Major Head, have maintained in abundance a population of at least ten times that number. Of nearly 1,400,000 acres contained in this island, only 10,000 are said to be unfit for the plough. Only 100,000 are now under cultivation. No one can mistake the cause of this lamentable waste of the means of national wealth. It is the possession of almost the whole soil of the island by absentee proprietors, who would neither promote nor permit its cultivation, combined with the defective government which first caused and has since perpetuated the evil. The simple legislative remedy for all this mischief having been suggested by three successive secretaries of state, has been embodied in an act of the local legislature, which was reserved for the royal assent; and the influence of the proprietors in London was such, that that assent was for a long time withheld. The question was referred to me during my stay in Canada: and I believe I may have the satisfaction of attributing to the recommendation which I gave, in accordance with the earnest representations of the Lieut.-Governor, Sir Charles Fitzroy, the adoption at last of a measure intended to remove the abuse that has so long retarded the prosperity of this colony.

The present condition of these colonies presents none of those alarming features which mark the state of the two Canadas. The loyalty and attachment to the mother country which animate their inhabitants are warm and general. But their varied and ample resources are turned to little account. Their scanty population exhibits, in most portions of them, an aspect of poverty, backwardness, and stagnation; and wherever a better state of things is visible, the improvement is generally to be ascribed to the influx of American settlers or capitalists. Major Head describes his journey through a great part of Nova Scotia as exhibiting the melancholy spectacle of "half the tenements abandoned, and lands every where falling into decay;" "and the lands," he tells us, "that were purchased 30 or 40 years ago, at 5s. an acre, are now offered for sale at 3s." "The people of Prince Edward's Island are," he says, "permitting Americans to take out of their hands all their valuable fisheries, from sheer want of capital to employ their own population in them." "The country on the noble river St. John's," he states, "possesses all that is requisite, except that animation of business which constitutes the value of a new settlement." But the most striking indication of the backward state of these provinces is afforded by the amount of the population. These provinces, among the longest-settled on the North American continent, contain nearly 30,000,000 of acres, and a population, estimated at the highest, at no more than 365,000 souls, giving only one inhabitant for every 80 acres. In New Brunswick, out of 16,500,000 acres, it is estimated that at least 15,000,000 are fit for cultivation; and the population being estimated at no more than 140,000, there is not one inhabitant for 100 acres of cultivatable land.

It is a singular and melancholy feature in the condition of these provinces, that the resources rendered of so little avail to the population of Great Britain are turned to better account by the enterprising inhabitants of the United States. While the emigration from the province is large and constant, the adventurous farmers of New England cross the frontier and occupy the best farming lands. Their fishermen enter our bays and rivers, and in some cases monopolize the occupations of our own unemployed countrymen, and a great portion of the trade of the St. John's is in their hands. Not only do the citizens of a foreign nation do this, but they do it with British capital. Major Head states, "that an American merchant acknowledged to him that the capital with which his countrymen carried on their enterprises in the neighbourhood of St. John's, was chiefly supplied by Great Britain; and," he adds, as a fact within his own knowledge, "that wealthy capitalists at Halifax, desirous of an investment for their money, preferred lending it in the United States to applying it to speculation in New Brunswick, or to lending it to their own countrymen in that province."

I regret to say that Major Head also gives the same account respecting the difference between the aspect of things in these provinces and the bordering state of Maine. On the other side of the line, good roads, good schools, and thriving farms, afford a mortifying contrast to the condition in which a British subject finds the neighbouring possessions of the British Crown.

With respect to the colony of Newfoundland I have been able to obtain no information whatever, except from sources open to the public at large. The Assembly of that island signified their intention of making an appeal to me respecting some differences with the Governor, which had their immediate origin in a dispute with a judge. Owing, probably, to the uncertain and tardy means of communication between Quebec and that island, I received no further communication on this or any other subject until after my arrival in England, when I received an address expressive of regret at my departure.

I know nothing, therefore, of the state of things in Newfoundland, except that there is, and long has been, the ordinary colonial collision between the representative body on one side and the executive on the other; that the representatives have no influence on the composition or the proceedings of the executive government; and that the dispute is now carried on, as in Canada, by impeachments of various public officers on the one hand, and prorogations on the other. I am inclined to think that the cause of these disorders is to be found in the same constitutional defects as those which I have signalized in the rest of the North American colonies. If it be true that there exists in this island a state of society which renders it unadvisable that the whole of the local government should be entirely left to the inhabitants, I believe that it would be much better to incorporate this colony with a larger community, than to attempt to continue the present experiment of governing it by a constant collision of constitutional powers.

## DISPOSAL OF PUBLIC LANDS; EMIGRATION.

I HAVE mentioned the peculiar importance which, in newly-settled societies, is attached to works for creating and improving the means of communication. But in such communities, and especially when only a small proportion of the land has been occupied by settlers, there is a still more momentous subject of public concern. I allude to an operation of government, which has a paramount influence over the happiness of individuals, and the progress of society towards wealth and greatness—I am speaking of the disposal, by the government, of the lands of the new country. In old countries, no such matter ever occupies public attention; in new colonies, planted on a fertile and extensive territory, this is the object of the deepest moment to all, and the first business of the government. Upon the manner in which this business is conducted, it may almost be said that every thing else depends. If lands are not bestowed on the inhabitants and new-comers with a generous hand, the society endure the evils of an old and over-peopled state, with the superadded inconveniencies that belong to a wild country. They are pinched for room, even in the wilderness—are prevented from choosing the most fertile soils and favourable situations—and are debarred from cultivating that large extent of soil, in proportion to the hands at work, which can alone compensate, in quantity of produce, for the rude nature of husbandry in the wilderness. If, on the other hand, the land is bestowed with careless profusion, great evils of another kind are produced. Large tracts become the property of individuals, who leave their lands unsettled and untouched. Deserts are thus in-

terposed between the industrious settlers; the natural difficulties of communication are greatly enhanced; the inhabitants are not merely scattered over a wide space of country, but are separated from each other by impassable wastes; the cultivator is cut off or far removed from a market in which to dispose of his surplus produce, and procure other commodities; and the greatest obstacles exist to co-operation in labour—to exchange—to the division of employments—to combination for municipal or other public purposes—to the growth of towns—to public worship—to regular education—to the spread of news—to the acquisition of common knowledge—and even to the civilizing influences of mere intercourse for amusement. Monotonous and stagnant, indeed, must ever be the state of a people who are permanently condemned to such separation from each other. If, moreover, the land of a new country is so carelessly surveyed, that the boundaries of property are incorrectly or inadequately defined, the government lays up a store of mischievous litigation for the people. Whatever delay takes place in perfecting the titles of individuals to lands alienated by the government, occasions equal uncertainty and insecurity of property. If the acquisition of land, in whatever quantities, is made difficult or troublesome, or is subjected to any needless uncertainty or delay, applicants are irritated—settlement is hindered—and immigration to the colony is discouraged, as emigration from it is promoted. If very different methods of proceeding have effect in the same colony, or in different parts of the same group of colonies, the operation of some can scarcely fail to interfere with or counteract the operation of others: so that the object of the government must, somewhere or at some time, be defeated. And frequent changes of system are sure to be very injurious, not only by probably displeasing those who either obtain land just before, or desire to obtain some just after each change, but also by giving a character of irregularity, uncertainty, and even mystery, to the most important proceedings of government. In this way settlement and emigration are discouraged: inasmuch as the people, both of the colony and of the mother country, are deprived of all confidence in the permanency of any system, and of any familiar acquaintance with any of the temporary methods. It would be easy to cite many other examples of the influence of government in this matter. I will but mention one more here. If the disposal of public lands is administered partially, with favour to particular persons or classes, a sure result is the anger of all who do not benefit by such favouritism—the far greater number, of course—and consequently the general unpopularity of the government.

Under suppositions the reverse of these, the best, instead of the worst, effects would be produced; a constant and regular supply of new land, in due proportion to the wants of a population increasing by births and immigration; all the advantages to which facilities of transport and communication are essential; certainty of limits, and security of title to property in land; the greatest facilities in acquiring the due quantity; the greatest encouragements to immigration and settlement; the most rapid progress of the people in material comfort and social improvement; and a general sense of obligation to government. What a contrast do the two pictures present! Neither of them is over-coloured; and a mere glance at both suffices to show, that in the North American colonies of England, as in the United States, the function of authority most full of good or evil consequences has been the disposal of public land.

Impressed before my departure from England, with a sense of the great importance of this subject, and indulging a hope, founded on the very remarkable success of a new method of disposing of public lands in your Majesty's Australian colonies, that I might be able to recommend beneficial reforms in the North American provinces, I took precaution for instituting a thoroughly efficient inquiry into the whole subject generally, and in detail; and I was the more disposed to do this, because while an inquiry by a select committee of the House of Commons, in 1836, furnished abundant information on the subject, as respects most parts of your Majesty's colonial empire, the North American provinces had been specifically excluded from that inquiry; and I could not obtain in England any authentic, or at least sufficient information as to the disposal of public lands in any of them. Within a very short time after my arrival in Canada, the expediency of a searching inquiry into the subject, became more than ever apparent to me. A common belief in the extent of my powers, revived innumerable complaints of abuse, and applications for justice or favour, which had slumbered during previous years. During my residence in the Canadas, scarcely a day passed without my receiving some petition or representation relating to the Crown Lands Department; and matters belonging to this branch of government necessarily occupied a far larger proportion than any other of my correspondence with the Secretary of State. The information which I now possess was chiefly obtained by means of a commission of inquiry, which, having regard

to the probable advantages of an uniform system for the whole of British North America, and to the deep and universal interest taken in this subject by the colonists, I issued in your Majesty's name, and made applicable to all the provinces. Minutes of the evidence given before the commissioners are appended to the present report, together with a separate report, containing the outline of a plan for the future administration of this all-influential department of government. If that plan, or any other founded on similar principles, should be adopted by your Majesty, and the imperial legislature, I do firmly believe that an impulse will be given to the prosperity of your Majesty's North American possessions, surpassing what their most sanguine well-wisher, if unacquainted with the facts, would be capable of imagining; and more calculated than any other reform whatever, to attach the people of British North America to your Majesty's throne—and to cement and perpetuate an intimate connection between the colonies and the mother country. I shall have to return to this point hereafter. I have mentioned it here for the purpose of inviting your Majesty's attention, and awakening that of your ministers and of parliament to a theme which, however little it has hitherto interested the imperial government, is the object of constant and earnest discussion in the colonies.

In the United States, ever since the year 1796, the disposal of public land not already appropriated to particular states, has been strictly regulated by a law of congress; not by different laws for the various parts of the country, but by one law for the whole of the public lands, and a law which we may judge to have been conducive to the prosperity of the people, both from its obvious good effects, and from its almost unquestioned continuance for so many years. In the British North American colonies, with one partial exception, there never has been, until quite recently, any law upon the subject. The whole of the public lands have been deemed the property of the crown, and the whole of the administration for disposing of them to individuals, with a view to settlement, has been conducted by officers of the crown, under instructions from the treasury or the colonial department in England. The provincial assemblies, except quite recently in New Brunswick and Upper Canada, have never had any voice in this matter; nor is the popular controul in those two cases much more than nominal. The imperial parliament has never interfered but once, when, leaving all other things untouched, it enacted the unhappy system of "clergy reserves." With these very slight exceptions, the Lords of the Treasury and Colonial Secretary of State for the time being, have been the only legislators; and the provincial agents of the Colonial Secretary, responsible to him alone, have been the sole executors.

The system of the United States appears to combine all the chief requisites of the greatest efficiency. It is uniform throughout the vast federation; it is unchangeable save by congress, and has never been materially altered; it renders the acquisition of new land easy, and yet, by means of a price, restricts appropriation to the actual wants of the settler; it is so simple as to be readily understood; it provides for accurate surveys, and against needless delays; it gives an instant and secure title; and admits of no favouritism, but distributes the public property amongst all classes and persons upon precisely equal terms. That system has promoted an amount of immigration and settlement of which the history of the world affords no other example; and it has produced to the United States a revenue which has averaged about half a million sterling per annum, and has amounted in one twelvemonth to about four millions sterling, or more than the whole expenditure of the federal government.

In the North American colonies there never has been any system. Many different methods have been practised, and this not only in the different colonies, but in every colony at different times, and within the same colony at the same time. The greatest diversity and most frequent alteration would almost seem to have been the objects in view. In only one respect has there been uniformity. Every where the greatest profusion has taken place, so that in all the colonies, and nearly in every part of each colony, more, and very much more land has been alienated by the government than the grantees had at the time, or now have, the means of reclaiming from a state of wilderness; and yet in all the colonies, until lately, and in some of them still, it is either very difficult or next to impossible for a person of no influence to obtain any of the public land. More or less in all the colonies, and in some of them to an extent which would not be credited if the fact were not established by unquestionable testimony, the surveys have been inaccurate, and the boundaries, or even the situation of estates, are proportionably uncertain. Everywhere, needless delays have harrassed and exasperated applicants; and everywhere, more or less, I am sorry but compelled to add, gross favouritism has prevailed in the disposal of public lands. I have mentioned but a part of the evils, grievances, and abuses, of which your Majesty's subjects in the colonies justly

complain, as having arisen from mal-administration in this department. Those evils remain wholly unremedied, most of those grievances are unredressed, and not a few of those abuses are unreformed at this hour. Their present existence has been forced on my conviction by indisputable evidence. If they had passed away, I should scarcely have alluded to them. If I had any hope of seeing them removed otherwise than by means of giving them authentic publicity, I should have hesitated to speak of them as I have done. As it is, I should ill perform the duty which your Majesty was pleased to confide to me, if I failed to describe them in the plainest terms.

The results of long misgovernment in this department, are such as might have been anticipated by any person understanding the subject. The administration of the public lands, instead of always yielding a revenue, cost for a long while more than it produced. But this is, I venture to think, a trifling consideration when compared with others. There is one in particular which has occurred to every observant traveller in these regions, which is a constant theme of boast in the states bordering upon our colonies, and a subject of loud complaint within the colonies. I allude to the striking contrast which is presented between the American and British sides of the frontier line, in respect to every sign of productive industry, increasing wealth, and progressive civilization.

By describing one side, and reversing the picture, the other would be also described.— On the American side all is activity and bustle. The forest has been widely cleared; every year numerous settlements are formed, and thousands of farms are created out of the waste; the country is intersected by common roads; canals and railroads are finished, or in the course of formation; the ways of communication and transport are crowded with people, and enlivened by numerous carriages and large steamboats. The observer is surprised at the number of harbours on the lakes, and the number of vessels they contain: while bridges, artificial landing places, and commodious wharves are formed in all directions as soon as required.— Good houses, warehouses, mills, inns, villages, towns, and even great cities are almost seen to spring up out of the desert. Every village has its school-house and place of public worship. Every town has many of both, with its township buildings, its book-stores, and probably one or two banks and newspapers; and the cities, with their fine churches, their great hotels, their exchanges, court-houses and municipal halls, of stone or marble, so new and fresh as to mark the recent existence of the forest where they now stand, would be admired in any part of the old world. On the British side of the line, with the exception of a few favoured spots, where some approach to American prosperity is apparent, all seems waste and desolate. There is but one rail-road in all British America, and that, running between the St. Lawrence and Lake Champlain, is only fifteen miles long. The ancient city of Montreal, which is naturally the commercial capital of the Canadas, will not bear the least comparison, in any respect, with Buffalo, which is a creation of yesterday. But it is not in the difference between the larger towns on the two sides that we shall find the best evidence of our own inferiority.— The painful but undeniable truth is most manifest in the country districts through which the line of national separation passes for 1,000 miles. There, on the side of both the Canadas, and also of New Brunswick and Nova Scotia, a widely scattered population, poor, and apparently unenterprising, though hardy and industrious, separated from each other by tracts of intervening forest, without towns and markets, almost without roads, living in mean houses, drawing little more than a rude subsistence from ill-cultivated land, and seemingly incapable of improving their condition, present the most instructive contrast to their enterprising and thriving neighbours on the American side. I was assured that in the eastern townships of Lower Canada, bordering upon the line, it is a common practice for settlers when they wish to meet, to enter the state of Vermont, and make use of the roads there for the purpose of reaching their destination in the British province. Major Head, the assistant commissioner of crown lands' enquiry, whom I sent to New Brunswick, states, that when travelling near the frontier line of that province and the state of Maine, now on one side and then on the other, he could always tell on which side he was by the obvious superiority of the American settlements in every respect. Where the two countries are separated by the St. Lawrence and the lakes, the difference is less perceptible; but not less in fact, if I may believe the concurrent statements of numerous eye-witnesses, who had no motive for deceiving me. For further corroboration, I might refer indeed to numerous and uncontradicted publications; and there is one proof of this sort so remarkable, that I am induced to notice it specially. A highly-popular work, which is known to be from the pen of one of your Majesty's chief functionaries in Nova Scotia, abounds in assertions and illustrations of the backward and stagnant condition of that province, and the great superiority of neighbouring American settlements. Although the author, with

a natural disinclination to question the excellence of Government, attributes this mortifying circumstance entirely to the folly of the people, in neglecting their farms, to occupy themselves with complaining of grievances and abuses, he leaves no doubt of the fact.

This view is confirmed by another fact equally indisputable. Throughout the frontier, from Amherstburgh to the ocean, the market value of land is much greater on the American than on the British side. In not a few parts of the frontier this difference amounts to as much as 1,000 per cent., and in some cases even more. The average difference, as between Upper Canada and the states of New York and Michigan, is notoriously several hundred per cent. Mr. Hastings Kerr of Quebec, whose knowledge of the value of land in Lower Canada is generally supposed to be more extensive and accurate than that of any other person, states that the price of wild land in Vermont and New Hampshire, close to the line, is \$5 per acre, and in the adjoining British townships only \$1. On this side the line a very large extent of land is wholly unsaleable, even at such low prices; while on the other side property is continually changing hands. The price of 2s. or 3s. per acre would purchase immense tracts in Lower Canada and New Brunswick. In the adjoining States it would be difficult to obtain a single lot for less than as many dollars. In and near Stanstead, a border township of Lower Canada, and one of the most improved, 48,000 acres of fine land, of which Governor Sir R. S. Milne, obtained a grant to himself in 1810, was recently sold at the price of 2s. per acre. Mr. Stayner, the deputy post master general, one of the largest proprietors of wild land in Lower Canada, says: "20 years ago, or thereabout, I purchased wild land at what was then considered a low price, in the natural hope that it would be gradually increasing in value, and that, whenever I might chose to sell, it would be at such a profit as would afford me a fair return for the use of the money employed. So far, however, from realizing this expectation, I now find after the lapse of so many years, when the accumulated interest upon the money invested has increased the cost of the land 150 per cent.—I say I find that I could not, if compelled to sell this land, obtain more for it than it originally cost me." I learned from others besides Mr. Kerr, but quote his words, that "the system pursued in granting crown lands in Lower Canada has been such as to render it impossible to obtain money on mortgage of land, because there is no certainty as to the value: when a sale is forced, there may be a perfect glut in the market and no purchasers." Similar statements might be cited in abundance. It might be supposed by persons unacquainted with the frontier country, that the soil on the American side is of very superior natural fertility. I am positively assured that this is by no means the case; but that, on the whole, superior natural fertility belongs to the British territory. In Upper Canada, the whole of the great peninsula between Lakes Erie and Huron, comprising nearly half the available land of the province, consists of gently undulating alluvial soil, and, with a smaller proportion of inferior land than probably any other tract of similar extent in that part of North America, is generally considered the best grain country on that continent. The soil of the border townships of Lower Canada is allowed on all hands, to be superior to that of the border townships of New York, Vermont, and New Hampshire; while the lands of New Brunswick, equal in natural fertility to those of Maine, enjoy superior natural means of communication. I do not believe that the universal difference in the value of land can anywhere be fairly attributed to natural causes.

Still less can we attribute to such causes another circumstance, which in some measure accounts for the different values of property, and which has a close relation to the subject of the public lands—I mean the great amount of re-emigration from the British colonies to the border states. This is a notorious fact. No body denies it; almost every colonist speaks of it with regret. What the proportion may be of those emigrants from the United Kingdom who, soon after their arrival, remove to the United States, it would be very difficult to ascertain precisely. Mr. Bell Forsyth, of Quebec, who has paid much attention to the subject, and with the best opportunities of observing correctly in both the Canadas, estimates that proportion at sixty per cent. of the whole. Mr. Hawke, the chief agent for emigrants in Upper Canada, calculates that out of two-thirds of the immigrants by the St. Lawrence who reach that province, one-fourth re-emigrate chiefly to settle in the States. It would appear, however, that the amount of emigration from Upper Canada, whether of new comers or others, must be nearer Mr. Forsyth's estimate. The population was reckoned at 200,000 in January 1830. The increase by births since then should have been at least three per cent. per annum, or 54,000. Mr. Hawke states the number of immigrants from Lower Canada, since 1829, to have been 165,000; allowing that these also would have increased at the rate of three per cent. per annum, the whole increase by immigration and births should have been nearly 200,000. But Mr. Hawke's estimate of immigrants takes no account of the very considerable number who enter the province by way of New York and the Erie Canal. Reckoning these

at only 50,000, which is probably under the truth, and making no allowance for their increase by births, the entire population of Upper Canada should now have been 500,000, whereas it is, according to the most reliable estimates, not over 400,000. It would therefore appear, making all allowance for errors in this calculation, that the number of people who have emigrated from Upper Canada to the United States, since 1829, must be equal to more than half of the number who have entered the province during the eight years. Mr. Baillie, the present Commissioner of Crown lands in New Brunswick, says, "a great many emigrants arrive in the province, but they generally proceed to the United States, as there is not sufficient encouragement for them in this province." Mr. Morris, the present Commissioner of Crown lands, and surveyor-general of Nova Scotia, speaks in almost similar terms of the emigrants who reach that province by way of Halifax.

I am far from asserting that the very inferior value of land in the British colonies, and the re-emigration of immigrants, are altogether occasioned by mismanagement in the disposal of public lands. Other defects and errors of government must have had a share in producing these lamentable results; but I only speak the opinion of all the more intelligent, and let me add, some of the most loyal of your Majesty's subjects in North America, when I say that this has been the principal cause of these great evils. This opinion rests upon their personal acquaintance with numerous facts. Some of these facts I will now state. They have been selected from a much greater number, as being peculiarly calculated to illustrate the faults of the system, its influence on the condition of the people, and the necessity of a thorough reform, I may add, that many of them form the subject of despatches which I have addressed to your Majesty's Secretary of State.

I have observed before that nearly all of the different methods pursued by the government have had one mischievous tendency in particular; they have tended to place a vast extent of land out of the control of government, and yet to retain it in a state of wilderness.— This evil has been produced in all the colonies alike, to that extent, and with what injurious consequences, will be made apparent by the following illustrative statements:—

By official returns which accompany this report, it appears that, out of about 17,000,000 of acres comprised within the surveyed districts of Upper Canada, less than 1,600,000 acres are yet unappropriated, and this amount includes 450,000 acres the reserve for roads, leaving less than 1,200,000 acres open to grant; and of this remnant 500,000 acres are required to satisfy claims for grants founded on pledges by the government. In the opinion of Mr. Raden-hurst, the really acting surveyor-general, the remaining 700,000 consist for the most part of land inferior in position or quality. It may almost be said, therefore, that the whole of the public lands in Upper Canada have been alienated by the government. In Lower Canada, out of 6,169,963 acres in the surveyed townships, nearly 4,000,000 acres have been granted or sold; and there are unsatisfied but indisputable claims for grants to the amount of about 500,000. In Nova Scotia nearly 6,000,000 of acres have been granted, and in the opinion of the surveyor-general only about one-eighth of the land which remains to the Crown, or 800,000 acres, is available for the purposes of settlement. The whole of Prince Edward's Island, about 1,400,000 acres, was alienated in one day. In New Brunswick 4,400,000 acres have been granted or sold, leaving to the Crown about 11,000,000 of which 5,500,000 are considered fit for immediate settlement.

Of the lands granted in Upper and Lower Canada, upwards of 3,000,000 acres consist of "clergy reserves," being for the most part lots of 200 acres each, scattered at regular intervals over the whole face of the townships, and remaining, with few exceptions, entirely wild to this day. The evils produced by the system of reserving land for the clergy have become notorious, even in this country; and a common opinion I believe prevails here, not only that the system has been abandoned, but that measures of remedy have been adopted. This opinion is incorrect in both points. In respect of every new township in both provinces reserves are still made for the clergy, just as before; and the act of the Imperial Parliament which permits the sale of Clergy Reserves, applies to only one-fourth of the quantity. The select committee of the House of Commons on the civil government of Canada reported, in 1828, that "these reserved lands, as they are at present distributed over the country, retard more than any other circumstance the improvement of the colony, lying as they do in detached portions of each township, and intervening between the occupations of actual settlers, who have no means of cutting roads through the woods and morasses, which thus separate them from their neighbours." This description is perfectly applicable to the present state of things. In no perceptible degree has the evil been remedied.

The system of clergy reserves was established by the act of 1791, commonly called the Constitutional Act, which directed that, in respect of all grants made by the Crown, a quantity equal to one-seventh of the land so granted should be reserved for the clergy. A quantity equal to one-seventh of all grants would be one-eighth of each township, or of all the public land. Instead of this proportion, the practice has been, ever since the act passed, and in the clearest violation of its provisions, to set apart for the clergy in Upper Canada a seventh of all the land, which is a quantity equal to a sixth of the land granted. There have been appropriated for this purpose 300,000 acres, which legally, it is manifest, belong to the public. And of the amount for which clergy reserves have been sold in that province, namely, £317,000 (of which about £100,000 have been already received and invested in the English funds,) the sum of about £45,000 should belong to the public.

In Lower Canada, the same violation of the law has taken place, with this difference—that upon every sale of crown and clergy reserves, a fresh reserve for the clergy has been made, equal to a fifth of such reserves. The result has been the appropriation for the clergy of 673,567 acres, instead of 446,000, being an excess of 227,559 acres, or half as much again as they ought to have received. The Lower Canada fund already produced by sales amounts to £50,000, of which, therefore, a third, or about £16,000, belong to the public. If, without any reform of this abuse, the whole of the unsold clergy reserves in both provinces should fetch the average price at which such lands have hitherto sold, the public would be wronged to the amount of about £280,000; and the reform of this abuse will produce a certain and almost immediate gain to the public of £60,000. In referring, for further explanation of this subject, to a paper in the appendix which has been drawn up by Mr. Hanson, a member of the commission of inquiry which I appointed for all the colonies, I am desirous of stating my own conviction that the clergy have had no part in this great misappropriation of the public property, but that it has arisen entirely from heedless misconception, or some other error, of the civil government of both provinces.

The great objection to reserves for the clergy is, that those for whom the land is set apart never have attempted, and never could successfully attempt, to cultivate or settle the property, and that, by that special appropriation, so much land is withheld from settlers, and kept in a state of waste, to the serious injury of all settlers in its neighbourhood. But it would be a great mistake to suppose that this is the only practice by which such injury has been, and still is, inflicted on actual settlers. In the two Canadas, especially, the practice of rewarding, or attempting to reward, public services by grants of public land, has produced, and is still producing, a degree of injury to actual settlers which it is difficult to conceive without having witnessed it. The very principle of such grants is bad, inasmuch as, under any circumstances, they must lead to an amount of appropriation beyond the wants of the community, and greatly beyond the proprietor's means of cultivation and settlement. In both the Canadas, not only has this principle been pursued with reckless profusion, but the local executive governments have managed, by violating or evading the instructions which they received from the Secretary of State, to add incalculably to the mischiefs that would have arisen at all events.

In Upper Canada, 3,200,000 acres have been granted to "U. E. Loyalists," being refugees from the United States, who settled in the province before 1787, and their children; 730,000 acres to militia men; 450,000 acres to discharged soldiers and sailors; 255,000 acres to magistrates and barristers; 136,000 acres to executive councillors, and their families; 50,000 acres to five legislative councillors, and their families; 36,900 acres to clergymen, as private property; 264,000 acres to persons contracting to make surveys, 92,526 acres to officers of the army and navy, 500,000 acres for the endowment of schools, 48,520 acres to colonel Talbot, 12,000 acres to the heirs of General Brock, and 12,000 acres to Doctor Mountain, a former Bishop of Quebec; making altogether, with the clergy reserves, nearly half of all the surveyed land in the province. In Lower Canada, exclusively of grants to refugee loyalists, as to the amount of which the Crown Lands' Department could furnish me with no information, 450,000 acres have been granted to militiamen, to executive councillors 72,000 acres, to Governor Milne about 48,000 acres, to Mr. Cushing and another, upwards of 100,000 acres (as a reward for giving information in a case of high treason,) to officers and soldiers 200,000 acres, and to "leaders of townships" 1,457,209 acres, making altogether, with the clergy reserves, rather more than half of the surveyed lands originally at the disposal of the Crown.

In Upper Canada, a very small proportion (perhaps less than a tenth) of the land thus granted, has been even occupied by settlers, much less reclaimed and cultivated. In Lower Canada with the exception of a few townships bordering on the American frontier, which have been comparatively well settled, in despite of the proprietors, by American squatters, it may be said that nineteen twentieths of these grants are still unsettled, and in a perfectly wild state.

No other result could have been expected in the case of those classes of grantees whose station would preclude them from settling in the wilderness, and whose means would enable them to avoid exertion for giving immediate value to their grants; and, unfortunately, the land which was intended for persons of a poorer order, who might be expected to improve it by their labour, has, for the most part, fallen into the hands of land-jobbers of the class just mentioned, who have never thought of settling in person, and who retain the land in its present wild state, speculating upon its acquiring a value at some distant day, when the demand for land shall have increased through the increase of population.

In Upper Canada, says Mr. Bolton, himself a great speculator and holder of wild land "the plan of granting large tracts of land to gentlemen who have neither the muscular strength to go into the wilderness, nor, perhaps, the pecuniary means to improve their grants, has been the means of a large part of the country remaining in a state of wilderness. The system of granting land to the children of U. E. Loyalists has not been productive of the benefits expected from it. A very small proportion of the land granted to them has been occupied or improved. A great proportion of such grants were to unmarried females, who very readily, disposed of them for a small consideration, frequently from £2 to £5 for a grant of 200 acres. The grants made to young men were also frequently sold for a small consideration; they generally had parents with whom they lived, and were therefore not disposed to move to their grants of land, but preferred remaining with their families. I do not think one-tenth of the lands granted to U. E. Loyalists has been occupied by the persons to whom they were granted, and in a great proportion of cases not occupied at all." Mr. Radenhurst says, "the general price of these grants was from a gallon of rum to perhaps £6, so that while millions of acres were granted in this way, the settlement of the province was not advanced, nor the advantage of the grantee secured in the manner that we may suppose to have been contemplated by government." He also mentions amongst extensive purchasers of these grants, Mr. Hamilton, a member of the Legislative Council, who bought about 100,000 acres; Chief Justices Emslie and Powell, and Solicitor General Grey, who purchased from 20,000 to 50,000 acres: and states that several members of the Executive and Legislative Councils, as well as of the House of Assembly, were "very large purchasers."

In Lower Canada, the grants to "leaders and associates" were made by an evasion of instructions which deserve a particular description.

By instructions to the local executive, immediately after the passing of the constitutional act, it was directed that "because great inconveniencies had theretofore arisen in many of the colonies in America from the granting excessive quantities of land to particular persons who have never cultivated or settled the same, and have thereby prevented others more industrious from improving such lands: in order, therefore, to prevent the like inconveniencies in future, no farm-lot should be granted to any person, being master or mistress of a family, in any township to be laid out, which should contain more than 200 acres." The instructions then invest the governor with a discretionary power to grant additional quantities in certain cases, not exceeding 1,000 acres. According to these instructions, 200 acres should have been the general amount: 1,200 the maximum, in special cases to be granted to any individual. The greater part, however, of the land (1,457,200 acres) was granted, in fact, to individuals at the rate of from 10,000 to 50,000 to each person. The evasion of the regulations was managed as follows:—A petition, signed by from ten to forty or fifty persons, was presented to the Executive Council, praying for a grant of 1,200 acres to each person, and promising to settle the land so applied for. Such petitions were, I am informed, always granted, the Council being perfectly aware that, under a previous agreement between the applicants (of which the form was prepared by the then Attorney General, and sold publicly by the law stationers of Quebec,) five-sixths of the land was to be conveyed to one of them, termed the leader, by whose means the grant was obtained. In most cases the leader obtained the whole of the land which had been nominally applied for by fifty persons. A report of a committee of the House of Assembly, known to have been drawn up by the present Solicitor General, speaks of this practice in the following terms: "Your committee unwilling to believe that the above mentioned evasions of his Majesty's gracious instructions had been practised with the know-

ledge, privity or consent of his Majesty's servants, bound by their oaths, their honour and their duty to obey them, instituted a long and patient investigation into the origin of these abuses. They have been painfully but irresistibly led to the conclusion, that they were fully within the knowledge of individuals in this colony who possessed and abused his Majesty's confidence. The instruments by which this evasion was to be carried into effect were devised by his Majesty's Attorney General for the time being, printed and publicly sold in the capital of this province; and the principal intermediate agent was his Majesty's late Assistant Surveyor General."

In order to reward militiamen in Lower Canada, who had served on the frontier during the war, the Duke of Richmond, acting, as it would appear, under instructions from the home government, but of which no copy is extant in the public offices at Quebec, promised grants of land to many thousand persons inhabiting all parts of the province. The intentions of the home government appear to have been most praiseworthy. How effectually they have been defeated by the misconduct of the local executive will appear from a report on the subject in the appendix (A.) and the following copy of the instructions given to commissioners whom I appointed in order to expedite the settlement of militia claims. I would also refer to the evidence of Mr. Kerr, Mr. Morin, Mr. Davidson, and Mr. Langevin:—

"TO THE COMMISSIONERS OF UNSETTLED MILITIA CLAIMS.

"CASTLE OF ST. LEWIS, QUEBEC,  
12th SEPT'R. 1838.

"GENTLEMEN—I am directed by his Excellency the Governor General, in furnishing you with some instructions for your guidance in disposing of unsettled militia claims, to state the views which he takes on this subject, and has represented to her Majesty's government.

"His Excellency is of opinion that, if any reliance is to be placed on the concurrent testimony of all from whom he has derived information on the subject, the report of the Commissioner of Crown Lands and Emigration, on which his recent proclamation is founded, contains but a faint description of the injury inflicted on this province, and of the cruel injustice done to the militiamen, by the manner in which the intentions of the home government with respect to these claimants have been defeated by the local executive.

"It appears to his Excellency that the intentions of the Prince Regent in awarding land to those officers and men of the militia who had loyally and gallantly served during the last American war, were, in part, to promote the settlement of wild lands, and the consequent prosperity of the province, but chiefly, there can be no doubt, to bestow upon that body of loyal and gallant men some extraordinary recompence for the privations and dangers which they had cheerfully incurred in defence of the country. His Excellency is satisfied that neither result was obtained in any but so slight a degree as to be scarcely worth notice. But the Governor General perceives on the other hand, that results occurred, as to the great majority of cases, precisely opposite to what the home government had in view. The official delays and obstacles interposed between the militia claimants and the grants to which they were entitled—the impossibility, in many cases, of ever obtaining a grant, even after the most vexatious impediments and delays—the mode of allotting the land in such a manner, that the grant when obtained was often worth nothing at all, and seldom worth the trouble and expense of obtaining it—the necessity of employing and paying agents acquainted with the labyrinths of the crown lands and surveyor general's departments—the expense, uncertainty and harassing trouble attendant upon the pursuit of such a claim—all these circumstances, for which his Excellency is compelled to believe that the public officers were alone to blame, had the effect, he is convinced, in the majority of cases, of converting what the Prince Regent had intended as a boon, into a positive injury to the militia-men. He is assured, as might have been expected, that the militia-men disposed of their claims, often for a mere trifle, to land speculators, who never intended to settle upon the grants, and who have for the most part kept the land in a state of wilderness; thereby defeating the only other intention with which the home government could have determined on making these grants. From a careful inspection of the evidence taken on this subject from official gentlemen, as well as others, his Excellency is led to concur entirely in that part of the commissioners' report, which states, that 'there has been the *maximum* of injury to the province, with the *minimum* of benefit to the militia-men.'

"This crying grievance his Excellency finds has been over and over again, and in various forms, represented to the government, but without any attempt, as far as he can discover,

to provide an adequate remedy for it. He is encouraged to hope that the measure on which he has determined may, as respects the claims yet unsettled, be the means of carrying into effect, however tardily, the objects of the Prince Regent, by conferring a considerable boon on those meritorious but long-disappointed claimants, and conducing to the settlement of the lands which may thus be alienated by the crown.

"The Governor General further directs me to make you acquainted with his confident expectation that you will proceed, with the utmost despatch not incompatible with accuracy, to determine all unsettled claims; that, in awarding orders to persons whose claims could not have been admitted under the original proclamation, but will now be held valid, you will take care not to admit any claims except those of the six battalions, and of others who actually served for the same period, and precisely in the same manner as the six battalions. His Excellency cannot doubt, moreover, that you will spare no pains in endeavouring to secure to the class of militia-men the advantage which was intended for them alone, and which they ought long since to have received. As one means of this most desirable end, his Excellency is of opinion that you should explain to all claimants, that the orders for a nominal amount of money which you may award will have the full value of money at future sales of crown lands, and ought therefore to be exchangeable for money, if not for the whole sum named in them, still for one of nearly the same amount. I am, &c.

"C. BULLER,

"CHIEF SECRETARY."

The purposes of the home government, judging by the general instructions which they gave to the local executive, would seem to have been dictated by a sincere, and also an enlightened desire, to promote the settlement and improvement of the country. As respects Upper Canada, instructions, dated July, 1827, established as a general rule for the disposal of public lands in future, that free grants should be discontinued, and that a price should be required for land alienated by the crown. The quantity of land disposed of by sale since those instructions were given, amounts to 100,317 acres; the quantity disposed of during the same period by free grant, all in respect of antecedent claims, is about 2,000,000 acres, being about nineteen times as much as has been disposed of according to the new rule.

The instructions were obviously prepared with care for the purposes of establishing a new system, and placing the whole of the disposal of Crown lands in the hands of a commissioner, then for the first time appointed. The commissioner never assumed the control of any other portion of these lands than such as were included in returns made to him by the Surveyor-General, amounting to no more than about 300,000 acres. All the rest of the land open for disposal remained, as previously, under the control of the Surveyor-General, as an agent of the government for locating free grants. The salary of the commissioner was £500 a year, besides fees: the whole service during ten years was the superintendence of the sale of 100,000 acres of wild land. The same person was also Surveyor-General of woods and forests, with a salary of £500 a year, and agent for the sale of Clergy Reserves, with £500 a year.

In Lower Canada, under instructions from the treasury, dated in November, 1826, which were confirmed and further enforced by Lord Goderich in 1831, who manifestly intended to supersede the old system of free grants by an uniform system of sale, 450,469 acres have been sold, and 641,039 acres have, in respect of antecedent claims, been disposed of by free grant; and the object of the new rule of selling was defeated by the large amount of free grants.— Even at this moment, in the two provinces, where I was assured before I left England that the system of selling had been uniformly established by Lord Goderich's regulations of 1831, there are unsettled, but probably indisputable claims for free grants, to the amount of from 1,000,000 to 1,300,000 acres. The main alteration which Lord Goderich's regulations would have made in the system intended to have been established by the treasury instructions of 1826, was to render the price more restrictive of appropriation, by requiring payment in less time, and the payment of interest in the meanwhile. This direction appears to have been totally disregarded in both provinces. As respects Lower Canada, the head of the Crown Lands Department gives the following evidence on the subject:—

"How did it happen that this instruction was not acted upon?—In consequence of a representation from Mr. Felton, the Commissioner of Crown Lands, to Lord Aylmer, the Governor of the province, stating that the terms imposed were too severe, and amounted, in fact, to exacting the whole purchase money down. Lord Aylmer, upon this, authorised Mr. Felton to continue the former practice, and it is understood reported the circumstance to the

Home Government. This was in 1832, and the system of longer credit without interest continued to be acted upon until the receipt of Lord Glenelg's despatch of 1837, which required payment in ready money at the time of sale."

I have already pointed out the importance of accurate surveys of the public land. Without these there can be no security of property in land, no certainty even as to the position or boundaries of estates marked out in maps or named in title deeds. In Nova Scotia, says the present Surveyor-General, "there are very many instances of litigation in consequence of inaccurately defined boundaries." Mr. M'Kenzie, a draughtsman of the Surveyor-General's office at Halifax, who is also employed to conduct surveys in the field, says, he "has found it impossible to make correct surveys in consequence of inaccuracy as to former lots of land, from which of necessity he measures, and also from surveys being inaccurately made by persons not qualified. In many cases, also, the boundaries of land granted have never been surveyed or laid out at all. The present state of surveys is inadequate and injurious to the settlement of the land." In New Brunswick, says the present Surveyor-General, "no survey of the province has ever been made, and the surveys of the old grants are extremely erroneous, and expose errors and collisions which could not have been supposed to exist. It frequently has occurred that different grants are made for the same lot of land. I think this system pernicious, and it will some day be very injurious. The usual practice cannot be relied on as giving a settler a grant of land that cannot be disturbed, without great care and a greater expense than a poor settler can afford." In Upper Canada, Mr. Radenhurst asserts that "the surveys throughout the province generally are very inaccurate. This inaccuracy was produced in the first instance by the deficiency of competent persons, and the carelessness with which the surveys were conducted. Latterly the practice introduced by Sir Peregrine Maitland, in spite of the results being pointed out by the then Surveyor-General, of letting out the surveys to any person who was willing to contract for them for a certain quantity of land, produced extreme carelessness and inaccuracy. The surveyors just hurried through the township, and of course made surveys, which, on the ground, are found to be very inaccurate. There are instances in which scarcely a single lot is of the dimensions or in the position actually assigned to it in the diagram. The consequences of this have been confusion and uncertainty in the possessions of almost every man, and no small amount of litigation." As to Lower Canada, the evidence is still more complete and satisfactory. The Commissioner of Crown Lands says, in answer to questions, "I can instance two townships, Shefford and Orford (and how many more may prove inaccurate, as questions of boundary arise, it is impossible to say,) which are very inaccurate in their subdivision. On actual recent survey it has been found that no one lot agrees with the diagram on record. The lines dividing the lots, instead of running perpendicularly according to the diagram, actually run diagonally, the effect of which is necessarily to displace the whole of the lots, upwards of 300 in number, from their true position. The lines dividing the ranges are so irregular as to give to some lots two and a half times the contents of others, though they are all laid down in the diagram as of equal extent: there are lakes also which occupy nearly the whole of some lots that are entirely omitted; I have heard complaints of a similar nature respecting the township of Grenville. I have no reason for believing that the surveys of other townships are more accurate than those of Shefford and Orford, other than that in some parts of the country the same causes of error may not have existed, whether physical causes, such as that of magnetic attraction, where there really was a survey, or, in cases where there was no actual survey, the negligence of the surveyor. The inaccuracy of which I have spoken is confined to that part of the province which is divided into townships. There are 109 townships of about 100 square miles each, including all the land which has been disposed of by the British Government, except the seignories which were erected by that government shortly after the conquest. Similar difficulties to those which might arise in settling a question of title between the Crown and an alleged squatter, arising from the inaccuracy of the township surveys, would extend to all grants and sales by the Crown, and also to all questions of title between persons claiming to have a grant, or to have purchased from the Crown, and alleged squatters on the land asserted to be theirs, and more or less to all cases in which different persons should claim to have received or purchased the same piece of land from the Crown. It is a general observation that this state of the Crown surveys must prove a source of interminable litigation hereafter; it is impossible to say how many cases may arise of double grants of the same land under different designations, arising from the defective state of the surveys. None of such cases have come before me in an official shape, but I apprehend that questions of that nature are waiting in great numbers until lands shall have become more valuable, when the Crown will be called in upon every occasion to

defend its own grant, and, considering the state of the surveys, will be without the means of such defence, unless measures to prevent the evil should be adopted before its occurrence. In common with every person who has ever reflected on the subject, I consider this a subject of very high importance, and demanding the immediate attention of Government." Mr. Daly, the Secretary of the province, says—"an accurate survey of the whole of the ungranted lands in the province I believe to be extremely desirable and necessary to quiet doubts that have arisen in the minds of many new settlers as to the correctness of their boundaries." Mr. Patrick Daly, commissioned Surveyor of the province, gives the following evidence:—

"You are just come to Quebec to make a representation as to the state of the township of Durham?—I am.

"What is the point which you wish to ascertain?—Whether I can have authority to establish a new line between the 6th and 7th ranges of the township of Durham.

"What would be the consequence of such a change?—In consequence of a part of the old range line being found incorrect to the extent of 60 perches, whereby the 7th would lose about one-fifth of its dimension, and the same amount would be improperly added to the 6th; the change I wish to make would set this right.

"How did you discover that the line was incorrect?—In consequence of having been employed by Captain Ployart of Durham, to run the side lines of lot No. 15, in the 6th range, in order to determine the extent of his property, he being the proprietor of that lot, I discovered that the line was incorrect, as I have described already; and I cannot proceed to rectify the error without authority from the governor, or some person appointed by the governor, as we have not any laws in the province to enable me to make a new range-line, as the old range-line is not to be found, with the exception of a small part, which is in the wrong place, as I have described.

"Would a new line have the effect of taking away land, in actual possession, from any person, and giving it to another?—Yes, it would.

"Do you suppose that the other range-lines in this township are correct or incorrect?—Some are correct, but they are generally incorrect; my attention, however, has not been particularly called to them.

"Are not the proprietors of the other lots which are incorrect anxious to have the limits of their property settled?—Yes, very anxious; more particularly the inhabitants of the 3rd range, about one quarter of whose property is taken by the inhabitants of the 2nd range, through the means of an erroneous old range-line, as has been proved by various subsequent surveys duly sworn to. I am requested by all the inhabitants of the 3rd range to take steps to obtain a new range-line.

"Have they ever applied before for this rectification of the survey?—Yes; they applied to the surveyor general's department, by a statement made by me, and now in the surveyor general's office; but the answer was, that there was no law in the province to authorize the changing of a range-line, however incorrect, without the consent of all the parties concerned.

"Then all parties did not concur in this case?—No, they did not.

"Why not?—Because many of those who improperly gained by the error wished to retain what rightly belonged to their neighbour.

"As the former application was fruitless, upon what ground do you now proceed?—Upon the confidence that, as Lord Durham has greater powers than other governors, he may be pleased to consider the great loss of property to the people, and give orders to correct the evil.

"Are you acquainted with other townships?—Yes.

"Have you found the surveys of them generally correct or incorrect?—I have found the surveys of the township of Windsor as incorrect, or even more so, than the township of Durham, which can be proved by the most reliable testimony. Generally, with the exception of the township of Wickham, I have found them quite incorrect. I speak only from my personal experience, and not from what I have heard."

Mr. Sewell, recently chief justice of the province, says:—

"I have known of many defects in the surveys, which have appeared in many cases before me, and am apprehensive that they are very numerous. I can only state, from my own opinion, two remedies by which these defects may be in some degree remedied: the one is,

by running anew the outline of the several townships; the other, an act to give quiet possession, such as has been heretofore passed in other provinces. I am afraid that running the outlines of the townships would not be of any great benefit beyond exposing the errors." Mr. Kerr says:—"It is generally understood that the surveys in many of the various townships are very inaccurate; and many of the surveys have been found to be so. I had in my hand the other day a patent for four lots in the township of Inverness, three of which did not exist, granted to a Captain Skinner. Three of the lots were decided not to be in existence; and I received compensation for them in another township. A great error was discovered in the original survey of the township of Leeds. The inaccuracy of the surveys is quite a matter of certainty. I could cite a number of townships—Milton, Upton, Orford, Shefford, &c.—where the inaccuracy has been ascertained. Inconvenience from the inaccuracy of the surveys has been felt; but it is only now beginning to be so seriously. As the settlement of the country advances, and land acquires a greater value, great inconvenience must arise in the shape of endless questions of title; and of this many people are so well aware, that they refuse to sell with a guarantee of title."

I may add, generally, that I found the surveying department in Lower Canada so thoroughly inefficient in its constitution, as to be incapable of any valuable improvement; and that I therefore abstained from interfering with it, trusting that the whole future management of the public lands would be placed on a new footing, calculated to remedy this, as well as all the other evils of the present system.

Another of those evils requires some notice here. In the United States the title to land purchased of the government is obtained immediately and securely, on payment of the purchase money. In all the British colonies there is more or less of useless formality, and consequent delay, in procuring a complete title to land which has been paid for. Dr. Baldwin, speaking of Upper Canada, says:—"I do not know that there was any more constant subject of complaint on the part of individuals against the government, than the delays of office, especially in connection with land granting. It frequently happened to myself, and I believe to others also, that during the time when free grants of land, of small amount, were made to actual settlers, persons who had spent their money in waiting for the completion of the grant, have applied to me for employment while the patent was being perfected, and I have furnished it for a short time. The most striking instance that occurred in my knowledge, in which an individual was injured by the delay to which he was exposed in this respect, was that of a man of the name of Burnes, who, in Sir Peregrine Maitland's time, having fallen in debt to some persons whom he had employed, was pressed by them for the money. At this time a patent was in progress through the offices for him. He applied to his creditors to give him time till his patent was completed, which would enable him to raise money to pay them. The creditors were willing, and waited for some time, but at last became impatient, and they arrested him, and he was compelled to go to prison. The patent had passed through the offices, but he was compelled to remain in prison a fortnight, while the patent was sent over to the Governor for his signature, at his residence near the Falls of Niagara." A recent act of the legislature of Upper Canada has greatly mitigated this evil, which, however, remains in full force in Lower Canada. Mr. Kerr says:—"As soon as the purchaser has paid the last instalment, he is referred to the Crown Lands Officer, to whom the payment is made, for patent to the Surveyor-General for the necessary specification. Then the specification, with reference, is sent to the Commissioner of Crown Lands. These documents are next sent to the Secretary of the Governor, or Civil Secretary, who directs the Provincial Secretary to engross the patent. The fees are then levied, and, upon the payment of the fees, the Provincial Secretary engrosses. On engrossment being made, the Governor signs the patent, and the great seal of the province is attached to it. The signature is procured by the Provincial Secretary. The patent is then sent to the Commissioner of Crown Lands to be audited.—At present one of the commissioners audits: this used to be done by the auditor, but the office of auditor has been abolished. When the audit is made, the title is said to be perfected.—The effect of having to refer to so many persons has been the total loss of many references, and the papers connected with them, in one or other of the offices. There have been cases in which I was referred three times for the same patent, all the papers having been lost twice successively. In some cases the papers are found again, but at too late a period to be available. The shortest time within which I have known a title to be perfected is about six weeks, and the longest about eight years. More than ordinary diligence was used in the case of six weeks. I obtained an order from the Governor for a special reference for my patent to take priority of all others then in the office. The average period required for completing a title,

after the purchase has been completed by the payment of the whole of the purchase-money, is full fifteen months. I am satisfied that the present system is a serious impediment to the settlement of the country; and that no extensive measure for that purpose can work well, unless the mode of obtaining title after purchase be rendered much more simple. Immediate dispatch with title is what is required to encourage purchasers, and prevent uncertainty and discontent. I have been directed by purchasers to apply for the return of their purchase-money from the Crown, because of the delay which has occurred. The present system is so profitable to agents, that, speaking as an agent, I should be sorry to see it abolished. One of the inconveniences to the public is the necessity of employing agents acquainted with the labyrinths through which each reference has to pass."

The results of this general mismanagement are thus illustrated by the chief Agent for emigrants in Upper Canada:—

"The principal evils to which settlers in a new township are subject, result from the scantiness of population. A township contains 80,000 acres of land; one-seventh is reserved for the clergy, and one-seventh for the crown; consequently five-sevenths remain for the disposal of government, a large proportion of which is taken up by grants to U. E. Loyalists, militiamen, officers and others; the far greater part of these grants remain in an unimproved state. These blocks of wild land place the actual settler in an almost hopeless condition; he can hardly expect, during his lifetime, to see his neighbourhood contain a population sufficiently dense to support mills, schools, post-offices, places of worship, markets or shops; and without these, civilization retrogrades. Roads under such circumstances can neither be opened by the settlers, nor kept in proper repair, even if made by the government. The inconvenience arising from want of roads is very great, and is best illustrated by an instance which came under my own observation in 1834. I met a settler from the township of Warwick, on the Caradoc plains, returning from the grist-mill at Westminster with the flour and bran of thirteen bushels of wheat. He had a yoke of oxen and a horse attached to his waggon, and had been absent nine days, and did not expect to reach home till the following evening. Light as his load was, he assured me that he had to unload wholly or in part several times, and after driving his waggon through the swamps, to pick out a road through the woods where the swamps or gullies were fordable, and to carry the bags on his back and replace them in the waggon. Supposing the services of the man and his team to be worth two dollars per day, the expense of transport would be twenty dollars. As the freight of wheat from Toronto to Liverpool (England) is rather less than 2s. 6d. per bushel, it follows that a person living in this city could get the same wheat ground on the banks of the Mersey, and the flour and bran returned to him at a much less expense than he could transport it from the rear of Warwick to Westminster and back—a distance less than ninety miles. Since 1834 a grist-mill has been built in Adelaide, the adjoining township, which is a great advantage to the Warwick settlers; but the people in many parts of the province still suffer great inconvenience from the same cause."

Mr. Rankin, deputy land surveyor, says, "The system of making large grants to individuals who had no intention of settling them, has tended to retard the prosperity of the colony by separating the actual settlers, and rendering it so much more difficult, and in some cases impossible, to make the necessary roads. It has also made the markets more distant and more precarious. To such an extent have these difficulties been experienced as to occasion the abandonment of settlements which had been formed. I may mention, as an instance of this, the township Rama, where, after a trial of three years, the settlers were compelled to abandon their improvements. In the township of St. Vincent, almost all the most valuable settlers have left their farms from the same cause. There have been numerous instances in which, though the settlement has not been altogether abandoned, the most valuable settlers, after unavailing struggles of several years with the difficulties which I have described, have left their farms." This witness, who was for ten years employed by government as deputy surveyor in the Western District, which I have before described as the finest grain country in North America, states that "nine-tenths of the land granted by the crown in that district are still in a state of wilderness."

For illustrations of the same kind as respects Lower Canada, I would refer to the testimony of the commissioner of crown lands, Mr. Kerr, the deputy post-master general, Mr. Russell, Major Head, Mr. Kough, the late Chief Justice, and Mr. Lemesurier.

Mr. Kerr says, "The main obstacle to the speedy settlement and cultivation of all the more fertile parts of the province is private land remaining wild; inasmuch as the land of the

crown is open to purchase, which is not generally the case with that of private individuals, excepting at too exorbitant a price. So injurious is the existence of this quantity of wild land in the midst or in the neighbourhood of a settlement, that numerous cases have occurred in which a settler, after several years residence upon his property, and having expended in labour from £20 to £50 in clearing part of it and building his house, has been driven to abandon the farm, and to sell it for one-third, or even one-fourth of the sum that he had expended upon it. I have myself bought farms which have been abandoned in this way, for the merest trifle. One, I recollect now, consisted of 100 acres, in the township of Kingsey, a beautiful part of the district of Three Rivers, with rather more than 20 acres cleared, and a good house and out-houses erected upon it, for which I paid under £30. I could give very many instances of a similar kind, where I have either purchased myself, or have had a personal knowledge of the circumstances."

One of the most remarkable instances of evils resulting from profuse grants of land is to be found in Prince Edward's island. Nearly the whole of the island (about 1,400,000 acres) was alienated in one day, in very large grants, chiefly to absentees, and upon conditions which have been wholly disregarded. The extreme improvidence which dictated these grants is obvious; the neglect of the government as to enforcing the conditions of the grant, in spite of the constant efforts of the people and the legislature to force upon its attention the evils under which they laboured, is not less so. The great bulk of the island is still possessed by absentees, who hold it as a sort of reversionary interest, which requires no present attention, but may become valuable some day or other, through the growing wants of the inhabitants. But in the meantime, the inhabitants are subjected to the greatest inconvenience, nay, to the most serious injury, from the state of property in land. The absent proprietors neither improve the land, nor will let others improve it. They retain the land and keep it in a state of wilderness. I have, in another place, adverted to the remedy proposed, and the causes which have long retarded its adoption. The feelings of the colonists upon the subject are fully expressed in the evidence of Mr. Lelacheur, Mr. Solicitor General Hodgson, and the Governor, Sir Charles Fitzroy. I may add, that their testimony was confirmed by that of the delegates from the island who visited me at Quebec.

In the above enumeration of facts, I do not profess to have exhausted the long catalogue of evils and abuses which were brought to my notice. But I have stated enough I trust, to establish the position with which I set out—that the disposal of public lands in a new country has more influence on the prosperity of the people than any other branch of government; and further, to make it evident that the still existing evils which have been occasioned by mismanagement in this department, are so great and general as to require a comprehensive and effectual remedy, applied to all the colonies, before any merely political reform can be expected to work well.

I now proceed to another subject, which though intimately connected with the colonization and improvement of the provinces, must yet be considered separately: for it is one in which not the colonial population only, but the people of the United Kingdom have a deep and immediate interest, I allude to the manner in which the emigration of the poorer classes from Great Britain and Ireland to the North American Colonies has hitherto been conducted.

About nine years ago, measures were for the first time taken to ascertain the number of immigrants arriving at Quebec by sea. The number during these nine years has been 263,089; and there have been as many in one year (1832) as 51,746. In the year before, the number was 50,254; in 1833, 21,752; in 1834, 30,935; in 1835, 12,527; in 1836, 27,728; in 1837, 22,500; and in 1838, only 4,992. The great diminution in 1838 was occasioned solely, I believe, by the vague fears entertained in this country of dangers presented by the distracted state of the colonies. I am truly surprised, however, that emigration of the poorer classes to the Canadas did not almost entirely cease some years ago; and that this would have been the case, if the facts which I am about to state had been generally known in the United Kingdom, there can, I think, be no rational doubt.

Dr. Morin, a gentleman of high professional and personal character, Inspecting Physician of the port of Quebec, and Commissioner of the Marine and Emigrant Hospital, says—"I am almost at a loss for words to describe the state in which the emigrants frequently arrived; with a few exceptions, the state of the ships was quite abominable; so much so, that the harbour master's boat-men had no difficulty, at the distance of a gun-shot, either when the wind

was favourable or in a dead calm, in distinguishing, by the odour alone, a crowded emigrant ship. I have known as many as from thirty to forty deaths to have taken place, in the course of a voyage, from typhus fever, on board of a ship containing from 500 to 600 passengers; and within six weeks after the arrival of some vessels, and the landing of the passengers at Quebec, the hospital has received upwards of 100 patients, at different times from among them. On one occasion, I have known nearly 400 patients at one time in the emigrant hospital of Quebec, for whom there was no sufficient accommodation: and, in order to provide them with some shelter, Dr. Painchaud, the then attending physician, with the aid of other physicians, incurred a personal debt to the Quebec bank, to a considerable amount—which, however, was afterwards paid by the provincial legislature.” \* \* \* \* \*

“The mortality was considerable among the emigrants at that time, and was attended with most disastrous consequences: children being left without protection, and wholly dependent on the casual charity of the inhabitants of the city. As to those who were not sick on arriving, I have to say, that they were generally forcibly landed by the masters of vessels, without a shilling in their pockets to procure them a night's lodging—and very few of them with the means of subsistence for more than a very short period. They commonly established themselves along the wharves, and at the different landing places, crowding into any place of shelter they could obtain, where they subsisted principally upon the charity of the inhabitants. For six weeks at a time, from the commencement of the emigrant-ship seasons, I have known the shores of the river along Quebec, for about a mile and a half, crowded with these unfortunate people—the places of those who might have moved off being constantly supplied by fresh arrivals; and there being daily drafts of from ten to thirty taken to the hospital, with infectious disease. The consequence was, it spread among the inhabitants of the city—especially in the districts in which these unfortunate creatures had established themselves. Those who were not absolutely without money, got into low taverns and boarding-houses and cellars, where they congregated in immense numbers, and where their state was not any better than it had been on board ship. This state of things existed, within my knowledge, from 1826 to 1832, and probably for some years previously.”

Dr. Morin's testimony is confirmed by that of Dr. Skey, Deputy Inspector General of hospitals, and President of the Quebec Emigrants' Society. He says—“Upon the arrival of emigrants in the river, a great number of sick have landed. A regular importation of contagious diseases into this country has annually taken place; that disease originated on board ship, and was occasioned, I should say, by bad management, in consequence of the ships being ill-found, ill-provisioned, over-crowded, and ill-ventilated. I should say, that the mortality during the voyage has been dreadful; to such an extent that, in 1834, the inhabitants of Quebec, taking alarm at the number of shipwrecks—at the mortality of the passengers—and the fatal diseases which accumulated at the Quarantine Establishment, at Grosse Isle, and the Emigrant Hospital of this city, involving the inhabitants of Quebec in the calamity, called upon the Emigrants' Society to take the subject into consideration, and make representations to the Government thereon.”

The circumstances described, took place under the operation of the Act 9th Geo. IV., commonly called the Passengers' Act, which was passed in 1825—repealed in 1827—and re-enacted in 1828. In 1835, an amended Passengers' Act was passed—the main features of which, so far as they differed from the former Act, are stated to have been suggested by the Quebec Emigrants' Society. Mr. Jessopp, collector of customs at the port of Quebec, speaking of emigration under the last Act, says—“It very often happens, that poorer emigrants have not a sufficiency of provisions for the voyage; that they should have a sufficiency of provisions, might be enforced under the Act, which authorises the inspection of provisions by the out-port agent for emigrants. Many instances have come to my knowledge, in which, from insufficiency of provisions, emigrants have been thrown upon the humanity of the captain, or the charity of their fellow-passengers. It will appear, also, from the fact that many vessels have more emigrant passengers than the number allowed by law, that sufficient attention is not paid at the out-port to enforce the provisions of the Act, as to the proportions between the numbers and the tonnage. Such instances have not occurred this season (1838)—emigration having almost ceased, in consequence, I presume, of the political state of the province; but last year there were several instances in which prosecution took place. Vessels are chartered for emigration by persons whose sole object is to make money, and who make a trade of evading the provisions of the Act. This applies particularly to vessels coming from Ireland. We have found, in very many instances, that in vessels chartered in this way, the number was greater than allowed by law; and the captains have declared, that the extra numbers smuggled

themselves, or were smuggled on board, and were only discovered after the vessel had been several days at sea. This might be prevented by a stricter examination of the vessel. The Imperial Act requires that the names, ages, sex, and occupation of each passenger, should be entered in a list, certified by the customs' officer at the out-port, and delivered by the captain, with the ship's papers to the officers of the customs here. Lists, purporting to be correct, are always delivered to the tide-surveyor, whose duty it is to muster the passengers, and compare them with the list; and this list, in many instances, is wholly incorrect as to names and ages." \* \* \* \* \* The object of the falsification of the ages is to defraud the revenue, by evading the tax upon emigrants. \* \* \* \* \* "The falsification of names produces no inconvenience; and I have only referred to it for the purpose of showing the careless manner in which the system is worked by the agents in the United Kingdom." But Dr. Poole, inspecting physician of the Quarantine Station, at Grossé Isle, further explains the fraud, saying—"These falsifications are, first, for the purpose of evading the emigrant tax, which is levied in proportion to age, and the common fraud is to understate the age; and, secondly, for the purpose of carrying more passengers than the law allows, by counting grown persons as children: of which last the law allows a larger proportion to tonnage than of grown persons. This fraud is very common, of frequent occurrence, and it arises manifestly from want of inspection at home."

From this and other evidence, it will appear that the amended Passengers' Act alone, as it has been hitherto administered, would have afforded no efficient remedy of the dreadful evils described by Dr. Morin and Dr. Skey. Those evils have, however, been greatly mitigated by two measures of the provincial government; first, the application of a tax upon passengers from the United Kingdom, to providing shelter, medical attendance, and the means of further transport to destitute emigrants; secondly, the establishment of the quarantine station, at Grossé Isle, a desert island, some miles below Quebec, where all vessels arriving with cases of contagious disease are detained; the diseased persons are removed to an hospital, and emigrants not affected with disease are landed, and subjected to some discipline for the purpose of cleanliness, the ship also being cleaned while they remain on shore. By these arrangements, the accumulation of wretched paupers at Quebec, and the spread of contagious disease, are prevented. An arrangement, made only in 1837, whereby the quarantine physician, at Grossé Isle, decides whether or not an emigrant ship shall be detained there, or proceed on its voyage, has, to use the words of Dr. Poole, "operated as a premium to care and attention on the part of the captain, and has had a salutary effect on the comfort of the emigrants."

I cordially rejoice in these improvements, but would observe, that the chief means by which the good has been accomplished, indicates the greatness of the evil that remains. The necessity of a quarantine establishment for preventing the importation of contagious disease from Great Britain to her colonies, as if the emigrants had departed from one of those eastern countries which are the home of the plague, shows, beyond a doubt, either that our very system of emigration is most defective, or that it is most carelessly administered.

It is, I know, contended in this country that, though great defects existed formerly, present arrangements are very different, and no longer objectionable. For example, in the report of the Agent General for emigration from the United Kingdom, ordered by the House of Commons to be printed 14th May, 1838, it is stated, with reference to that emigration to the Canadas, before the year 1832, which has been described by Dr. Morrin and Dr. Skey, eye-witnesses of the miseries and calamities that took place, that "these great multitudes had gone out by their own means, and disposed of themselves through their own efforts, without any serious or lasting inconvenience." \* \* \* \* \* "A practice," it is added, "which appeared to thrive so well spontaneously."

The same report states, with reference to the present operation of the Passengers' Act, and the officers employed by the colonial department to superintend its execution, that "their duty is to give ease and security to the resort to the colonies, and to promote the observance of the salutary provisions of the Passengers' Act. In all that relates to emigration they constitute, as it were, in every port, the appointed poor man's friend. They take notice whether the ship offered for his conveyance is safe and fit for its purpose; they see to the sufficiency of the provisions on board; they prohibit over-crowding; and make every effort to avert or to frustrate those numerous and heartless frauds which are but too constantly attempted, at the moment of departure, upon the humbler classes of emigrants." "Every effort," adds the reporter, speaking of emigrants to North America, "is made for the ease and safety of their transit."

At Quebec, at least, where are landed the great majority of emigrants to the North American colonies, an opinion prevails which is greatly at variance with the above representation. Nobody in the colony denies that the Passengers' Act, and the appointment of agents to superintend its execution, is a considerable improvement upon the utterly lawless and unobserved practices of former times; nor, I should imagine, would any one in this country object to such an approach, however distant, to the systematic and responsible management of emigration, which has been repeatedly urged upon the government of late years; but that there is still great room for further improvement, as respects emigration to the colonies in North America, is, I think, established by Mr. Jessopp, and the following evidence of Dr. Poole:—

Dr. Poole holds an important office, of which I am enabled to state that he has performed the duties with great skill and exemplary diligence. He did not volunteer the information he has supplied. He was summoned to give evidence before the Commissioners of inquiry on Crown Lands and Emigration; and it was in answer to questions put to him that he said, 'I have been attached to the station at Grosse Isle for the last six years. My description applies down to the present year. We had last year upwards of 22,000 emigrants. The poorer class of Irish, and the English paupers, sent by parishes, were, on the arrival of vessels, in many instances, entirely without provisions, so much so, that it was necessary immediately to supply them with food from shore; and some of these ships had already received food and water from other vessels with which they had fallen in. Other vessels with the same class of emigrants, were not entirely destitute, but had suffered much privation by being placed on short allowance. This destitution, or shortness of provisions, combined with dirt and bad ventilation, had invariably produced fevers of a contagious character, and occasioned some deaths on the passage; and from such vessels numbers varying from 20 to 90 each vessel, had been admitted to hospital with contagious fevers immediately on their arrival. I attribute the whole evil to defective arrangements: for instance, parish emigrants from England receive rations of biscuit and beef, or pork, often of bad quality (of this I am aware from personal inspection); they are incapable from sea-sickness of using this solid food at the beginning of the passage, when, for want of small stores, such as tea, sugar, coffee, oatmeal and flour, they fall into a state of debility and low spirits, by which they are incapacitated from the exertions required for cleanliness and exercise, and also indisposed to solid food, more particularly the women and children; and, on their arrival here, I find many cases of typhus fever among them.' \* \* \* 'I also wish to mention as loudly calling for remedy, a system of extortion carried on by masters of vessels, chiefly from Ireland, whence come the bulk of our emigrants. The captain tells emigrants the passage will be made in three weeks or a month, and they need not lay in provisions for any longer period, well knowing that the average passage is six weeks, and that it often extends to eight or nine weeks. When the emigrant's stores are exhausted, the captain, who has laid in a stock for the purpose, obliges them to pay often as much as 400 per cent. on the cost price for the means of subsistence, and thus robs the poor emigrant of his last shilling. Such cases are of frequent occurrence, even down to the present year.' \* \* \* 'Parish emigrants are generally at the mercy of the captain or mate, who serve out the provisions, and who frequently put emigrants on short allowance soon after their departure. Complaints of short weight and bad quality in the provisions are frequently made.' \* \* \* 'The captains have in many instances told me, that the agents only muster the passengers on deck, inquire into the quantity of provisions, and, in some cases, require them to be produced, when occasionally the same bag of meal or other provisions was shown as belonging to several persons in succession. This the captain discovered after sailing. The mere mustering of the passengers on deck, without going below, where the provisions are kept, is really no inspection at all; and it frequently happens that passengers are smuggled on board without any provisions.' \* \* \* 'Very few of these vessels have on board a sufficient quantity of water, the casks being insufficient in number, and very many of them old oak casks, made up with pine heads, which therefore leak, if they do not fall to pieces, which often happens. I have had many similar cases from Liverpool.' \* \* \* 'That part of the law which regulates the height between decks of emigrant ships is frequently evaded in the smaller class of vessels, by means of a false deck some distance below the beams, bringing the passengers nearly in contact with the damp ballast, pressing them into the narrow part of the ship, and the beams taking an important part of the room allotted to them by law. It is quite impossible that such fittings should escape observation in the port of departure, if that part of the vessel intended for emigrants be visited.' \* \* \* 'There is another evil which might be readily obviated by a proper selection of vessels at home—that of employing as emigrant ships vessels that are scarcely sea worthy; and which, consequently being unable to carry

sail, make very long passages. As the tonnage of the best class of vessels coming to Canada is more than sufficient to bring all the emigrants in any year, the employment of these bad ships ought not to be permitted.' \* \* \* 'The reports made to me by the class of captains and surgeon superintendents, now bringing passengers, are seldom to be relied upon. In illustration, I beg leave to mention a case that occurred last year. It was a vessel with about 150 passengers on board, from an Irish port. The captain assured me that they had no sickness on board; and the surgeon produced a list, which he signed, of certain slight ailments, such as bowel complaints and catarrhs, which had occurred during the passage, and which appeared on the list with the remark 'cured' to all of them. On making my usual personal inspection, I found and sent to the hospital upwards of 40 cases of typhus fever, of which nine were below in bed: these nine they had not been able to get out of bed. Many of the others were placed against the bulwarks, to make a show of being in health, with pieces of bread and hot potatoes in their hands. As there are many most respectable captains in the lumber trade, a proper selection by the emigrant agents at home would prevent this abuse.' \* \* \* 'The medical superintendence on board vessels, obliged by the Passengers' Act to carry a surgeon, is very defective. The majority of such persons called surgeons are unlicensed students and apprentices, or apothecaries' shopmen, without sufficient medical knowledge to be of any service to the emigrants, either for the prevention or cure of diseases. On board a ship the knowledge of the means of preventing disease in such a situation is the first requisite in a medical man, and in this the medical superintendents are lamentably deficient. It is not much better as to the cure of diseases. I boarded a ship last year, of which the captain and three passengers, who had met with accidents, had their limbs bandaged for supposed fractures, which, upon examination, I found were only simple strains or bruises. On examining the captain's arm, I said that there had been no fracture. The surgeon, so called, replied—'I assure you that the *tibia* and *fibula* are both broken.' It happens that the *tibia* and *fibula* are bones of the leg. This is an extreme case, apparently; but it is not an unfair illustration of the ignorance and presumption of the class of men appointed to comply with that part of the act which is intended to provide for the medical care of emigrants during the voyage."

The Agent-General's report, which was laid before parliament last year, does not even allude to another feature of our system of emigration, on which I have yet to offer some remarks. However defective the present arrangements for the passage of emigrants, they are not more so than the means employed to provide for the comfort and prosperity of this class after their arrival in the colonies. Indeed it may be said that no such means are in existence. It will be seen, from the very meagre evidence of the agent for emigrants at Quebec, that the office which he holds is next to useless. I cast no blame on the officer, but would only explain, that he has no powers, nor scarcely any duties to perform. Nearly all that is done for the advantage of poor emigrants, after they have passed the Lazaretto, is performed by the Quebec and Montreal Emigrants' Societies—benevolent associations of which I am bound to speak in the highest terms of commendation; to which indeed we owe whatever improvement has taken place in the yet unhealthy mid-way passage, but which, as they were instituted for the main purpose of relieving the inhabitants of the two cities from the miserable spectacle of crowds of unemployed and starving emigrants, so have their efforts produced little other good than that of facilitating the progress of poor emigrants to the United States, where the industrious of every class are always sure of employment at good wages. In the report on emigration, to which I have alluded before, I find favourable mention of the principle of entrusting some parts of the conduct of emigration rather to "charitable committees" than to "an ordinary department of government." From this doctrine I feel bound to express my entire dissent. I can scarcely imagine any obligation which it is more incumbent on government to fulfil than that of guarding against an improper selection of emigrants, and securing to poor persons disposed to emigrate every possible facility and assistance, from the moment of their intending to leave this country, to that of their comfortable establishment in the colony. No less an obligation is incurred by the government, when, as is now the case, they invite poor persons to emigrate by tens of thousands every year. It would, indeed, be very mischievous if the government were to deprive emigrants of self-reliance, by doing everything for them; but when the state leads great numbers of people into a situation in which it is impossible that they should do well without assistance, then the obligation to assist them begins; and it never ends, in my humble opinion, until those who have relied on the truth and paternal care of the government are placed in a situation to take care of themselves. How little this obligation has been regarded, as respects emigration to your Majesty's North American colonies, will be seen from the following evidence:—

Mr. Buchanan, the chief agent for emigrants at Quebec, says, "I have no communication from the agent-general of emigration;" and "the instructions I have mentioned, as regulating the proceedings of my office, do not, I conceive, contain any specific directions as to the duties I have to perform. In fact, they were not addressed to my office at all. I suppose that they were transmitted to my predecessor, in order that he might be acquainted with the views of the home government on the subject." "There may have been specific instructions for the guidance of the agent for emigrants, but I am not aware of any. I have myself followed the routine that I found established."

Dr. Skey says, "A pauper emigrant, on his arrival in this province, is generally either with nothing or with a very small sum in his pocket; entertaining the most erroneous ideas as to his prospects here; expecting immediate and constant employment, at ample wages; entirely ignorant of the nature of the country; and of the place where labour is most in demand, and of the best means by which to obtain employment. He has landed from the ship, and from his apathy and want of energy has loitered about the wharves, waiting for the offer of employment; or, if he obtained employment, he calculated upon its permanency, and found himself, at the beginning of the winter, when there is little or no employment for labour in this part of the country, discharged, and without any provision for the wants of a Canadian winter. In this way, emigrants have often accumulated in Quebec, at the end of summers, encumbered it with indigent inhabitants, and formed the most onerous burden on the charitable funds of the community."

Mr. Forsyth says, "Emigration has improved of late years with regard to the destitute sick and to the totally destitute by means of the emigrant society, and the fund raised by the emigrant tax; but with regard to the main body of emigrants, the evil results of a total want of system are as conspicuous as ever. The great evils that have hitherto existed have arisen from the want of system, and especially from the want of all adequate means of information, advice, and guardianship. This want of information necessarily gives a vagrant character to their movements. Unable to obtain information as to the best mode of proceeding in this province, they move onward to Toronto, and find the same want there; they become disgusted, and leave the province in large numbers, to become citizens of the American Union. My observation on the subject has led me to estimate the proportion of emigrants from Britain who proceed to the United States at 60 in 100 during the last few years."

Mr. Stayner says, "Many of these poor people have little or no agricultural knowledge, even in a general way; and they are all ignorant of the husbandry practised in the country. The consequence is, that, after getting into 'the bush,' as it is called, they find themselves beset by privations and difficulties which they are not able to contend with, and, giving way under the pressure, they abandon their little improvements to seek a livelihood elsewhere.—Many resort to the large towns in the province, with their starving families, to eke out by day-labour and begging together a wretched existence; whilst others of them (more enterprising) are tempted, by the reputed high wages and more genial climate of the United States, to try their fortunes in that country. Now and then, some individual better gifted, and possessing more energy of character than the mass of adventurers who arrive, will successfully contend with those difficulties, and do well for himself and family; but the proportion of such is small."

Mr. Jessopp says, "Emigrants sent out by parishes are very generally inferior, both morally and physically, to those who have found their own way out. The parishes have sent out persons far too old to gain their livelihood by work, and often of drunken and improvident habits. These emigrants have neither benefited themselves nor the country; and this is very natural, for judging from the class sent out, the object must have been the getting rid of them, and not either the benefit of themselves or the colony. An instance occurred very recently which illustrates this subject. A respectable settler in the eastern townships lately returned from England in a vessel, on board of which there were 136 pauper passengers sent out at the expense of their parishes; and out of the whole number he could only select two that he was desirous of inducing to settle in the eastern townships. The conduct of the others, both male and female, was so bad, that he expressed his wish that they might proceed to the Upper Province, instead of settling in this district. He alluded principally to gross drunkenness and unchastity. The inhabitants of Quebec and Montreal are subject to constant appeals from persons who arrive here, and linger about in a state of total destitution."

The most striking example, however, of the want of system and precaution on the part of government, is that of the old soldiers, termed Commuted Pensioners, of whom nearly 3,000 reached the colonies in the years 1832 and 1833. A full description of the fate of these

unfortunate people will be found in the evidence of Mr. Davidson and others. Many of them landed in Quebec before the instructions had been received in the colony to pay them the sums to which they were to be entitled on their arrival, and even before the provincial government know of their departure from England. Many of them spent the amount of their commutation money in debauchery, or were robbed of it when intoxicated. Many never attempted to settle upon the land awarded to them; and of those who made the attempt, several were unable to discover whereabouts in the wilderness their grants were situated. Many of them sold their right to the land for a mere trifle, and were left, within a few weeks of their arrival, in a state of absolute want. Of the whole number who landed in the colony, probably not one in three attempted to establish themselves on their grants, and not one in six remain settled there at the present time; the remainder generally lingered in the vicinity of the principal towns, where they contrived to pick up a subsistence by begging and occasional labour. Great numbers perished miserably in the two years of cholera, or from diseases engendered by exposure and privations, and aggravated by their dissolute habits. The majority of them have at length disappeared. The situation of those who survive calls loudly for some measure of immediate relief; it is one of extreme destitution and suffering. Their land is almost entirely useless, and they cannot obtain any adequate employment, either as farm labourers or domestic servants. At the commencement of every winter, therefore, they are thrown upon the charity of individuals. In the upper province their situation is equally deplorable, and numbers must have perished from absolute starvation, if they had not been fed by the provincial government. I confidently trust that their pensions may be restored, and that, in future, whenever the government shall interfere, directly or indirectly, in promoting the emigration of poor persons to these colonies, it will be under some systematic arrangements calculated to prevent the selection of classes disqualified from gaining by their removal, and to guard the other classes from the misfortunes into which they are now apt to fall through ignorance of the new country, and the want of all preparation for their arrival.

It is far from my purpose, in laying these facts before your Majesty, to discourage emigration to your Majesty's North American colonies. On the contrary, I am satisfied that the chief value of these colonies to the mother country consists in their presenting a field where millions even of those who are distressed at home, might be established in plenty and happiness. All the gentlemen whose evidence I have last quoted, are warm advocates of systematic emigration. I object, along with them, only to such emigration as now takes place—without forethought, preparation, method or system of any kind.

I have now brought under review, the most prominent features of the condition and institutions of the British Colonies in North America. It has been my painful task to exhibit a state of things which cannot be contemplated without grief, by all who value the well-being of our colonial fellow-countrymen, and the integrity of the British empire. I have described the operation of those causes of division which unhappily exist in the very composition of society; the disorder produced by the working of an ill-contrived constitutional system, and the practical mis-management which these fundamental defects have generated in every department of government.

It is not necessary that I should take any pains to prove, that this is a state of things which should not, which cannot, continue. Neither the political nor the social existence of any community, can bear much longer the operation of these causes which have, in Lower Canada, already produced a long practical cessation of the regular course of constitutional government; which have occasioned the violation, and necessitated the absolute suspension, of the provincial constitution—and which have resulted in two insurrections—two substitutions of martial for civil law—and two periods of a general abeyance of every guarantee that is considered essential for the protection of a British subject's rights. I have already described the state of feeling which prevails among each of the contending parties, or rather their races; their all-pervading and irreconcilable enmity to each other; the entire and irremediable disaffection of the whole French population, as well as the suspicion with which the English regard the imperial government; and the determination of the French, together with the tendency of the English to seek for a redress of their intolerable present evils in the chances of a separation from Great Britain. The disorders of Lower Canada admit of no delay; the existing form of government is but a temporary and forcible subjugation. The recent constitution is one of which neither party would tolerate the re-establishment, and of which the bad working

has been such that no friend to liberty or to order could desire to see the province again subjected to its mischievous influence. Whatever may be the difficulty of discovering a remedy, its urgency is certain and obvious.

Nor do I believe that the necessity for adopting some extensive and decisive measures for the pacification of Upper Canada, is at all less imperative. From the account which I have given of the causes of disorder in that province, it will be seen that I do not consider them by any means of such a nature as to be irremediable, or even to be susceptible of no remedy that shall not effect an organic change in the existing constitution. It cannot be denied, indeed, that the continuance of the many practical grievances which I have described as subjects of complaint, and above all, the determined resistance to such a system of responsible government, as would give the people a real control over its own destinies, have, together with the irritation caused by the late insurrection, induced a large portion of the population to look with envy at the material prosperity of their neighbours in the United States, under a perfectly free and eminently responsible government; and, in despair of obtaining such benefits under their present institutions, to desire the adoption of a Republican Constitution, or even an incorporation with the American Union. But I am inclined to think, that such feelings have made no formidable or irreparable progress; on the contrary, I believe that all the discontented parties, and especially the reformers of Upper Canada, look with considerable confidence to the result of my mission. The different parties believe that when the case is once fairly put before the mother country, the desired changes in the policy of their government will be readily granted: they are now tranquil, and I believe loyal; determined to abide the decision of the home Government, and to defend their property and their country against rebellion and invasion. But I cannot but express my belief, that this is the last effort of their almost exhausted patience—and that the disappointment of their hopes on the present occasion, will destroy for ever their expectation of good resulting from British connection. I do not mean to say that they will renew the rebellion, much less do I imagine that they will array themselves in such force as will be able to tear the government of their country from the hands of the great military power which Great Britain can bring against them. If now frustrated in their expectations, and kept in hopeless subjection to rulers irresponsible to the people, they will, at best, only await in sullen prudence the contingencies which may render the preservation of the province dependent on the devoted loyalty of the great mass of its population.

With respect to the other North American provinces, I will not speak of such evils as imminent, because I firmly believe that, whatever discontent there may be, no irritation subsists which in any way weakens the strong feeling of attachment to the British Crown and Empire. Indeed, throughout the whole of the North American provinces, there prevails among the British population an affection for the mother country, and a preference for its institutions, which a wise and firm policy on the part of the Imperial Government may make the foundation of a safe, honourable, and enduring connexion. But even this feeling may be impaired, and I must warn those in whose hands the disposal of their destinies rests, that a blind reliance on the all-enduring loyalty of our countrymen may be carried too far. It is not politic to waste and cramp their resources, and to allow the backwardness of the British provinces everywhere to present a melancholy contrast to the progress and prosperity of the United States. Throughout the course of the preceding pages, I have constantly had occasion to refer to this contrast. I have not hesitated to do so, though no man's just pride in his country, and firm attachment to its institutions, can be more deeply shocked by the mortifying admission of inferiority. But I should ill discharge my duty to your Majesty, I should give but an imperfect view of the real condition of these provinces, were I to detail mere statistical facts, without describing the feelings which they generate in those who observe them daily, and daily experience their influence on their own fortunes. The contrast which I have described, is the theme of every traveller who visits these countries, and who observes on one side of the line the abundance, and on the other the scarcity, of every sign of material prosperity which thriving agriculture and flourishing cities indicate, and of civilization which schools and churches testify even to the outward senses. While it excites the exultation of the enemies of British institutions, its reality is more strongly evinced by the reluctant admission of your Majesty's most attached subjects. It is no true loyalty to hide from your Majesty's knowledge the existence of an evil which it is in your Majesty's power, as it is your Majesty's benevolent pleasure to remove: for the possibility of reform is yet afforded by the patient and fervent attachment which your Majesty's English subjects in all these provinces still feel to their allegiance and their mother country. Calm reflection and loyal confidence have retained

these feelings unimpaired, even by the fearful drawback of the general belief that every man's property is of less value on the British than on the opposite side of the boundary. It is time to reward this noble confidence by showing that men have not indulged in vain the hope that there is a power in British institutions to rectify existing evils, and to produce in their place a well-being which no other dominion could give. It is not in the terrors of the law or in the might of our armies that the secure and honourable bond of connexion is to be found. It exists in the beneficial operation of those British institutions which link the utmost development of freedom and civilization with the stable authority of an hereditary monarchy, and which, if rightly organized and fairly administered in the colonies, as in Great Britain, would render a change of institutions only an additional evil to the loss of the protection and commerce of the British Empire.

But while I count thus confidently on the possibility of a permanent and advantageous retention of our connexion with these important colonies, I must not disguise the mischief and danger of holding them in their present state of disorder. I rate the chances of successful rebellion as the least danger in prospect. I do not doubt that the British government can, if it choose to retain these dependencies at any cost, accomplish its purpose. I believe that it has the means of enlisting one part of the population against the other, and of garrisoning the Canadas with regular troops sufficient to awe all internal enemies. But even this will not be done without great expense and hazard. The experience of the last two years furnishes only a foretaste of the cost to which such a system of government will subject us. On the lowest calculation, the addition of £1,000,000 a year to our annual colonial expenditure will barely enable us to attain this end. Without a change in our system of government, the discontent which now prevails, will spread and advance. As the cost of retaining these colonies increases, their value will rapidly diminish; and if by such means the British nation shall be content to retain a barren and injurious sovereignty, it will but tempt the chances of foreign aggression, by keeping continually exposed to a powerful and ambitious neighbour, a distant dependency, in which an invader would find no resistance, but might rather reckon on active co-operation from a portion of the resident population.

I am far from presenting this risk in a manner calculated to irritate the just pride which would shrink from the thoughts of yielding to the menaces of a rival nation. Because, important as I consider the foreign relations of this question, I do not believe that there is now any very proximate danger of a collision with the United States, in consequence of that power desiring to take advantage of the disturbed state of the Canadas. In the despatch of the 9th of August I have described my impression of the state of feeling with respect to the Lower Canadian insurrection, which had existed, and was then in existence in the United States.— Besides the causes of hostile feeling which originate in the mere juxtaposition of that power to our North American provinces, I described the influence which had been undoubtedly exercised by that mistaken political sympathy with the insurgents of Lower Canada, which the inhabitants of the United States were induced to entertain. There is no people in the world so little likely as that of the United States to sympathize with the real feelings and policy of the French Canadians; no people so little likely to share in their anxiety to preserve ancient and barbarous laws, and to check the industry and improvement of their country, in order to gratify some idle and narrow notion of a petty and visionary nationality. The Americans who have visited Lower Canada, perfectly understand the real truth of the case; they see that the quarrel is a quarrel of races; and they certainly show very little inclination to take part with the French Canadians and their institutions. Of the great number of American travellers, coming from all parts of the union, who visited Quebec during my residence there, and whose society I, together with the gentlemen attached to my mission, had the advantage of enjoying, not one ever expressed to any of us any approbation of what may be termed the national objects of the French Canadians, while many did not conceal a strong aversion to them. There is no people in the world to whom the French Canadian institutions are more intolerable, when circumstances compel submission to them. But the mass of the American people had judged of the quarrel from a distance; they had been obliged to form their judgment on the apparent grounds of the controversy; and were thus deceived, as all those are apt to be who judge under such circumstances and on such grounds. The contest bore some resemblance to that great struggle of their own forefathers, which they regard with the highest pride. Like that, they believed it to be a contest of a colony against the empire whose misconduct alienated their own country; they considered it to be a contest undertaken by a people professing to seek independence of distant control and extension of popular privileges;

and finally, a contest of which the first blow was struck in consequence of a violation of a colonial constitution, and the appropriation of the colonial revenues without the consent of the colonists. It need not surprise us that such apparently probable and sufficient causes were generally taken by the people of the United States as completely accounting for the whole dispute; that the analogy between the Canadian insurrection and the war of independence was considered to be satisfactorily made out; and that a free and high-spirited people eagerly demonstrated its sympathy with those whom it regarded as gallantly attempting, with unequal means, to assert that glorious cause which its own fathers had triumphantly upheld.

In the case of Upper Canada, I believe the sympathy to have been much more strong and durable; and, though the occasion of the contest was apparently less marked, I have no doubt that this was more than compensated by the similarity of language and manners, which enabled the rebels of the Upper Province to present their case much more easily and forcibly to those whose sympathy and aid they sought. The incidents of any struggle of a large portion of a people with its government are sure, at some time or another, to elicit some sympathy with those who appear, to the careless view of a foreign nation, only as martyrs to the popular cause, and as victims of a government conducted on principles differing from its own; and I have no doubt that if the internal struggle be renewed, the sympathy from without will, at some time or another, reassume its former strength.

For it must be recollected that the natural ties of sympathy between the English population of the Canadas, and the inhabitants of the frontier States of the Union are peculiarly strong. Not only do they speak the same language, living under laws having the same origin, and preserve the same customs and habits, but there is a positive alternation, if I may so express it, of the populations of the two countries. While large tracts of the British territory are peopled by American citizens, who still keep up a constant connexion with their kindred and friends, the neighbouring states are filled with emigrants from Great Britain, some of whom have quitted Canada after unavailing efforts to find there a profitable return for their labour, and many of whom have settled in the United States, while other members of their families, and the companions of their youth, have taken up their abode on the other side of the frontier. I had no means of ascertaining the exact degree of truth in some statements which I have heard respecting the number of Irish settled in the state of New York; but it is commonly asserted that there are no less than 40,000 Irish in the militia of that state. The intercourse between these two divisions of what is, in fact, an identical population, is constant and universal. The border townships of Lower Canada are separated from the United States by an imaginary line; a great part of the frontier of Upper Canada, by rivers, which are crossed in ten minutes; and the rest by lakes, which interpose hardly a six hours' passage between the inhabitants of each side. Every man's daily occupations bring him in contact with his neighbours on the other side of the line; the daily wants of one country are supplied by the produce of the other; and the population of each is in some degree dependent on the state of trade and the demands of the other. Such common wants beget an interest in the politics of each country among the citizens of the other. The newspapers circulate in some places almost equally on the different sides of the line, and men discover that their welfare is frequently as much involved in the political condition of their neighbours as of their own countrymen.

The danger of any serious mischief from this cause appears to me to be less at the present moment than for some time past. The events of the last year, and the circulation of more correct information respecting the real causes of contention, have apparently operated very successfully against the progress or continuance of this species of sympathy; and I have the satisfaction of believing that the policy which was pursued during my administration of the government was very efficient in removing it. The almost complete unanimity of the press of the United States, as well as the assurance of individuals conversant with the state of public opinion in that country, convince me that the measures which I adopted, met with a concurrence that completely turned the tide of feeling in favour of the British government. Nor can I doubt from the unvarying evidence that I have received from all persons who have recently travelled through the frontier states of the Union, that there hardly exists at the present moment the slightest feeling which can be properly called sympathy. Whatever aid the insurgents have recently received from citizens of the United States, may either be attributed to those national animosities which are the too sure result of past wars, or to those undisguised projects of conquest and rapine which, since the invasion of Texas, find but too much favour among the daring population of the frontiers. Judging from the character and behaviour of the Americans most prominent in the recent aggressions on Upper Canada, they seem to have

been produced mainly by the latter cause; nor does any cause appear to have secured to the insurgents of Lower Canada any very extensive aid, except that in money and munitions of war, of which the source cannot very clearly be traced. Hardly any Americans took part in the recent disturbances in Lower Canada. Last year the outbreak was the signal for numerous public meetings in all the great cities of the frontier states, from Buffalo to New York. At these the most entire sympathy with the insurgents was openly avowed; large subscriptions were raised, and volunteers invited to join. Since the last outbreak no such manifestations have taken place: the meetings which the Nelsons and others have attempted in New York, Philadelphia, Washington, and elsewhere, have ended in complete failure; and at the present moment there does not exist the slightest indication of any sympathy with the objects of the Lower Canadian insurgents, or of any desire to co-operate with them for political purposes. The danger, however, which may be apprehended from the mere desire to repeat the scenes of Texas in the Canadas, is a danger from which we cannot be secure while the disaffection of any considerable portion of the population continues to give an appearance of weakness to our government. It is in vain to expect that such attempts can wholly be repressed by the federal government, or that they could even be effectually counteracted by the utmost exertion of its authority, if any sudden turn of affairs should again revive a strong and general sympathy with insurrection in Canada. Without dwelling on the necessary weakness of a merely federal government—without adverting to the difficulty which authorities dependent for their very existence on the popular will, find in successfully resisting a general manifestation of public feeling, the impossibility which any government would find in restraining a population like that which dwells along the thousand miles of this frontier, must be obvious to all who reflect on the difficulty of maintaining the police of a dispersed community.

Nor is this danger itself unproductive of feelings which are in their turn calculated to produce yet further mischief. The loyal people of Canada, indignant at the constant damage and terror occasioned by incursions from the opposite shore, naturally turn their hostility against the nation and the government which permit, and which they accuse even of conniving at the violation of international law and justice. Mutual recriminations are bandied about from one side to the other; and the very facilities of intercourse which keep alive the sympathy between portions of the two populations, afford at the same time occasions for the collision of angry passions and national antipathies. The violent party papers on each side, and the various bodies, whose pecuniary interests a war would promote, foment the strife. A large portion of each population endeavours to incite its own government to war, and at the same time labours to produce the same result by irritating the national feelings of the rival community. Rumours are diligently circulated by the Canadian press, and every friendly act of the American people or government appears to be systematically subjected to the most unfavourable construction. It is not only to be apprehended that this state of mutual suspicion and dislike may be brought to a head by acts of mutual reprisals, but that the officers of the respective governments, in despair of preserving peace, may take little care to prevent the actual commencement of war.

Though I do not believe that there ever was a time in which the specific relations of the two countries rendered it less likely that the United States would imagine that a war with England could promote their own interests, yet it cannot be doubted that the disturbed state of the Canadas is a serious drawback on the prosperity of a great part of the Union. Instead of presenting an additional field for their commercial enterprise, these provinces, in their present state of disorder, are rather a barrier to their industrial energies. The present state of things also occasions great expense to the federal government, which has been under the necessity of largely augmenting its small army, on account chiefly of the troubles of Canada.

Nor must we forget, that whatever assurances and proofs of amicable feeling we may receive from the government of the United States, however strong may be the ties of mutual pacific interests that bind the two nations together, there are subjects of dispute which may produce less friendly feelings. National interests are now in question between us, of which the immediate adjustment is demanded by every motive of policy. These interests cannot be supported with the necessary vigour while disaffection in a most important part of our North American possessions appears to give an enemy a certain means of inflicting injury and humiliation on the empire.

But the chances of rebellion or foreign invasion are not those which I regard as either the most probable or the most injurious. The experience of the last two years suggests the occurrence of a much more speedy and disastrous result. I dread, in fact, the completion of the sad work of depopulation and impoverishment which is now rapidly going on. The pre-

sent evil is not merely that improvement is stayed, and that the wealth and population of these colonies do not increase according to the rapid scale of American progress. No accession of population takes place by immigration, and no capital is brought into the country. On the contrary, both the people and the capital seem to be quitting these distracted provinces. From the French portion of Lower Canada there has, for a long time, been a large annual emigration of young men to the northern states of the American Union, in which they are highly valued as labourers, and gain good wages, with their savings from which they generally return to their homes in a few months or years. I do not believe that the usual amount of this emigration has been increased during the last year, except by a few persons prominently compromised in the insurrection, who have sold their property and made up their minds to a perpetual exile; but I think that there is some reason to believe that, among the class of habitual emigrants whom I have described, a great many now take up their permanent residence in the United States. But the stationary habits and local attachment of the French Canadians render it little likely that they will quit their country in great numbers. I am not aware that there is any diminution of the British population from such a cause. The employment of British capital in the province is not materially checked in the principal branch of trade, and the main evils are the withdrawal of enterprising British capitalists from the French portion of the country, the diminished employment of the capital now in the province, and the entire stoppage of all increase of the population by means of immigration. But from Upper Canada the withdrawal both of capital and of population has been very considerable. I have received accounts from most respectable sources, of a very numerous emigration from the whole of the Western and London districts. It was said by persons who professed to have witnessed it, that considerable numbers had for a long time daily passed over from Amherstburgh and Sandwich to Detroit; and a most respectable informant stated that he had seen in one of the districts which I have mentioned, no less than 15 vacant farms together on the road side. A body of the reforming party have avowed, in the most open manner, their intention of emigrating from political motives, and publicly invited all who might be influenced by similar feelings, to join in their enterprise. For this the Mississippi Emigration Society has been formed, with the purpose of facilitating emigration from Upper Canada, to the new territory of the Union, called Iowa, on the west bank of the Upper Mississippi. The prospectus of the undertaking, and the report of the deputies who were sent to examine the country in question, were given in the public press, and the advantages of the new colony strongly enforced by the reformers, and depreciatingly discussed by the friends of the government. The number of persons who have thus emigrated is not, however, I have reason to believe, as great as it has often been represented. Many who might be disposed to take such a step cannot sell their farms on fair terms; and though some, relying on the ease with which land is obtained in the United States, have been content to remove merely their stock and their chattels, yet there are others again who cannot at the last make the sacrifices which a forced sale would necessitate, and who continue, even under their present state of alarm, to remain in hopes of better times. In the districts which border on the St. Lawrence little has, in fact, come of the determination to emigrate which was loudly expressed at one time. And some even of those who actually left the country are said to have returned. But the instances which have come to my knowledge induce me to attach even more importance to the class, than to the alleged number of the emigrants; and I can by no means agree with some of the dominant party, that the persons who thus leave the country are disaffected subjects, whose removal is a great advantage to loyal and peaceable men. In a country like Upper Canada, where the introduction of population and capital is above all things needful for its prosperity, and almost for its continued existence, it would be more prudent, as well as just, more the interest as well as the duty of the government, to remove the causes of disaffection, than to drive out the disaffected. But there is no ground for asserting that all the reformers who have thus quitted the country are disloyal and turbulent men; nor indeed is it very clear that all of them are reformers, and that the increasing insecurity of person and property have not, without distinction of politics, driven out some of the most valuable settlers of the Province. A great impression has been lately made by the removal of one of the largest proprietors of the Province, a gentleman who had arrived there not many years ago from Trinidad; who has taken no prominent, and certainly no violent, part in politics; and who has now transferred himself and his property to the United States, simply because in Upper Canada he can find no secure investment for the latter, and no tranquil enjoyment of life. I heard of another English gentleman, who, having resided in the country for six or seven years, and invested large sums in bringing over a superior breed of cattle and sheep, was, while I was there, selling off his stock and implements, with a view of settling in Illinois. I

was informed of an individual who, 30 years ago, had gone into the forest with his axe on his shoulder, and, with no capital at starting, had, by dint of patient labour, acquired a farm and stock which he had sold for £2,000, with which he went into the United States. This man, I was assured, was only a specimen of a numerous class, to whose unwearied industry the growth and prosperity of the colony are mainly to be ascribed. They are now driven from it, on account of the present insecurity of all who, having in former times been identified in politics with some of those who subsequently appeared as prominent actors in the revolt, are regarded and treated as rebels, though they had held themselves completely aloof from all participation in schemes or acts of rebellion. Considerable alarm also exists as to the general disposition to quit the country, which was said to have been produced by some late measures of the authorities among that mild and industrious, but peculiar race of descendants of the Dutch, who inhabit the back part of the Niagara district.

Such are the lamentable results of the political and social evils which have so long agitated the Canadas; and such is their condition, that at the present moment we are called on to take immediate precautions against dangers so alarming as those of rebellion, foreign invasion, and utter exhaustion and depopulation. When I look on the various and deep-rooted causes of mischief which the past inquiry has pointed out as existing in every institution, in the constitutions, and in the very composition of society throughout a great part of these provinces, I almost shrink from the apparent presumption of grappling with these gigantic difficulties. Nor shall I attempt to do so in detail. I rely on the efficacy of reform in the constitutional system, by which these colonies are governed, for the removal of every abuse in their administration, which defective institutions have engendered. If a system can be devised which shall lay, in these countries, the foundation of an efficient and popular government—insure harmony, in place of collision, between the various powers of the state—and bring the influence of a vigorous public opinion to bear on every detail of public affairs, we may rely on sufficient remedies being found for the present vices of the administrative system.

The preceding pages have sufficiently pointed out the nature of those evils, to the extensive operation of which I attribute the various practical grievances, and the present unsatisfactory condition of the North American colonies. It is not by weakening, but strengthening the influence of the people on its government; by confining within much narrower bounds than those hitherto allotted to it, and not by extending the interference of the Imperial authorities in the details of colonial affairs, that I believe that harmony is to be restored, where dissension has so long prevailed, and a regularity and vigour hitherto unknown introduced into the administration of these provinces. It needs no change in the principles of government, no invention of a new constitutional theory, to supply the remedy which would, in my opinion, completely remove the existing political disorders. It needs but to follow out consistently the principles of the British constitution, and introduce into the government of these great colonies those wise provisions, by which alone the working of the representative system can in any country be rendered harmonious and efficient. We are not now to consider the policy of establishing representative government in the North American colonies. That has been irrevocably done; and the experiment of depriving the people of their present constitutional power is not to be thought of. To conduct their government harmoniously, in accordance with its established principles, is now the business of its rulers; and I know not how it is possible to secure that harmony in any other way, than by administering the government on those principles which have been found perfectly efficacious in Great Britain. I would not impair a single prerogative of the Crown; on the contrary, I believe that the interests of the people of these colonies require the protection of prerogatives, which have not hitherto been exercised. But the Crown must, on the other hand, submit to the necessary consequences of representative institutions: and if it has to carry on the government in unison with a representative body, it must consent to carry it on by means of those in whom that representative body has confidence.

In England this principle has been so long considered an indisputable and essential part of our constitution, that it has really hardly ever been found necessary to inquire into the means by which its observance is enforced. When a ministry ceases to command a majority in parliament, on great questions of policy, its doom is immediately sealed; and it would appear to us as strange to attempt, for any time, to carry on a government by means of ministers perpetually in a minority, as it would be to pass laws with a majority of votes against them. The ancient constitutional remedies, by impeachment and a stoppage of the supplies, have never, since the reign of William III. been brought into operation for the purpose of removing

a ministry. They have never been called for: because, in fact, it has been the habit of ministers rather to anticipate the occurrence of an absolutely hostile vote, and to retire, when supported only by a bare and uncertain majority. If colonial legislatures have frequently stopped the supplies—if they have harrassed public servants by unjust or harsh impeachments—it was because the removal of an unpopular administration could not be effected in the colonies by those milder indications of a want of confidence, which have always sufficed to attain the end in the mother country.

The means which have occasionally been proposed in the colonies themselves, appear to me by no means calculated to attain the desired end in the best way. These proposals indicate such a want of reliance on the willingness of the imperial government to acquiesce in the adoption of a better system, as, if warranted, would render an harmonious adjustment of the different powers of the state utterly hopeless. An elective executive council would not only be utterly inconsistent with monarchical government, but would really, under the nominal authority of the crown, deprive the community of one of the great advantages of an hereditary monarchy. Every purpose of popular control might be combined with every advantage of vesting the immediate choice of advisers in the crown, were the colonial Governor to be instructed to secure the co-operation of the assembly in his policy, by intrusting its administration to such men as could command a majority, and if he were given to understand that he need count on no aid from home in any difference with the assembly, that should not directly involve the relations between the mother country and the colony. This change might be effected by a single despatch, containing such instructions; or if any legal enactment were requisite, it would only be one that would render it necessary that the official acts of the Governor should be countersigned by some public functionary. This would induce responsibility for every act of the government, and, as a natural consequence, it would necessitate the substitution of a system of administration, by means of competent heads of departments, for the present rude machinery of an executive council. The Governor, if he wished to retain advisers not possessing the confidence of the existing assembly, might rely on the effect of an appeal to the people, and, if unsuccessful, he might be coerced by a refusal of the supplies, or his advisers might be terrified by the prospect of impeachment. But there can be no reason for apprehending that either party would enter on a contest when each would find its interest in the maintenance of harmony; and the abuse of the powers which each would constitutionally possess would cease, when the struggle for larger powers became unnecessary. Nor can I conceive, that it would be found impossible or difficult, to conduct a colonial government with precisely that limitation of the respective powers which has been so long and so easily maintained in Great Britain.

I know that it has been urged, that the principles which are productive of harmony and good government in the mother country, are by no means applicable to a colonial dependency. It is said that it is necessary that the administration of a colony should be carried on by persons nominated without any reference to the wishes of its people; that they have to carry into effect the policy, not of that people, but of the authorities at home; and that a colony which should name all its administrative functionaries would, in fact, cease to be dependent. I admit that the system which I propose would, in fact, place the internal government of the colony in the hands of the colonists themselves; and that we should thus leave them to the execution of the laws, of which we have long intrusted the making solely to them. Perfectly aware of the value of our colonial possessions, and strongly impressed with necessity of maintaining our connexion with them, I know not in what respect it can be desirable that we should interfere with their internal legislation in matters which do not affect their relations with the mother country. The matters which so concern us are very few. The constitution of the form of government—the regulation of foreign relations, and of trade with the mother country, the other British colonies, and foreign nations, and the disposal of the public lands, are the only points on which the mother country requires a control. This control is now sufficiently secured by the authority of the Imperial legislature, by the protection which the colony derives from us against foreign enemies, by the beneficial terms which our laws secure to its trade, and by its share of the reciprocal benefits which would be conferred by a wise system of colonization. A perfect subordination on the part of the colony on these points is secured by the advantages which it finds in the continuance of its connection with the empire. It certainly is not strengthened, but greatly weakened, by a vexatious interference on the part of the home government with the enactment of laws for regulating the internal concerns of the colony, or in the selection of the persons intrusted with their execution. The colonists may not always know what laws are best for them, or which of their countrymen are the fittest for

conducting their affairs; but at least, they have a greater interest in coming to a right judgment on these points, and will take greater pains to do so, than those whose welfare is very remotely and slightly affected by the good or bad legislation of these portions of the empire. If the colonists make bad laws, and select improper persons to conduct their affairs, they will generally be the only, always the greatest, sufferers; and, like the people of other countries, they must bear the ills which they bring on themselves, until they choose to apply the remedy. But it surely cannot be the duty or interest of Great Britain to keep a most expensive military possession of these colonies, in order that a Governor or Secretary of state may be able to confer colonial appointments on one rather than another set of persons in the colonies, for this is really the only question at issue. The slightest acquaintance with these colonies proves the fallacy of the common notion, that any considerable amount of patronage in them is distributed among strangers from the mother country. Whatever inconvenience a consequent frequency of changes among the holders of office may produce, is a necessary disadvantage of free government, which will be amply compensated by the perpetual harmony which the system must produce between the people and its rulers. Nor do I fear that the character of the public servants will, in any respect, suffer from a more popular tenure of office. For I can conceive no system so calculated to fill important posts with inefficient persons as the present, in which public opinion is too little consulted in the original appointment, and in which it is almost impossible to remove those who disappoint the expectations of their usefulness, without inflicting a kind of brand on their capacity or integrity.

I am well aware that many persons, both in the colonies and at home, view the system which I recommend, with considerable alarm, because they distrust the ulterior views of those by whom it was originally proposed, and whom they suspect of urging its adoption with the intent only of enabling them more easily to subvert monarchical institutions, or assert the independence of the colony. I believe, however, that the extent to which these ulterior views exist has been greatly overrated. We must not take every rash expression of disappointment as an indication of a settled aversion to the existing constitution; and my own observation convinces me that the predominant feeling of all the English population of the North American Colonies is that of devoted attachment to the mother country. I believe that neither the interests nor the feelings of the people are incompatible with a colonial government wisely and popularly administered. The proofs, which many who are much dissatisfied with the existing administration of the government, have given of their loyalty, are not to be denied or overlooked. The attachment constantly exhibited by the people of these provinces towards the British crown and empire, has all the characteristics of a strong national feeling. They value the institutions of their country, not merely from a sense of the practical advantages which they confer, but from sentiments of national pride; and they uphold them the more because they are accustomed to view them as marks of nationality, which distinguish them from their republican neighbours. I do not mean to affirm that this is a feeling which no impolicy on the part of the mother country will be unable to impair: but I do most confidently regard it as one which may, if rightly appreciated, be made the link of an enduring and advantageous connexion. The British people of the North American colonies are a people on whom we may safely rely, and to whom we must not grudge power. For it is not to the individuals who have been loudest in demanding the change that I propose to concede the responsibility of the colonial administration, but to the people themselves. Nor can I conceive that any people, or any considerable portion of a people, will view with dissatisfaction a change, which would amount simply to this, that the crown should henceforth consult the wishes of the people in the choice of its servants.

The important alteration in the policy of the colonial government which I recommend, might be wholly or in great part effected for the present by the unaided authority of the crown; and I believe that the great mass of discontent in Upper Canada, which is not directly connected with personal irritation, arising out of the incidents of the late troubles, might be dispelled by an assurance that the government of the colony should henceforth be carried on in conformity with the views of the majority in the Assembly. But I think that for the well-being of the colonies, and the security of the mother country, it is necessary that such a change should be rendered more permanent than a momentary sense of the existing difficulties can insure its being. I cannot believe that persons in power in this country will be restrained from the injudicious interference with the internal management of these colonies which I deprecate, while they remain the petty and divided communities which they now are. The public attention at home is distracted by the various and sometimes contrary complaints of these different contiguous provinces. Each now urges its demands at different times, and in somewhat

different forms, and the interests which each individual complainant represents as in peril are too petty to attract the due attention of the empire. But if these important and extensive colonies should speak with one voice, if it were felt that every error of our colonial policy must cause a common suffering and a common discontent throughout the whole wide extent of British America, those complaints would never be provoked; because no authority would venture to run counter to the wishes of such a community, except on points absolutely involving the few imperial interests which it is necessary to remove from the jurisdiction of colonial legislation.

It is necessary that I should also recommend what appears to me an essential limitation on the present powers of the representative bodies in these colonies. I consider good government not to be attainable while the present unrestricted powers of voting public money and of managing the local expenditure of the community are lodged in the hands of an Assembly. As long as a revenue is raised which leaves a large surplus after the payment of the necessary expenses of the civil government, and as long as any member of the Assembly may, without restriction, propose a vote of public money, so long will the Assembly retain in its hands the powers which it everywhere abuses, of misapplying that money. The prerogative of the crown, which is constantly exercised in Great Britain for the real protection of the people, ought never to have been waved in the colonies; and if the rule of the Imperial Parliament, that no money vote should be proposed without the previous consent of the crown, were introduced into these colonies, it might be wisely employed in protecting the public interests, now frequently sacrificed in that scramble for local appropriations, which chiefly serves to give an undue influence to particular individuals and parties.

The establishment of a good system of municipal institutions throughout these provinces, is a matter of vital importance. A general legislature, which manages the private business of every parish, in addition to the common business of the country, wields a power which no single body, however popular in its constitution, ought to have—a power which must be destructive of any constitutional balance. The true principle of limiting popular power is that apportionment of it in many different depositaries, which has been adopted in all the most free and stable states of the Union. Instead of confiding the whole collection and distribution of all the revenues raised in any country for all general and local purposes to a single representative body, the power of local assessment, and the application of the funds arising from it, should be intrusted to local management. It is in vain to expect that this sacrifice of power will be voluntarily made by any representative body. The establishment of municipal institutions for the whole country should be made a part of every colonial constitution, and the prerogative of the crown should be constantly interposed to check any encroachment on the functions of the local bodies, until the people should become alive, as most assuredly they almost immediately would be, to the necessity of protecting their local privileges.

The establishment of a sound and general system for the management of the lands and the settlement of the colonies, is a necessary part of any good and durable system of government. In a report contained in the appendix to the present, the plan which I recommend for this purpose will be fully developed.

These general principles apply, however, only to those changes in the system of government, which are required in order to rectify disorders common to all the North American colonies; but they do not, in any degree, go to remove those evils in the present state of Lower Canada, which require the most immediate remedy. The fatal feud of origin, which is the cause of the most extensive mischief, would be aggravated at the present moment, by any change which should give the majority more power than they have hitherto possessed. A plan by which it is proposed to insure the tranquil government of Lower Canada, must include, in itself, the means of putting an end to the agitation of national disputes in the legislature, by settling, at once and for ever, the national character of the province. I entertain no doubts as to the national character which must be given to Lower Canada; it must be that of the British empire—that of the majority of the population of British America—that of the great race which must, in the lapse of no long period of time, be predominant over the whole North American continent. Without effecting the change so rapidly or so roughly as to shock the feelings and trample on the welfare of the existing generation, it must henceforth be the first and steady purpose of the British government to establish an English population, with English laws and language, in this province, and to trust its government to none but a decidedly English legislature.

It may be said, that this is a hard measure to a conquered people—that the French were originally the whole, and still are the bulk, of the population of Lower Canada—that the

English are new-comers, who have no right to demand the extinction of the nationality of a people among whom commercial enterprise has drawn them. It may be said, that if the French are not so civilized, so energetic, or so money-making a race as that by which they are surrounded, they are an amiable, a virtuous, and a contented people, possessing all the essentials of material comfort, and not to be despised or ill-used, because they seek to enjoy what they have, without emulating the spirit of accumulation which influences their neighbours. Their nationality is, after all, an inheritance—and they must be not too severely punished, because they have dreamed of maintaining, on the distant banks of the St. Lawrence, and transmitting to their posterity, the language, the manners, and the institutions of that great nation, that for two centuries gave the tone of thought to the European continent. If the disputes of the two races are irreconcilable, it may be urged that justice demands that the minority should be compelled to acquiesce in the supremacy of the ancient and most numerous occupants of the province, and not pretend to force their own institutions and customs on the majority.

But, before deciding which of the two races is now to be placed in the ascendant, it is but prudent to inquire which of them must ultimately prevail; for it is not wise to establish to-day that which must, after a hard struggle, be reversed to-morrow. The pretensions of the French Canadians to the exclusive possession of Lower Canada, would debar the yet larger English population of Upper Canada, and the townships, from access to the great natural channel of that trade which they alone have created, and now carry on. The possession of the mouth of the Saint Lawrence concerns not only those who happen to have made their settlements along the narrow line which borders it, but all who now dwell, or will hereafter dwell, in the great basin of that river. For we must not look to the present alone. The question is, by what race is it likely that the wilderness which now covers the rich and ample regions surrounding the comparatively small and contracted districts in which the French Canadians are located, is eventually to be converted into a settled and flourishing country? If this is to be done in the British dominions, as in the rest of North America, by some speedier process than the ordinary growth of population, it must be by immigration from the English Isles, or from the United States—the countries which supply the only settlers that have entered, or will enter the Canadas in any large numbers. This immigration can neither be debarred from a passage through Lower Canada, nor even be prevented from settling in that province. The whole interior of the British dominions must, ere long, be filled with an English population, every year rapidly increasing its numerical superiority over the French. It is just that the prosperity of this great majority, and of this vast tract of country, should be for ever, or even for a while, impeded by the artificial bar which the backward laws and civilization of a part, and a part only, of Lower Canada, would place between them and the ocean? Is it to be supposed that such an English population will ever submit to such a sacrifice of its interests?

I must not, however, assume it to be possible, that the English government shall adopt the course of placing or allowing any check to the influx of English immigration into Lower Canada, or any impediment to the profitable employment of that English capital which is already vested therein. The English have already in their hands the majority of the larger masses of property in the country; they have the decided superiority of intelligence on their side; they have the certainty that colonization must swell their numbers to a majority; and they belong to a race which wields the Imperial government, and predominates on the American continent. If we now leave them in a minority, they will never abandon the assurance of being a majority hereafter, and never cease to continue the present contest with all the fierceness with which it now rages. In such a contest they will rely on the sympathy of their countrymen at home; and if that is denied them, they feel very confident of being able to awaken the sympathy of their neighbours of kindred origin. They feel that if the British government intends to maintain its hold of the Canadas, it can rely on the English population alone; that, if it abandons its colonial possessions, they must become a portion of that great union which will speedily send forth its swarms of settlers, and by force of numbers and activity, quickly master every other race. The French Canadians, on the other hand, are but the remains of an ancient colonization, and are, and ever must be, isolated in the midst of an Anglo-Saxon world. Whatever may happen, whatever government shall be established over them, British or American, they can see no hope for their nationality. They can only sever themselves from the British empire, by waiting till some general cause of dissatisfaction alienates them, together with the surrounding colonies, and leaves them part of an English

confederacy; or, if they are able, by effecting a separation singly, and so either merging in the American Union, or keeping up for a few years a wretched semblance of feeble independence, which would expose them more than ever to the intrusion of the surrounding population. I am far from wishing to encourage indiscriminately these pretensions to superiority on the part of any particular race; but while the greater part of every portion of the American continent is still uncleared and unoccupied, and while the English exhibit such constant and marked activity in colonization, so long will it be idle to imagine that there is any portion of that continent into which that race will not penetrate, or in which, when it has penetrated, it will not predominate. It is but a question of time and mode—it is but to determine whether the small number of French, who now inhabit Lower Canada, shall be made English under a government which can protect them, or whether the process shall be delayed, until a much larger number shall have to undergo, at the rude hands of its uncontrolled rivals, the extinction of a nationality strengthened and embittered by continuance.

And is this French Canadian nationality one which, for the good merely of that people, we ought to strive to perpetuate, even if it were possible? I know of no national distinctions marking and continuing a more hopeless inferiority. The language, the laws, the character of the North American continent are English; and every race but the English (I apply this to all who speak the English language) appears there in a condition of inferiority. It is to elevate them from that inferiority that I desire to give to the Canadians our English character. I desire it for the sake of the educated classes, whom the distinction of language and manners keeps apart from the great empire to which they belong. At the best, the fate of the educated and aspiring colonist is, at present, one of little hope, and little activity; but the French Canadian is cast still further into the shade by a language and habits foreign to those of the Imperial government. A spirit of exclusion has closed the higher professions on the educated classes of the French Canadians, more perhaps than was absolutely necessary; but it is impossible for the utmost liberality on the part of the British government, to give an equal position in the general competition of its vast population to those who speak a foreign language. I desire the amalgamation still more for the sake of the humbler classes. Their present state of rude and equal plenty is fast deteriorating under the pressure of population in the narrow limits to which they are confined. If they attempt to better their condition, by extending themselves over the neighbouring country, they will necessarily get more and more mingled with an English population; if they prefer remaining stationary, the greater part of them must be labourers, in the employ of English capitalists. In either case it would appear, that the great mass of the French Canadians are doomed, in some measure, to occupy an inferior position, and to be dependent on the English for employment. The evils of poverty and dependence would merely be aggravated in a ten-fold degree, by a spirit of jealous and resentful nationality, which should separate the working class of the community, from the possessors of wealth and employers of labour.

I will not here enter into the question of the effect of the mode of life and division of property among the French Canadians on the happiness of the people. I will admit, for the moment, that it is as productive of well-being as its admirers assert. But, be it good or bad, the period in which it is practicable is past; for there is not enough unoccupied land left in that portion of the country in which English are not already settled, to admit of the present French population possessing farms sufficient to supply them with their present means of comfort, under their system of husbandry. No population has increased by mere births so rapidly as that of the French Canadians has since the conquest. At that period their number was estimated at 60,000; it is now supposed to amount to more than seven times as many.—There has been no proportional increase of cultivation, or of produce from the land already under cultivation; and the increased population has been, in a great measure, provided for by the mere continued sub-division of estates. In a report from a committee in the Assembly in 1826, of which Mr. Andrew Stuart was chairman, it is stated, that since 1784 the population of the seignories had quadrupled, while the number of cattle had only doubled, and the quantity of land in cultivation had only increased one-third. Complaints of distress are constant, and the deterioration of the condition of a great part of the population admitted on all hands. A people so circumstanced must alter their mode of life. If they wish to maintain the same kind of rude, but well-provided agricultural existence, it must be by removing into those parts of the country in which the English are settled; or if they cling to their present residence, they can only obtain a livelihood by deserting their present employment, and working for wages on farms, or in commercial occupations under English capitalists. But their present proprietary and inactive condition is one which no political arrangements can perpet-

uate. Were the French Canadians to be guarded against the influx of any other population, their condition in a few years would be similar to that of the poorest of the Irish peasantry.

There can hardly be conceived a nationality more destitute of all that can invigorate and elevate a people, than that which is exhibited by the descendants of the French in Lower Canada, owing to their retaining their peculiar language and manners. They are a people with no history, and no literature. The literature of England is written in a language which is not theirs, and the only literature which their language renders familiar to them, is that of a nation from which they have been separated by 80 years of a foreign rule, and still more by those changes which the revolution and its consequences have wrought in the whole political, moral, and social state of France. Yet it is on a people whom recent history, manners, and modes of thought, so entirely separate from them, that the French Canadians are wholly dependent for almost all the instruction and amusement derived from books; it is on this essentially foreign literature, which is conversant about events, opinions, and habits of life, perfectly strange and unintelligible to them, that they are compelled to be dependent. Their newspapers are mostly written by natives of France, who have either come to try their fortunes in the province, or been brought into it by the party leaders, in order to supply the dearth of literary talent available for the political press. In the same way their nationality operates to deprive them of the enjoyments and civilizing influence of the arts. Though descended from the people in the world that most generally love, and have most successfully cultivated the drama; though living on a continent in which almost every town, great or small, has an English theatre, the French population of Lower Canada, cut off from every people that speaks its own language, can support no national stage.

In these circumstances I should be indeed surprised, if the more reflecting part of the French Canadians entertained at present any hope of continuing to preserve their nationality. Much as they struggle against it, it is obvious that the process of assimilation to English habits is already commencing. The English language is gaining ground, as the language of the rich and of the employers of labour naturally will. It appeared by some of the few returns which had been received by the commissioner of inquiry into the state of education, that there are about ten times the number of French children in Quebec learning English, as compared with English children who learn French. A considerable time must, of course elapse, before the change of a language can spread over a whole people; and justice and policy alike require that while the people continue to use the French language their government should take no such means to force the English language upon them as would, in fact, deprive the great mass of the community of the protection of the laws. But I repeat, that the alteration of the character of the province ought to be immediately entered on, and firmly, though cautiously, followed up; that in any plan which may be adopted for the future management of Lower Canada, the first object ought to be that of making it an English province; and that, with this end in view, the ascendancy should never again be placed in any hands but those of an English population. Indeed, at the present moment this is obviously necessary; in the state of mind in which I have described the French Canadian population, as not only now being, but as likely for a long while to remain, the trusting them with an entire control over this province would be, in fact, only facilitating a rebellion. Lower Canada must be governed now, as it must be hereafter, by an English population; and thus the policy which the necessities of the moment force on us is in accordance with that suggested by a comprehensive view of the future and permanent improvement of the province.

The greater part of the plans which have been proposed for the future government of Lower Canada suggest, either as a lasting or as a temporary and intermediate scheme, that the government of that province should be constituted on an entirely despotic footing, or on one that would vest it entirely in the hands of the British minority. It is proposed either to place the legislative authority in a Governor, with a council formed of the heads of the British party, or to contrive some scheme of representation, by which a minority, with the forms of representation, is to deprive a majority of all voice in the management of its own affairs.

The maintenance of an absolute form of government on any part of the North American continent can never continue for any long time, without exciting a general feeling in the United States against a power of which the existence is secured by means so odious to the people; and as I rate the preservation of the present general sympathy of the United States with the policy of our government in Lower Canada as a matter of the greatest importance, I should be sorry that the feeling should be changed for one which, if prevalent among that people, must extend over the surrounding provinces. The influence of such an opinion would not only act very strongly on the entire French population, and keep up among them a sense

of injury and a determination of resistance to the government, but would lead to just as great discontent among the English. In their present angry state of feeling, they might tolerate, for a while, any arrangement that would give them a triumph over the French; but I have greatly misunderstood their character if they would long bear a government in which they had no direct voice. Nor would their jealousy be obviated by the selection of a council from the persons supposed to have their confidence. It is not easy to know who really possess that confidence: and I suspect that there would be no surer way of depriving a man of influence over them, than by treating him as their representative, without their consent.

The experience which we have had of a government irresponsible to the people in these colonies, does not justify us in believing that it would be very well administered; and the great reforms in the institutions of the province which must be made, ere Lower Canada, can ever be a well-ordered and flourishing community, can be effected by no legislature which does not represent a great mass of public opinion.

But the great objection to any government of an absolute kind, is that it is palpably of a temporary nature; that there is no reason to believe that its influence, during the few years that it would be permitted to last, would leave the people at all more fit to manage themselves; that, on the contrary, being a mere temporary institution, it would be deficient in that stability which is the greatest requisite of government in times of disorder. There is every reason to believe that a professedly irresponsible government would be the weakest that could be devised. Every one of its acts would be discussed, not in the colony, but in England, on utterly incomplete and incorrect information, and run the chance of being disallowed without being understood. The most violent outcry that could be raised by persons looking at them through the medium of English and constitutional notions, or by those who might hope thereby to promote the sinister purposes of faction at home, would be constantly directed against them. Such consequences as these are inevitable. The people of England are not accustomed to rely on the honest and discreet exercise of absolute power; and if they permit a despotism to be established in their colonies, they feel bound, when their attention happens to be directed towards them, to watch its acts with vigilance. The governor and council would feel this responsibility in all their acts; unless they happened to be men of much more than ordinary nerve and earnestness, they would shape their policy so as merely to avoid giving a handle to attacks; and their measures would exhibit all that uncertainty and weakness which such a motive is sure to produce.

With respect to every one of those plans which propose to make the English minority an electoral majority, by means of new and strange modes of voting, or unfair divisions of the country, I shall only say, that if the Canadians are to be deprived of a representative government, it would be better to do it in a straight-forward way, than to attempt to establish a permanent system of government, on the basis of what all mankind would regard as mere electoral frauds. It is not in North America that men can be cheated by an unreal semblance of representative government, or persuaded that they are outvoted, when, in fact, they are, disfranchised.

The only power that can be effectual at once in coercing the present disaffection, and hereafter obliterating the nationality of the French Canadians, is that of a numerical majority of a loyal and English population; and the only stable government will be one more popular than any that has hitherto existed in the North American colonies. The influence of perfectly equal and popular institutions in effacing distinctions of race without disorder or oppression, and with little more than the ordinary animosities of party in a free country, is memorably exemplified in the history of the state of Louisiana, the laws and population of which were French at the time of its cession to the American Union. And the eminent success of the policy adopted with regard to that state, points out to us the means by which a similar result can be effected in Lower Canada.

The English of Lower Canada, who seem to infer the means from the result, entertain and circulate the most extraordinary conceptions of the course really pursued in this instance. On the single fact, that in the constitution of Louisiana it is specified, that the public acts of the state shall be "in the language in which the constitution of the United States is written," it has been inferred that the federal government, in the most violent manner, swept away the use of the French language and laws, and subjected the French population to some peculiar disabilities, which deprived them, in fact, of an equal voice in the government of their state. Nothing can be more contrary to the fact. Louisiana, on its first session, was governed as a "district"; its public officers were appointed by the federal government, and, as was natural

under the circumstances of the case, they were natives of the old states of the union. In 1812, the district, having the requisite population, was admitted into the union as a state, and admitted on precisely the same terms that any other population have, or has been. The constitution was framed so as to give precisely the same power to the majority as is enjoyed in the other states of the union. No alteration was then made in the laws. The proof of this is afforded by a fact familiar to every person moderately acquainted with the jurisprudence of the age. The code, which is the glory of Louisiana, and Mr. Livingstone, was subsequently undertaken under the auspices of the legislature, in consequence of the confusion daily arising in the administration of the English and French system of law in the same courts. This change of laws, effected in the manner most consonant to the largest views of legislation, was not forced on the legislature and people of the state by an external authority, but was the suggestion of their own political wisdom. Louisiana is not the only state in the union which has been troubled by the existence of conflicting systems of law. The state of New York, till within a few years, suffered under the same evil, which it remedied in the same way, by employing a commission of its ablest lawyers to digest both systems of law into a common code. The contending populations of Lower Canada may well imitate these examples: and if, instead of endeavouring to force their respective laws upon each other, they would attempt an amalgamation of the two systems into one, adopting what is really best in both, the result would be creditable to the province.

Every provision was made in Louisiana for securing to both races a perfectly equal participation in all the benefits of the government. It is true that the intention of the federal government to encourage the use of the English language, was evinced by the provision of the constitution with respect to the language of the records; but those who will reflect how very few people ever read such documents, and how very recently it is that the English language has become the language of the law in this country, will see that such a provision could have little practical effect. In all cases in which convenience requires it, the different parties use their respective languages in the courts of justice, and in both branches of the legislature. In every judicial proceeding, all documents which pass between the parties are required to be in both languages, and the laws are published in both languages. Indeed, the equality of the two languages is preserved in the legislature by a very singular contrivance: the French and English members speak their respective languages, and an interpreter, as I was informed, after every speech, explains its purport in the other language.

For a long time, the distinction between the two races was the cause of great jealousy. The Americans crowded into the state, in order to avail themselves of its great natural resources, and its unequalled commercial advantages; there, as everywhere else on that continent, their energy and habits of business gradually drew the greater part of the commercial business of the country into their hands; and though, I believe, a few of the richest merchants, and most of the owners of plantations, are French, the English form the bulk of the wealthier classes. Year after year their numbers have become greater, and it is now generally supposed that they constitute the numerical majority. It may be imagined that the French have borne this with a good deal of dissatisfaction; but as the advantages gained by the English were entirely the result, not of favour, but of their superiority in a perfectly free competition, this jealousy could excite no murmurs against the government. The competition made the two races enemies at first, but it has gradually stirred the emulation of the less active race, and made them rivals. The jealousies in the city of New Orleans were so great at one time, that the legislature of the state, at the desire of the English, who complained of the inertness of the French, formed separate municipalities for the French and English parts of the city. These two municipalities are now actuated by a spirit of rivalry, and each undertakes great public works for the ornament and convenience of their respective quarters.

The distinction still lasts, and still causes a good deal of division; the society of each race is said to be in some measure distinct, but not by any means hostile—and some accounts represent the social mixture to be very great. All accounts represent the division of the races as becoming gradually less and less marked; their newspapers are printed in the two languages, on opposite pages; their local politics are entirely merged in those of the union; and, instead of discovering in their papers any vestiges of a quarrel of races, they are found to contain a repetition of the same party recriminations, and party arguments, which abound in all other parts of the federation.

The explanation of this amalgamation is obvious. The French of Louisiana, when they were formed into a state, in which they were a majority, were incorporated into a great nation, of which they constituted an extremely small part. The eye of every ambitious man turned naturally to the great centre of federal affairs, and the high prizes of federal ambition. The tone of politics was taken from those by whose hands its highest powers were wielded; the legislation and government of Louisiana were from the first insignificant, compared with the interests involved in the discussions at Washington. It became the object of every aspiring man to merge his French, and adopt completely an American nationality. What was the interest of individuals, was also the interest of the state. It was its policy to be represented by those who would acquire weight in the councils of the federation. To speak only a language foreign to that of the United States was, consequently, a disqualification for a candidate for the posts of either senator or representative; the French qualified themselves by learning English, or submitted to the superior advantages of their English competitors. The representation of Louisiana, in congress, is now entirely English, while each of the federal parties in the state conciliates the French feeling, by putting up a candidate of that race. But the result is, that the union is never disturbed by the quarrels of these races; and the French language and manners bid fair, in no long time, to follow their laws, and pass away like the Dutch peculiarities of New York.

It is only by the same means—by a popular government, in which an English majority shall permanently predominate, that Lower Canada, if a remedy for its disorders be not too long delayed, can be tranquilly ruled.

On these grounds, I believe that no permanent or efficient remedy can be devised for the disorders of Lower Canada, except a fusion of the government in that of one or more of the surrounding provinces; and as I am of opinion, that the full establishment of responsible government can only be permanently secured by giving these colonies an increased importance in the politics of the empire, I find in union the only means of remedying at once, and completely, the two prominent causes of their present unsatisfactory condition.

Two kinds of union have been proposed—federal and legislative. By the first, the separate legislature of each province would be preserved in its present form, and retain almost all its present attributes of internal legislation—the federal legislature exercising no power, save in those matters of general concern which may have been expressly ceded to it by the constituent provinces. A legislative union would imply a complete incorporation of the provinces included in it under one legislature, exercising universal and sole legislative authority over all of them, in exactly the same manner as the parliament legislates alone for the whole of the British Isles.

On my first arrival in Canada, I was strongly inclined to the project of a federal union; and it was with such a plan in view, that I discussed a general measure for the government from the colonies with the deputations of the Lower Provinces, and with various leading individuals and public bodies in both the Canadas. I was fully aware, that it might be objected that a federal union would, in many cases, produce a weak and rather cumbrous government; that a colonial federation must have, in fact, little legitimate authority or business, the greater part of the ordinary functions of a federation falling within the scope of the Imperial legislature and executive; and that the main inducement to federation, which is the necessity of conciliating the pretensions of independent states to the maintenance of their own sovereignty, could not exist in the case of colonial dependencies, liable to be moulded according to the pleasure of the supreme authority at home. In the course of the discussions which I have mentioned, I became aware also of great practical difficulties in any plan of federal government, particularly those that must arise in the management of the general revenues, which would, in such a plan, have to be again distributed among the provinces. But I had still more strongly impressed on me the great advantages of a united government; and I was gratified by finding the leading minds of the various colonies strongly and generally inclined to a scheme, that would elevate their countries into something like a national existence. I thought that it would be the tendency of a federation, sanctioned and consolidated by a monarchical government, gradually to become a complete legislative union; and that thus, while conciliating the French of Lower Canada, by leaving them the government of their own province, and their own internal legislation, I might provide for the protection of British interests by the general government, and for the gradual transition of the provinces into an united and homogeneous community.

But the period of gradual transition is past in Lower Canada. In the present state of feeling among the French population, I cannot doubt that any power which they might possess would be used against the policy and the very existence of any form of British government. I cannot doubt that any French assembly that shall again meet in Lower Canada, will use whatever power, be it more or less limited, it may have to obstruct the government, and undo whatever has been done by it. Time, and the honest co-operation of the various parties, would be required to aid the action of a federal constitution; and time is not allowed, in the present state of Lower Canada, nor co-operation to be expected from a legislature of which the majority shall represent its French inhabitants. I believe that tranquillity can only be restored, by subjecting the province to the vigorous rule of an English majority; and that the only efficacious government would be that formed by a legislative union.

If the population of Upper Canada is rightly estimated at 400,000, the English inhabitants of Lower Canada at 150,000, and the French at 450,000, the union of the two provinces would not only give a clear English majority, but one which would be increased every year by the influence of English emigration; and I have little doubt that the French, when once placed, by the legitimate course of events and the working of natural causes, in a minority, would abandon their vain hopes of nationality. I do not mean that they would immediately give up their present animosities, or instantly renounce the hope of attaining their end by violent means. But the experience of the two unions in the British Isles may teach us how effectually the strong arm of a popular legislature would compel the obedience of the refractory population; and the hopelessness of success would gradually subdue the existing animosities, and incline the French Canadian population to acquiesce in their new state of political existence. I certainly should not like to subject the French Canadians to the rule of the identical English minority with which they have so long been contending; but from a majority emanating from so much more extended a source, I do not think they would have any oppression or injustice to fear; and in this case the far greater part of the majority never having been brought into previous collision, would regard them with no animosity that could warp their natural sense of equity. The endowments of the catholic church in Lower Canada, and the existence of all its present laws, until altered by the United Legislature, might be secured by stipulations similar to those adopted in the union between England and Scotland. I do not think that the subsequent history of British legislation need incline us to believe, that the nation which has a majority in a popular legislature is likely to use its power to tamper very hastily with the laws of the people to which it is united.

The union of the two provinces would secure to Upper Canada the present great objects of its desire. All disputes as to the division or amount of the revenue would cease. The surplus revenue of Lower Canada would supply the deficiency of that part of the Upper Province; and the province thus placed beyond the possibility of locally jobbing the surplus revenue, which it cannot reduce, would, I think, gain as much by the arrangement as the province which would thus find a means of paying the interest of its debt. Indeed, it would be by no means unjust to place this burden on Lower Canada, inasmuch as the great public works for which the debt was contracted are as much the concern of one province as of the other. Nor is it to be supposed that, whatever may have been the mismanagement in which a great part of the debt originated, the canals of Upper Canada will always be a source of loss instead of profit. The completion of the projected and necessary line of public works would be promoted by such an union. The access to the sea would be secured to Upper Canada. The saving of public money, which would be insured by the union of various establishments in the two provinces, would supply the means of conducting the general government on a more efficient scale than it has yet been carried on; and the responsibility of the executive would be secured by the increased weight which the representative body of the United Province would bring to bear on the Imperial government and legislature.

But while I convince myself that such desirable ends would be secured by the legislative union of the two provinces, I am inclined to go further, and inquire whether all these objects would not more surely be attained by extending this legislative union over all the British provinces in North America; and whether the advantages which I anticipate for two of them, might not, and should not in justice, be extended over all. Such an union would at once decisively settle the question of races; it would enable all the provinces to co-operate for all common purposes; and, above all, it would form a great and powerful people, possessing the means of securing good and responsible government for itself, and which, under the protection of the British empire, might in some measure counterbalance the preponderant and increasing influence of the United States on the American continent. I do not anticipate that a colonial

legislature thus strong, and thus self-governing, would desire to abandon the connexion with Great Britain. On the contrary, I believe that the practical relief from undue interference, which would be the result of such a change, would strengthen the present bond of feelings and interests; and that the connexion would only become more durable and advantageous, by having more of equality, of freedom, and of local independence. But, at any rate, our first duty is to secure the well-being of our colonial countrymen; and if in the hidden decrees of that wisdom by which this world is ruled, it is written, that these countries are for ever to remain portions of the empire, we owe it to our honour to take good care that when they separate from us, they should not be the only countries on the American continent in which the Anglo-Saxon race shall be found unfit to govern itself.

I am, in truth, so far from believing that the increased power and weight that would be given to these colonies by union would endanger their connexion with the empire, that I look to it as the only means of fostering such a national feeling throughout them as would effectually counterbalance whatever tendencies may now exist towards separation. No large community of free and intelligent men will long feel contented with a political system which places them, because it places their country, in a position of inferiority to their neighbours.—The colonist of Great Britain is linked, it is true, to a mighty empire, and the glories of its history, the visible signs of its present power, and the civilization of its people, are calculated to raise and gratify his national pride. But he feels, also, that his link to that empire is one of remote dependence; he catches but passing and inadequate glimpses of its power and prosperity; he knows that in its government he and his own countrymen have no voice—While his neighbour on the other side of the frontier assumes importance, from the notion that his vote exercises some influence on the councils, and that he himself has some share in the onward progress of a mighty nation, the colonist feels the deadening influence of the narrow and subordinate community to which he belongs. In his own, and in the surrounding colonies, he finds petty objects occupying petty, stationary, and divided societies; and it is only when the chances of an uncertain and tardy communication bring intelligence of what has passed a month before on the other side of the Atlantic, that he is reminded of the empire with which he is connected. But the influence of the United States surrounds him on every side, and is forever present. It extends itself as population augments and intercourse increases; it penetrates every portion of the continent into which the restless spirit of American speculation impels the settler or the trader; it is felt in all the transactions of commerce, from the important operations of the monetary system down to the minor details of ordinary traffic: it stamps on all the habits and opinions of the surrounding countries the common characteristics of the thoughts, feelings and customs of the American people. Such is necessarily the influence which a great nation exercises on the small communities which surround it. Its thoughts and manners subjugate them, even when nominally independent of its authority. If we wish to prevent the extension of this influence, it can only be done by raising up for the North American colonist some nationality of his own, by elevating these small and unimportant communities into a society having some objects of a national importance, and by thus giving their inhabitants a country, which they will be unwilling to see absorbed even into one more powerful.

While I believe that the establishment of a comprehensive system of government, and of an effectual union between the different provinces, would produce this important effect on the general feelings of their inhabitants, I am inclined to attach very great importance to the influence which it would have in giving greater scope and satisfaction to the legitimate ambition of the most active and prominent persons to be found in them. As long as personal ambition is inherent in human nature, and as long as the morality of every free and civilized community encourages its aspirations, it is one great business of a wise government to provide for its legitimate development. If, as it is commonly asserted, the disorders of these colonies have, in great measure, been fomented by the influence of designing and ambitious individuals, this evil will best be remedied by allowing such a scope for the desires of such men as shall direct their ambition into the legitimate chance of furthering, and not of thwarting, their government. By creating high prizes in a general and responsible government, we shall immediately afford the means of pacifying the turbulent ambitions, and of employing in worthy and noble occupations, the talents which now are only exerted to foment disorder. We must remove from these colonies the cause to which the sagacity of Adam Smith traced the alienation of the provinces which now form the United States; we must provide some scope for what he calls 'the importance of the leading men of the colony,' beyond what he forcibly terms the present 'petty prizes of the paltry raffle of colonial faction.' A general legislative

union would elevate and gratify the hopes of able and aspiring men. They would no longer look with envy and wonder at the great arena of the bordering federation, but see the means of satisfying every legitimate ambition in the high offices of the judicature and executive government of their own union.

Nor would an union of the various provinces be less advantageous in facilitating a co-operation for various common purposes, of which the want is now very seriously felt. There is hardly a department of the business of government which does not require, or would not be better performed, by being carried on under the superintendence of a general government; and when we consider the political and commercial interests that are common to these provinces, it appears difficult to account for their having ever been divided into separate governments, since they have all been portions of the same empire, subject to the same crown, governed by the same laws and constitutional customs, inhabited, with one exception, by the same race, contiguous and immediately adjacent to each other, and bounded along their whole frontier by the territories of the same powerful and rival state. It would appear that every motive that has induced the union of various provinces into a single state, exists from the consolidation of these colonies under a common legislature and executive. They have the same common relation to the mother country; the same relation to foreign nations. When one is at war, the others are at war; and the hostilities that are caused by an attack on one, must seriously compromise the welfare of the rest. Thus the disputes between Great Britain and the state of Maine appears immediately to involve the interest of none of these colonies, except New Brunswick or Lower Canada, to one of which the territory claimed by us must belong. But if a war were to commence on this ground, it is most probable that the American government would select Upper Canada as the most vulnerable, or, at any rate, as the easiest point of attack. A dispute respecting the fisheries of Nova Scotia, would involve precisely the same consequences. An union for common defence against foreign enemies is the natural bond of connexion that holds together the great communities, of the world; and between no parts of any kingdom or state is the necessity for such an union more obvious, than between the whole of these colonies.

Their internal relations furnish quite as strong motives for union. The post office is at the present moment under the management of the same imperial establishment. If, in compliance with the reasonable demands of the colonies, the regulation of a matter so entirely of internal concern, and the revenue derived from it, were placed under the control of the provincial legislatures, it would still be advisable that the management of the post office throughout the whole of British North America should be conducted by one general establishment. In the same way, so great is the influence on the other provinces of the arrangements adopted with respect to the disposal of public lands and colonization in any one, that it is absolutely essential that this department of government should be conducted on one system, and by one authority. The necessity of common fiscal regulations is strongly felt by all the colonies; and a common custom-house establishment would relieve them from the hindrances to their trade caused by the duties now levied on all commercial intercourse between them. The monetary and banking system of all is subject to the same influences, and ought to be regulated by the same laws. The establishment of a common colonial currency is very generally desired. Indeed, I know of no department of government that would not greatly gain, both in economy and efficiency, by being placed under a common management. I should not propose, at first, to alter the existing public establishments of the different provinces, because the necessary changes had better be left to be made by the united government; and the judicial establishments should certainly not be disturbed until the future legislature shall provide for the re-construction on an uniform and permanent footing. But even in the administration of justice, an union would immediately supply a remedy for one of the most serious wants under which all the provinces labour, by facilitating the formation of a general appellate tribunal for all the North American colonies.

But the interests which are already in common between all these provinces are small in comparison with those which the consequences of such an union might, and I think I may say assuredly would, call into existence; and the great discoveries of modern art, which have throughout the world, and nowhere more than in America, entirely altered the character and the channels of communication between distant countries, will bring all the North American Colonies into constant and speedy intercourse with each other. The success of the great experiment of steam navigation across the Atlantic, opens a prospect of a speedy communication with Europe, which will materially affect the future state of all these provinces. In a

despatch which arrived in Canada after my departure, the Secretary of State informed me of the determination of your Majesty's Government to establish a steam communication between Great Britain and Halifax, and instructed me to turn my attention to the formation of a road between that port and Quebec. It would, indeed, have given me sincere satisfaction, had I remained in the province, to promote, by any means in my power, so highly desirable an object; and the removal of the usual restrictions on my authority as Governor-General having given me the means of effectually acting in concert with the various provincial governments, I might have been able to make some progress in the work. But I cannot point out more strikingly the evils of the present want of a general government for these provinces, than by adverting to the difficulty which would practically occur, under the previous and present arrangements of both executive and legislative authorities in the various provinces, in attempting to carry such a plan into effect. For the various colonies have no more means of concerting such common works with each other, than with the neighbouring states of the union.— They stand to one another in the position of foreign states, and of foreign states without diplomatic relations. The governors may correspond with each other; the legislatures may enact laws, carrying the common purposes into effect in their respective jurisdictions; but there is no means by which the various details may speedily and satisfactorily be settled with the concurrence of the different parties. And, in this instance, it must be recollected that the communication and the final settlement would have to be made between, not two, but several of the provinces. The road would run through three of them; and Upper Canada, into which it would not enter, would in fact, be more interested in the completion of such a work than any even of the provinces through which it would pass. The colonies indeed, have no common centre in which the arrangement could be made, except in the Colonial-office at home; and the details of such a plan would have to be discussed, just where the interests of all parties would have the least means of being fairly and fully represented, and where the minute local knowledge necessary for such a matter would be least likely to be found.

The completion of any satisfactory communication between Halifax and Quebec would, in fact, produce relations between these provinces that would render a general union absolutely necessary. Several surveys have proved that a railroad would be perfectly practicable the whole way. Indeed, in North America, the expense and difficulty of making a railroad bears by no means the excessive proportion to those of a common road that it does in Europe. It appears to be a general opinion in the United States, that the severe snows and frosts of that continent very slightly impede, and do not prevent, the travelling on railroads; and, if I am rightly informed, the Utica railroad, in the northern part of the state of New York, is used throughout the winter. If this opinion be correct, the formation of a railroad from Halifax to Quebec, would entirely alter some of the distinguishing characteristics of the Canadas. Instead of being shut out from all direct intercourse with England during half the year, they would possess a far more certain and speedy communication throughout the winter than they now possess in summer. The passage from Ireland to Quebec would be a matter of 10 or 12 days, and Halifax would be the great port by which a large portion of the trade, and all the conveyance of passengers to the whole of British North America, would be carried on. But, even supposing these brilliant prospects to be such as we could not reckon on seeing realized, I may assume that it is not intended to make this road without a well-founded belief that it will become an important channel of communication between the upper and lower provinces. In either case, would not the maintenance of such a road, and the mode in which the government is administered in the different provinces, be matters of common interest to all? If the great natural channel of the St. Lawrence gives all the people who dwell in any part of its basin such an interest in the government of the whole as renders it wise to incorporate the two Canadas, the artificial work which would, in fact, supersede the lower part of the St. Lawrence, as the outlet of a great part of the Canadian trade, and would make Halifax, in a great measure, an outport to Quebec, would surely in the same way render it advisable that the incorporation should be extended to provinces through which such a road would pass.

With respect to the two smaller colonies of Prince Edward's island and Newfoundland, I am of opinion, that not only would most of the reasons which I have given for an union of the others apply to them, but that their smallness makes it absolutely necessary, as the only means of securing any proper attention to their interests, and investing them with that consideration, the deficiency of which they have so much reason to lament, in all the disputes which yearly occur between them and the citizens of the United States, with regard to the encroachments made by the latter on their coasts and fisheries.

The views on which I found my support of a comprehensive union have long been entertained by many persons in these colonies whose opinion is entitled to the highest consideration. I cannot, however, refrain from mentioning the sanction of such views by one whose authority your Majesty will, I may venture to say, receive with the utmost respect. Mr. Sewell, the late Chief Justice of Quebec, laid before me an autograph letter addressed to himself by your Majesty's illustrious and lamented father, in which his Royal Highness was pleased to express his approbation of a similar plan then proposed by that gentleman. No one better understood the interests and character of these colonies than his Royal Highness; and it is with peculiar satisfaction, therefore, that I submit to your Majesty's perusal the important document which contains his Royal Highness's opinion in favour of such a scheme:—

“KENSINGTON PALACE, NOV. 30, 1814.

“My dear Sewell,—I have this day had the pleasure of receiving your note of yesterday, with its interesting enclosure; nothing can be better arranged than the whole thing is, or more perfectly I cannot wish; and when I see an opening, it is fully my intention to hint the matter to Lord Bathurst, and put the paper into his hands, without, however, telling him from whom I have it, though I shall urge him to have some conversation with you relative to it. Permit me, however, just to ask you whether it was not an oversight in you to state that there are five Houses of Assembly in the British colonies in North America? for, if I am not under an error, there are six, viz. Upper and Lower Canada, Nova Scotia and New Brunswick, the islands of Prince Edward and Cape Breton. Allow me also to beg of you to put down the proportions in which you think the 30 members of the representative assembly ought to be furnished by each province; and finally to suggest whether you would not think two Lieutenant Governors, with two Executive Councils, sufficient for the executive government of the whole—viz. one for the two Canadas, and one for Nova Scotia and New Brunswick, comprehending the small dependencies of Cape Breton and Prince Edward's Island; the former to reside at Montreal, and the latter at whichever of the two situations may be considered most central for the two provinces, whether Anapolis Royal or Windsor. But, at all events, should you even consider four Executive Governments and four Executive Councils requisite, I presume there cannot be a question of the expediency of comprehending the two small islands in the gulf of St. Lawrence with Nova Scotia.

“Believe me ever to remain, with the most friendly regard,

“My dear Sewell, yours faithfully,

“EDWARD.”

I know of but one difficulty in the way of such an union, and that arises from the disinclination which some of the lower provinces might feel to the transference of powers from their present legislatures to that of the union. The objection to this would arise principally, I imagine, from their not liking to give up the immediate control which they now have over the funds by which their local expenditure is defrayed. I have given such a view of the evils of this system that I cannot be expected to admit that an interference with it would be an objection to my plan. I think, however, that the provinces have a right to complain, if these powers of local management, and of distributing funds for local purposes, were taken from the provincial assemblies only to be placed in the yet more objectionable hands of a general legislature. Every precaution should, in my opinion, be taken to prevent such a power, by any possibility, falling into the hands of the legislature of the union. In order to prevent that, I would prefer that the provincial assemblies should be retained with merely municipal powers. But it would be far better, in point both of efficiency and of economy, that this power should be intrusted to the municipal bodies of much smaller districts; and the formation of such bodies would, in my opinion, be an essential part of any durable and complete union.

With such views, I should, without hesitation, recommend the immediate adoption of a general legislative union of all the British provinces in North America, if the regular course of government were suspended or perilled in the Lower Provinces, and the necessity of the immediate adoption of a plan for their government, without reference to them, a matter of urgency, or if it were possible to delay the adoption of a measure with respect to the Canadas until the project of an union could have been referred to the legislatures of the Lower Provinces. But the state of the Lower Province, though it justifies the proposal of an union, would not, I think, render it gracious, or even just, on the part of parliament to carry it into effect without referring it for the ample deliberation and consent of the people of those colonies. Moreover, the state of the two Canadas is such that neither the feelings of the parties

concerned, nor the interests of the Crown or the colonies themselves, will admit of a single session, nor even of a large portion of a session of parliament being allowed to pass, without a definite decision by the Imperial legislature as to the basis on which it purposes to found the future government of those colonies.

In existing circumstances, the conclusion to which the foregoing considerations lead me is, that no time should be lost in proposing to parliament a bill for repealing the 31st of George III., restoring the union of the Canadas under one legislature, and reconstituting them as one province.

The bill should contain provisions by which any or all of the other North American colonies may, on the application of the legislature, be, with the consent of the two Canadas, or their United Legislature, admitted into the union on such terms as may be agreed on between them.

As the mere amalgamation of the Houses of Assembly of the two provinces would not be advisable, or give at all a due share of representation to each, a parliamentary commission should be appointed, for the purpose of forming the electoral divisions, and determining the number of members to be returned on the principle of giving representation, as near as may be, in proportion to population. I am averse to every plan that has been proposed for giving an equal number of members to the two provinces, in order to attain the temporary end of outnumbering the French, because I think the same object will be obtained without any violation of the principles of representation, and without any such appearance of injustice in the scheme as would set public opinion, both in England and America, strongly against it; and because, when emigration shall have increased the English population in the Upper Province, the adoption of such a principle would operate to defeat the very purpose it is intended to serve. It appears to me that any such electoral arrangement, founded on the present provincial divisions, would tend to defeat the purposes of union, and perpetuate the idea of disunion.

At the same time, in order to prevent the confusion and danger likely to ensue from attempting to have popular elections in districts recently the seats of open rebellion, it will be advisable to give the Governor a temporary power of suspending by proclamation, stating specifically the grounds of his determination, the writs of electoral districts, in which he may be of opinion that elections could not safely take place.

The same commission should form a plan of local government, by elective bodies, subordinate to the general legislature, and exercising a complete control over such local affairs as do not come within the province of general legislation. The plan so framed should be made an Act of the Imperial Parliament, so as to prevent the general legislature from encroaching on the powers of the local bodies.

A general executive, on an improved principle, should be established, together with a supreme court of appeal, for all the North American colonies. The other establishments and laws of the two colonies should be left unaltered, until the legislature of the union should think fit to change them; and the security of the existing endowments of the catholic church in Lower Canada should be guaranteed by the Act.

The constitution of a second legislative body for the united legislature, involves questions of very great difficulty. The present constitution of the legislative councils of these provinces, has always appeared to me inconsistent with sound principles, and little calculated to answer the purpose of placing the effective check, which I consider necessary, on the popular branch of the legislature. The analogy which some persons have attempted to draw between the House of Lords and the legislative councils, seems to me erroneous. The constitution of the House of Lords is consonant with the frame of English society; and as the creation of a precisely similar body in such a state of society as that of these colonies is impossible, it has always appeared to me most unwise to attempt to supply its place by one which has no point of resemblance to it, except that of being a non-elective check on the elective branch of the legislature. The attempt to invest a few persons, distinguished from their fellow-colonists neither by birth nor hereditary property, and often only transiently connected with the country, with such a power, seems only calculated to ensure jealousy and bad feeling in the first instance, and collision at last. I believe that when the necessity of relying, in Lower Canada, on the English character of the legislative council, as a check on the national prejudices of a French Assembly, shall be removed by the union, few persons in the colonies will be found disposed in favour of its present constitution. Indeed, the very fact of union will complicate the diffi-

calties which have hitherto existed: because a satisfactory choice of councillors would have to be made with reference to the varied interests of a much more numerous and extended community.

It will be necessary, therefore, for the completion of any stable scheme of government, that parliament should revise the constitution of the legislative council, and by adopting every practical means to give that institution such a character as would enable it, by its tranquil and safe, but effective working, to act as an useful check on the popular branch of the legislature, prevent a repetition of those collisions which have already caused such dangerous irritation.

The plan which I have framed for the management of the public lands being intended to promote the common advantage of the colonies, and of the mother country, I therefore propose that the entire administration of it should be confided to an Imperial authority. The conclusive reasons which have induced me to recommend this course, will be found at length in the separate report on the subject of public lands and emigration.

All the revenues of the Crown, except those derived from this source, should at once be given up to the united legislature, on the concession of an adequate civil list.

The responsibility to the united legislature of all officers of the government, except the Governor and his secretary, should be secured by every means known to the British constitution. The Governor, as the representative of the Crown, should be instructed that he must carry on his government by heads of departments, in whom the united legislature shall repose confidence; and that he must look for no support from home in any contest with the legislature, except on points involving strictly Imperial interests.

The independence of the Judges should be secured, by giving the same tenure of office, and security of income, as exist in England.

No money votes should be allowed to originate, without the previous consent of the Crown.

In the same Act should be contained a repeal of past provisions, with respect to the clergy reserves, and the application of the funds arising from them.

In order to promote emigration on the greatest possible scale, and with the most beneficial results to all concerned, I have elsewhere recommended a system of measures which has been expressly framed with that view, after full inquiry and careful deliberation. Those measures would not subject either the colonies or the mother country to any expense whatever. In conjunction with the measures suggested for disposing of public lands, and remedying the evils occasioned by past mis-management in that department, they form a plan of colonization to which I attach the highest importance. The objects, at least, with which the plan has been formed, are to provide large funds for emigration, and for creating and improving means of communication throughout the provinces; to guard emigrants of the labouring class against the present risks of the passage; to secure for all of them a comfortable resting-place, and employment, at good wages, immediately on their arrival; to encourage the investment of surplus British capital in these colonies, by rendering it as secure and as profitable as in the United States; to promote the settlement of wild lands, and the general improvement of the colonies; to add to the value of every man's property in land; to extend the demand for British-manufactured goods, and the means of paying for them, in proportion to the amount of emigration, and the general increase of the colonial people; and to augment the colonial revenues in the same degree.

When the details of the measure, with the particular reasons for each of them are examined, the means proposed will, I trust, be found as simple as the ends are great; nor have they been suggested by any fanciful or merely speculative view of the subject. They are founded on the facts given in evidence by practical men; on authentic information, as to the wants and capabilities of the colonies; on an examination of the circumstances which occasion so high a degree of prosperity in the neighbouring States; on the efficient working and remarkable results of improved methods of colonization in other parts of the British empire; in some measure on the deliberate proposals of a Committee of the House of Commons; and lastly, on the favourable opinion of every intelligent person in the colonies, whom I consulted with respect to them. They involve, no doubt, a considerable change of system, or rather the adoption of a system where there has been none; but this, considering the number and

magnitude of past errors, and the present wretched economical state of the colonies, seems rather a recommendation than an objection. I do not flatter myself that so much good can be accomplished without an effort; but in this, as in other suggestions, I have presumed that the Imperial government, and Legislature, will appreciate the actual crisis in the affairs of these colonies, and will not shrink from any exertion that may be necessary to preserve them to the empire.

By the adoption of the various measures here recommended, I venture to hope that the disorders of these colonies may be arrested, and their future well-being and connection with the British empire secured. Of the certain result of my suggestions, I cannot, of course, speak with entire confidence, because it seems almost too much to hope that evils of so long growth, and such extent, can be removed by the tardy application of even the boldest remedy; and because I know that as much depends upon the consistent vigour and prudence of those who may have to carry it into effect, as on the soundness of the policy suggested. The deep rooted evils of Lower Canada will require great firmness to remove them. The disorders of Upper Canada, which appear to me to originate entirely in mere defects of its constitutional system, may I believe, be removed by adopting a more sound and consistent mode of administering the government. We may derive some confidence from the recollection, that very simple remedies yet remain to be resorted to for the first time. And we need not despair of governing a people, who really have hitherto very imperfectly known what it is to have a government.

I have made no mention of emigration, on an extended scale, as a cure for political disorders: because it is my opinion, that until tranquility is restored, and prospect of a free and stable government is held out, no emigrants should be induced to go to, and that few would at any rate remain in, Canada. But if by the means which I have suggested, or by any other, peace can be restored—confidence created—and popular and vigorous government established—I rely on the adoption of a judicious system of colonization as an effectual barrier against the recurrence of many of the existing evils. If I should have miscalculated the proportions in which the friends and the enemies of British connection may meet in the united legislature, one year's emigration would redress the balance. It is by a sound system of colonization, that we can render these extensive regions available for the benefit of the British people.—The mis-management by which the resources of our colonies have hitherto been wasted, has, I know, produced in the public mind too much of a disposition to regard them as mere sources of corruption and loss—and to entertain, with too much complacency, the idea of abandoning them as useless. I cannot participate in the notion, that it is the part either of prudence or of honour to abandon our countrymen, when our government of them has plunged them into disorder, or our territory, when we discover that we have not turned it to proper account.—The experiment of keeping colonies, and governing them well, ought at least to have a trial, ere we abandon for ever the vast dominion which might supply the wants of our surplus population, and raise up millions of fresh consumers of our manufactures, and producers of a supply for our wants. The warmest admirers, and the strongest opponents of republican institutions, admit or assert that the amazing prosperity of the United States, is less owing to their form of government than to the unlimited supply of fertile land, which maintains succeeding generations in an undiminishing affluence of fertile soil. A region as large and as fertile is open to your Majesty's subjects, in your Majesty's American dominions. The recent improvements of the means of communication will, in a short time, bring the unoccupied lands of Canada and New Brunswick within as easy a reach of the British Isles, as the territories of Iowa and Wisconsin are of that incessant emigration that annually quits New England for the Far West.

I see no reason, therefore, for doubting that, by good government, and the adoption of a sound system of colonization, the British possessions in North America may thus be made the means of conferring on the suffering classes of the mother country, many of the blessings which have hitherto been supposed to be peculiar to the social state of the new world.

In conclusion, I must earnestly impress on your Majesty's advisers, and on the Imperial Parliament, the paramount necessity of a prompt and decisive settlement of this important question, not only on account of the extent and variety of interests, involving the welfare and security of the British empire, which are perilled by every hour's delay, but on account of the state of feeling which exists in the public mind throughout all your Majesty's North American possessions, and more especially the two Canadas.

In various despatches addressed to your Majesty's Secretary of State, I have given a full description of that state of feeling, as I found it evinced by all classes and all parties, in consequence of the events which occurred in the last session of the British Parliament. I do not allude now to the French Canadians, but to the English population of both provinces. Ample evidence of their feelings will be found in the addresses which were presented to me from all parts of the North American colonies, and which I have inserted in an appendix to this report. But, strong as were the expressions of regret and disappointment at the sudden annihilation of those hopes which the English had entertained, of seeing a speedy and satisfactory termination of that state of confusion and anarchy under which they had so long laboured, they sunk into insignificance when compared with the danger arising from those threats of separation and independence, the open and general utterance of which was reported to me from all quarters. I fortunately succeeded in calming this irritation for the time, by directing the public mind to the prospect of those remedies which the wisdom and beneficence of your Majesty must naturally incline your Majesty to sanction, whenever they are brought under your Majesty's consideration. But the good effects thus produced by the responsibility which I took upon myself will be destroyed; all these feelings will recur with redoubled violence; and the danger will become immeasurably greater, if such hopes are once more frustrated, and the imperial legislature fails to apply an immediate and final remedy to all those evils of which your Majesty's subjects in America so loudly complain, and of which I have supplied such ample evidence.

For these reasons I pray your Majesty's earnest attention to this report. It is the last act arising out of the loyal and conscientious discharge of the high duties imposed upon me by the commission which your Majesty was graciously pleased to intrust me. I humbly hope that your Majesty will receive it favourably, and believe that it has been dictated by the most devoted feeling of loyalty and attachment to your Majesty's person and throne, by the strongest sense of public duty, and by the earnest desire to perpetuate and strengthen the connexion between this empire and the North American colonies, which would then form one of the brightest ornaments in your Majesty's imperial crown.

All which is humbly submitted to your Majesty

DURHAM.

LONDON, *January 31, 1839.*



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REPORT FROM THE SELECT COMMITTEE

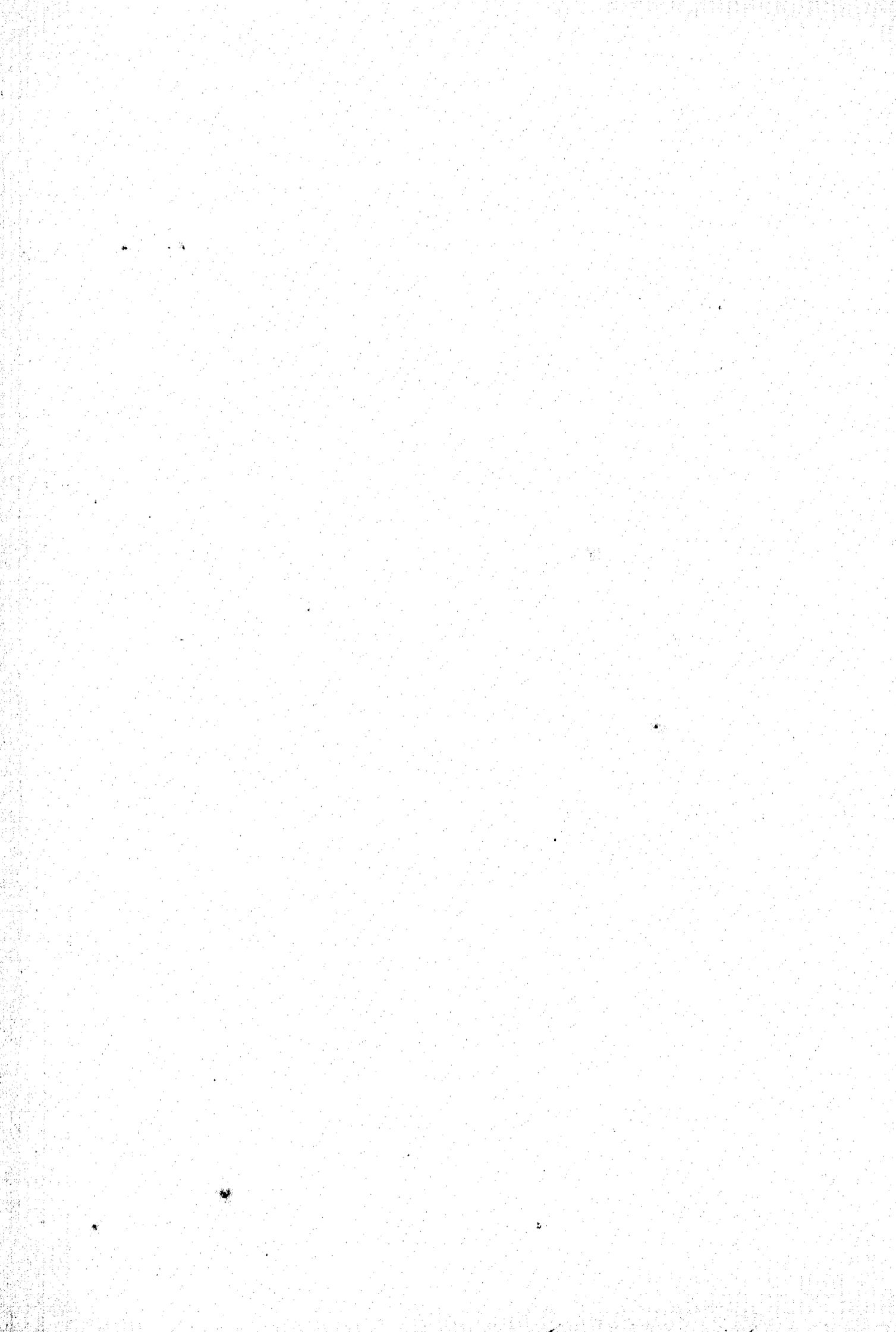
OF THE

HOUSE OF ASSEMBLY OF UPPER CANADA,

APPOINTED TO REPORT

ON THE STATE OF THE PROVINCE.

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TO THE HONOURABLE THE COMMONS HOUSE OF ASSEMBLY.

THE REPORT OF THE SELECT COMMITTEE ON THE STATE OF THE PROVINCE,

(UNANIMOUSLY ADOPTED BY THE COMMITTEE.)

IN the Report on political state of the Provinces of Upper and Lower Canada, adopted by your Honourable House, during the last session of the Provincial Legislature, the following statement is recorded :—

“ The next suggestion to which your Committee beg to draw the attention of your Honourable House, is the necessity (now too painfully obvious) of keeping up a respectable military force within both Provinces.

“ It must be sufficiently apparent, your Committee believe, that this desire for military protection does not proceed from any apprehension of internal revolt *in Upper Canada at least.*

“ Recent events have proved how small the number is that aim at rebellion, and how ready and how well able the great body of the inhabitants of this province are to suppress any attempt at insurrection: but the civilized nations of Europe will learn, with astonishment, that it ceases to be a question, whether the ‘ great republic’ of the *United States of America*, boasting of the superiority of its institutions over those of every other country, has the power of controlling its citizens within the limits essential to the maintenance of peace, and the honourable performance of treaties, solemnly entered into by it, with foreign powers.

“ The occupation and conquest of Texas, in the South, and the assembling of an armed force on its Eastern frontier, openly recruited in its principal cities and towns, commanded by its citizens, and by them also supplied with arms, ammunition, clothing, money and provisions, and transported in the presence of, and unrestrained (if not encouraged) by its magistrates and public officers, in steamboats and other vessels, into this province, and landed in it for the avowed purpose of overthrowing the government and wresting the colony from the crown of Great Britain, sufficiently prove—that, if the countries bordering on the United States desire to protect themselves from the inroads of free-booters, pirates, fugitive traitors, and outlaws, they must look for security to their own fleets and armies, and not to the honourable forbearance of the American people, or the efficiency or moral influence of their government.”

Your Committee are well assured that nothing could afford your honourable House greater satisfaction than to feel justified in recalling the imputation which this declaration conveys upon the integrity of a people, with whom it is the inclination as well as the interest of all Her Majesty’s subjects, and especially those residing in this province, to keep up the most friendly intercourse. The detail of facts, however, which it will be the duty of your Committee to lay before your honourable House and the British nation, will too painfully and undeniably prove, that the apprehensions entertained, of want of faith, and of outrage and aggression on the part of the people of the United States upon Her Majesty’s subjects in Upper Canada, was far from being exaggerated in the report referred to, nor was it less truly stated by the illustrious Duke of Wellington, whose patriotic and powerful advocacy of the interests of his grateful fellow-subjects in these provinces can never be forgotten by them—that these outrages and aggressions were committed *for no other reason than that the people of Upper Canada were loyal to their sovereign.*

The Report from which the above extract is taken bears date the 8th February, 1838, previously to which two distinct invasions of the province had occurred by numerous bodies of American citizens. The *first*, the occupation of Navy Island; the *second*, that of Bois Blanc, followed by the attack on Amherstburgh.

Each of these inroads was repulsed by the steady loyalty and intrepid bravery of the militia. Not the slightest disposition was manifested on the part of any portion of the people of this country to unite with the invading force—and it was hoped that the ill-success which had attended them, would induce those with whom they had originated to lay aside all further attempts to disturb the peace of the province—but this hope unhappily proved utterly falla-

cious; and it will now be the painful duty of your Committee to detail a succession of invasions, piracies, murders and outrages committed by the citizens of the United States upon the peaceful and unoffending inhabitants of this province, such as are without parallel in the history of civilized nations, and, in these days, would be looked upon as disgraceful amongst the most barbarous of mankind.

On the 22nd of February, 1838, upwards of four hundred American brigands assembled at a place called French Creek, in the state of New York, situate on the river St. Lawrence, about twenty-five miles below Kingston, from whence they marched in military array, and took possession of Hickory Island, a few miles nearer Kingston, within the British territory. This band of invaders was headed by an American citizen of the name of Van Rensselaer, who had previously held command on Navy Island, and were armed and openly organized and recruited in the state of New York. As soon as this unexpected movement was known, a few hundreds of the militia of the Midland district and district of Johnstown, assembled, and instantly marched against the brigands, who, however, did not wait the threatened encounter, but fled and dispersed on receiving information of the approach of these brave and loyal men.

About the same period, from three to four hundred pirates from the state of Michigan, established themselves on Fighting Island, near Sandwich, in the Western district, from which position they were driven by a small military force under Colonel Townsend of the 24th regiment, sustained by the prompt and intrepid bravery of the militia. This body of invaders, in their hasty flight, left behind them a field piece, and a large number of muskets perfectly new, which bore the mark of the United States army, and were known to be the property of the government of that republic.

The next invasion of our territory was the occupation of the inhabited island called Pointe-au-Pelé, below Amherstburgh, by a force estimated at from four to five hundred men, headed by a brigand named Bradley, residing at Sandusky, in the state of Ohio, and who is represented as a man of wealth and influence. The circumstances attending this inroad were of a more serious and lamentable character than any that had previously occurred. The brigands, upon taking possession of the island, commenced by making prisoners of the settlers, robbing them of their horses, cattle, corn, and other property, and sending it away to the opposite American shore. Upon the approach of a small force, composed of a detachment of the regular troops and militia, they, conceiving themselves sufficiently strong to resist the attack with which they were threatened, commenced a fire upon our men, and in the course of the conflict that ensued, no less than thirty out of about ninety of the brave soldiers of the 32nd regiment, under the gallant Captains Brown and Everleigh, were killed and wounded; and one militia-man, a spirited young man of the name of Parish, was also slain. Having effected these murders and outrages, such of the ruffians as escaped injury, (it was reported that upwards of seventy of them had been killed or wounded,) fled to their own shores, where they were received with acclamation by their fellow-citizens. Colonel Prince, who on hearing of the invasion of the island of Pointe-au-Pelé, had immediately joined the military force which had marched to that place, on his return to Sandwich, captured a noted brigand of the name of Sutherland, who had been second in command at Navy Island, and who had subsequently directed the attack on Bois Blanc Island and Amherstburgh, and who at the time he was taken was on his way to join his brother pirates, of whose defeat and flight he had not been informed.

This was the last of the succession of invasions of the province that occurred during that period of the year, when the country was accessible by ice and winter roads; and as all of them had been signally defeated, and as the inhabitants of the province were living in peace among themselves, and had not shewn the slightest disposition to unite with any of the parties that had assailed our shores (if exception be made of some suspicious movements on the part of a very small number of individuals in the Midland district, against whom, however, no legal evidence of guilt was established,) it was believed that the public tranquillity was no longer in danger:—and, in the confidence of perfect security, our merchants, farmers, and mechanics, returned to their ordinary occupations; and the people of the country generally resumed their usual intercourse and communication with each other, and with their republican neighbours. It was well known that there were still lurking along the American frontier, a number of the traitors who had fled the province to avoid the punishment to which they were justly liable for their crimes; and it was also well known that some few of the most restless and malignant among them would continue their exertions to produce collision between the inhabitants of the two countries. Yet, it was believed, that the interest, if not the inclination, of the

people of the neighbouring states, would induce them to interpose their influence, and such authority as their laws could enforce, to preserve a safe and peaceful communication with Her Majesty's subjects, who were most anxious, on their part, to live in harmony with them.

Unhappily, however, we were soon convinced that our hopes of peace and security were altogether groundless; that we were about to experience injuries far more serious than any we had hitherto suffered; that, in fact, we were not only to be subject to the predatory attacks of detached and independent bands of assassins and pirates, but that a great and influential community were combining secretly, but deliberately, to overthrow our government and our laws—to lay desolate our country, and to murder and destroy all who should venture to oppose their barbarous and wicked designs. It was some time before this unparalleled conspiracy was discovered, and in the meanwhile a series of outrages were committed by small parties of American citizens, to which it is necessary briefly to advert.

The first was the destruction of the *Sir Robert Peel* steamboat,—This vessel, quite new, and valued at ten thousand pounds, when on her way from Prescott to the ports at the head of Lake Ontario, stopped on the 30th May, at an island in the River Saint Lawrence, called Wells' Island, and within the limits of the state of New York, for the purpose of taking in wood. While lying moored to the shore, in full confidence of security in the port of a friendly power, and in the middle of the night, when all the passengers, (among whom were a number of ladies,) had retired to rest, she was boarded by a band of about thirty pirates, headed by a well-known free-booter;—These ruffians, armed and disguised, rushed into the cabins, hurried the passengers from their beds, and, with brutal violence, drove them on shore. The crew, not expecting the attack, and wholly unprepared for it, were unable to make resistance; the entire possession of the vessel was therefore easily gained by the assailants, who, after pillaging her of every thing valuable, including the money, watches, clothing, and other property of the passengers, towed her into the stream, where they set fire to her, and watched her until she was entirely consumed, and then returned to the American shore.

As might reasonably be expected, an outrage so unusual in any country, and wholly without a parallel in this, produced a powerful sensation throughout the British colonies—and it was believed that corresponding feelings of indignation would have been manifested on the opposite shores; and that every effort would be made to bring the perpetrators of this cowardly and atrocious felony to punishment. But although some expression of dissatisfaction did exhibit itself, it was slight in comparison with what was looked for, and what the enormity of the crime led every one to expect. A proclamation was issued by the government of the state of New York, offering a paltry sum for the apprehension of certain of the pirates; but although the majority of them, including the leaders, were well known, only one or two of them were arrested; who, being placed on their trial, notwithstanding the plainest evidence of their guilt, were, almost without hesitation, acquitted by the jury empannelled to try them. Up to this period, no event had occurred, connected with our border difficulties, that so shocked the feelings of the people of this province as this last;—It caused thousands who had previously indulged the belief, that the government and people of the United States were averse to the unprovoked and lawless aggressions which had been previously made upon us, to doubt the correctness of their opinions. They began to consider it unsafe to enter their harbours; and from that period to the present, it has been with reluctance that any well-affected subject of Her Majesty in this province has approached the shores of the United States, or engaged in intercourse of any kind with the citizens of that republic. The feeling of cordial good will that once existed between the people of the two countries, was greatly weakened, and subsequent events have almost entirely destroyed it. No proffer of indemnity has yet been made by the nation responsible for this great injury to our fellow subjects, and insult to the British flag; nor does it appear to be considered necessary by the American government, for the maintenance of its national honour, to do this plain act of justice without waiting a demand, which, we cannot doubt, is certain to be made and enforced.

The next instance of foreign aggression was the affair of Short Hills, where a bandit of the name of Morreau, headed a party of brigands, supposed to number about one hundred and fifty, who made a sudden and unexpected attack in the night time, on a small detachment of provincial dragoons, stationed in a wooden building in the township of Pelham, who, although assailed by more than ten times their number, defended themselves with the greatest courage and fortitude, and were at last subdued, not by the arms of the pirates, but by the building which they occupied being set on fire. The moment the ruffians got these gallant men into

their hands, they robbed them of their property, and stripped them of their clothing, and having plundered the dwellings of some of the farmers and yeomanry in the neighbourhood, they attempted a retreat; but being pursued, twenty-seven of them, including their leader, were captured. There is reason to believe that this invasion was undertaken and directed against the district of Niagara, under the expectation, that so soon as a footing was gained by the brigands in that district, they would be joined by large numbers of disaffected people from different parts of the province. In this, however, they were wholly disappointed, and as the loyalty of the great mass of Her Majesty's subjects had been so clearly and undeniably established, by the constant and entire rejection of every attempt that had been made to seduce them from their allegiance; and as, after the result of this last attack was known in the neighbouring states, there appeared to be a sudden and complete cessation of all further attempts at invasion, the Commander of the Forces considered it no longer necessary to keep up the militia which had been embodied for a limited time of service; and they were accordingly disbanded, and the defence of the country was left to the troops of the line.

The policy adopted in thus lessening the defensive force of the province, was much questioned at the time it occurred; and the apprehensions which many entertained that all danger of foreign invasion was not past, were considerably increased by intelligence which was soon after received, that an attack had been made on the remote settlements at Sarnia and Bear Creek. In the month of July, a party, supposed to consist of about fifty brigands, crossed over from a place called Palmer, in the United States, to the British settlements on the St. Clair River, where they robbed and imprisoned several of the settlers, and then returned. About the same time a loyal subject of the name of Carey, who was also an officer of militia, was shot in the night by a set of murderers, who, it was well known, were from the opposite shore, although they were never clearly identified.

But the most fearful and appalling proof of the existence of a conspiracy among a band of desperate assassins living in the neighbouring states, against the lives and property of particular individuals among Her Majesty's subjects, was given, in the attempt to destroy the dwelling house of the late Sheriff Hamilton, at Queenston, and the treacherous and cowardly assassination, in the dead of the night, of the gallant Captain Ussher,—Both these outrages occurred within a few days of each other, in the month of November last, and were committed by American citizens, living in the neighbourhood of Buffalo—where they are well known, and where it is affirmed, (your Committee believe with perfect truth,) that the murderers of Captain Ussher have openly boasted of their having perpetrated the bloody deed, and that it was committed in retaliation of that lamented gentleman's having been untruly reported to have assisted in the destruction of the Caroline.

In corroboration of the too melancholy evidence which these events afford, that the loyal subjects and servants of her Majesty are living in the neighbourhood of enemies whose actions are neither controlled nor directed by the common feelings of humanity or religion, and who are as ready to engage in secret assassination as in open war and invasion, and who give encouragement to both, without fear or apprehension that the laws of their own country will reach or punish them, or that their magistrates and public officers have either the power or inclination to interfere with or restrain them; your Committee feel it right to notice two instances which they believe cannot fail to strike every humane mind with the deepest feelings of surprise and concern:

A newspaper was some time since established in the city of Buffalo, in the state of New York, which has constantly advocated the invasion of these provinces by foreign brigands, and urged upon the inhabitants of the union to sustain and support them. In one of the numbers of that paper, published a few weeks since, alluding to his Excellency the Lieutenant Governor, and the officers of her Majesty's government, whose painful duty it was to aid in enforcing the laws of the province against domestic traitors and foreign invaders, the following paragraph appeared:—

"It is our deliberate conviction that it is every good man's duty to do all in his power to sweep this murderous tyranny from the western world. To accomplish it, almost any measures are justifiable."

"We have no patience with those bloody wretches, and much as we abhor assassination, we would almost justify it in freeing the world from such monsters."

"Where are those Canadians who swore to avenge the death of every patriot prisoner? Macnab, and Drew, and Arthur, and Prince, and Hagerman, and Robinson, are still alive."

At a later period, placards were posted up throughout the city of Detroit, offering a reward of eight hundred dollars for the dead body of the gallant and greatly calumniated Colonel Prince, and one thousand dollars if brought to the city alive; and, not long afterwards, a person who was strongly suspected of having come over to Sandwich, near which place Colonel Prince resides, for the purpose of murdering him, after being arrested on suspicion, was bailed by the Collector of Customs at the port of Detroit.

These publications and direct incitements to the commission of the most horrible of crimes passed unnoticed by the magistracy of the great communities in which they were promulgated, and the parties who avowed their authorship do not appear to have been considered guilty of any offence.

Your Committee would feel no small degree of gratification, could they here conclude their observations on the outrages to which their enduring and deeply injured fellow-subjects have been exposed, from the faithless and barbarous conduct of the citizens and people of the United States. They would rejoice to have it in their power to ascribe the unprovoked attacks, which they have narrated in the preceding pages of their Report, to the reckless and wanton conduct of a few unprincipled men, who, guided by their own bad passions, had assailed the peace of the province without encouragement or countenance from that portion of the population of the republic who claim to be respectable and enemies of crime.

Well assured that your honourable House would promptly discountenance and disallow the promulgation of any expression that would unjustly assail the integrity of a neighbouring nation and people, who have, until the last few months, been regarded as friends as well as allies, your Committee will cautiously abstain from advancing a sentiment that can be regarded as unjust towards the American people. But while they admit that that portion of them who reside at a remote distance from the boundary which divides Canada from the United States, have taken no open part in, but on the contrary may have condemned the crimes committed by their fellow citizens, to which reference has been made in this Report, your Committee are nevertheless bound in truth and justice to declare, that the brigands and pirates who invaded this province, murdered our fellow subjects, and destroyed their property, at Prescott, Windsor and elsewhere, were encouraged, aided and supported, by all classes of citizens of the republic residing in the contiguous states. The evidence of this fact is too strikingly obvious and conclusive to admit of any doubt.

Your Committee feel it unnecessary to dwell at any length on the occurrences which immediately preceded the invasions that were so signally and gallantly defeated at the two places just mentioned; but it is necessary to advert to them, as well to preserve the narrative entire, as to place before the people of England and of all other countries, a connected detail of the injuries to which we have been subject, and for which we are entitled to redress.

Rumours had for some time been circulated through the province, that a secret and extensive combination was forming in the frontier States of the union, with a view to the invasion of both the provinces of Canada, by a force so numerous, well armed, and organized, as to ensure the overthrow of the government, the conquest of the country, and its separation from the British Crown. These reports were for a time disregarded; but towards the close of the month of October, evidence was laid before the Lieutenant-Governor, and information was simultaneously transmitted to her Majesty's Minister at Washington, of a nature that left no doubt on the mind of any reasonable man, that our lives and liberties were threatened with much greater danger than had hitherto assailed them.

It was clearly ascertained that a secret combination or conspiracy, of vast extent, including many of the most wealthy citizens of the republic, as well as officers of the general and state governments, and possessed of great resources in money and military stores, was then in active progress, and had been for some months on foot within the jurisdiction of the United States, for the purpose of waging war upon both provinces of Canada. This combination extended from Maine to Michigan,—and was carried on by means of local associations resembling Masonic lodges, formed in every town and village along the frontier. The lowest estimate of the numbers of the confederates was forty thousand; and the depositions of some of the informants, who had been admitted into the secret of the conspirators, carried the number very much higher. A pretended national bank was organized, to be established and maintained by the seizure of public and private property in the provinces—and the chief officers who were to compose the "New Republic" were chosen and determined upon, all of them being citizens of the United States.

The superior lodges of the conspirators were established at Rochester, Buffalo, Cleveland, Detroit, and Cincinnati—arms and warlike stores were purchased to a very large amount, and secreted in different places; and the services of at least nine steam boats on Lake Erie, as well as of several on Lake Ontario, were secured by the leaders of this felonious association.

With a promptness and resolution for which the loyal people of this province will ever feel grateful, His Excellency the Lieutenant Governor lost not a moment in assuming the responsibility of calling upon and embodying a militia force, sufficient to repel any invasion, no matter in what numbers, that might be attempted by the enemy. And to this noble and patriotic conduct, promptly sanctioned as it was by the Commander of the Forces, the loyal people of this province at least, and probably those of Lower Canada also, are, under Providence, indebted for their preservation from scenes of bloodshed and misery which humanity shudders to contemplate.

Communications were, at the same time, transmitted to Mr. Fox, Her Majesty's Minister at Washington, informing him of the dangers with which the provinces were threatened.— This distinguished gentleman instantly called upon the American government to vindicate its national honour, and effectually to interpose the authority of its laws to put down the atrocious combination, and punish the guilty conspirators, whose names and places of residence they were fully apprised of. Your Committee are merely giving expression to the feeling universally entertained by her Majesty's subjects, that Mr. Fox has placed these provinces under the deepest obligations for the vigour, straight-forward manliness, and statesman-like ability, with which, on the occasion referred to, as well as in many preceding instances, he has vindicated their claims to the interference of the United States government, to protect them from outrage on the part of its citizens. That his admonitions have been disregarded, and that his exertions have proved unsuccessful, in no respect diminishes his claim to our gratitude and thanks.

The timely discovery of the designs of the conspirators, and the preparations made in consequence for their reception, no doubt greatly disconcerted their schemes; and it was at one time believed that they would altogether abandon them. The reverse, however, proved to be the fact. Acting in concert with that portion of the Lower Canadians, who were resolved on making another effort at revolution, an armed force entered Lower Canada early in November, composed of American citizens and a few Canadian refugees. In every instance in which they came in conflict with the loyalists and British soldiers, they were defeated and dispersed; and the feeble insurrection which occurred about the same time at Beauharnois and a few other places, was promptly suppressed by the vigorous measures adopted by His Excellency Sir John Colborne.

Unsubdued, and apparently still confident in their strength and resources, the conspirators determined on an attack upon this province, and having obtained the assistance of the largest American steamboat on lake Ontario, called the "United States," and two large schooners, they embarked at Oswego, and other ports and places along the American frontier, to the number, as it is asserted, of about six hundred, well provided with artillery, muskets, ammunition and provisions, all which must have been obtained at great expense, and which were put on board the different vessels publicly, and in open day, without interruption by any magistrate or other public officer.

With this force, headed by an American citizen of the name of Birge, and the same bandit who had led the pirates that destroyed the *Sir Robert Peel*, a descent was made on the Canadian shores near Prescott, on the 12th of November. It appears that from some cause not clearly explained, not more than half the number of invaders who had been collected for this expedition landed at Prescott, the rest crossed over to Ogdensburgh, a considerable town immediately opposite; and before any second attempt was made by them to reach our shores, a force arrived from Kingston, commanded by Col. Dundas, of the 83rd regiment, and a detachment of American troops under Col. Worth, from Sackett's Harbour, came down, which, with the small naval force under Capt. Sandom, prevented their joining their ill-fated associates. These latter, finding no hope of escape, resisted the gallant militia, soldiers, sailors and marines, who had hurried to attack them; and, having gained an advantageous post, killed and wounded a considerable number of them. At last, however, the piratical invaders surrendered at discretion, and such as remained alive, nearly two hundred in number, were brought to Kingston, and lodged in the fort there.

There is no doubt that this descent upon Prescott was intended to be in concert, not only with the movements of the conspirators and Brigands in Lower Canada, but also with those which had been planned in the West. In this there was some disappointment; but regardless of the lessons which had been so continuously and in every instance taught these desperate and unprincipled men, the invasion of the Western District was resolved upon by them, and an armed body amounting to about four hundred embarked in a steam-boat called the Champlain, in which they crossed to the village of Windsor, where they established themselves for a few hours, but upon being attacked by a small portion of the gallant militia and volunteers stationed at Sandwich, they were defeated and dispersed, leaving many killed, besides numbers who were afterwards taken prisoners. There is reason to suppose that a much larger force was prepared to cross from Detroit, and would have come over but for the intervention of General Brady, the officer in command of the United States troops at that place.

In closing their observations on the different invasions of this province, and the outrages committed upon its inhabitants, since the commencement of the last year, your Committee feel it due to the honour and character of their fellow-subjects in this province, to record the fact, that in no instance that can be traced, did a single resident of Upper Canada, of any class or origin, unite himself with the assailants after they had landed in the province, and that of those who crossed from the United States, the great majority was composed of citizens of that republic—very few indeed, even of the refugees being associated with them; and if there be any hope of these guilty men being brought to a sense of the crimes which have led them to their own misery, and the great injury they have been instrumental in bringing upon their country, it must be a source of some consolation to them to know, that by resisting the solicitations which no doubt were pressed upon them to join in this wicked and savage warfare, they escaped the horror of witnessing barbarities of the most disgusting and heart-rending description. Not only were the brave defenders of the province shot down and deliberately murdered by their fiendish assailants, but their dead bodies were mangled and mutilated, and hung up as objects of scorn and derision to these inhuman monsters. The body of an intrepid and promising young officer (Lieutenant Johnson) of the 83rd regiment, was thus treated at Prescott, and the lifeless remains of Doctor Hume were exposed to similar indignities in the west, where also a noble-minded negro, who probably had escaped from a land of slavery, to one where he hoped long to enjoy British freedom, was cut down and slaughtered, because he refused to join the band of murderers who called upon him to assist in the destruction of his benefactors.

And these deeds of wickedness and deepest crime were perpetrated by men, claiming to be citizens of the most enlightened nation in the world, and who professed to enter the province for the purpose of conferring freedom and equal laws, general happiness and prosperity upon its inhabitants!

Your Committee have, in the course of the foregoing remarks, alluded to the participation, on the part of the citizens of the United States generally, in the conspiracy which resulted in the hostile expeditions against these provinces, and the inefficiency of the measures taken by the American general and state governments to prevent them:—But they feel it necessary to point out, in a more particular manner, the evidence on which these statements rest, and to direct attention to the small reliance that is to be placed in any efforts of the public authorities of the United States to protect us from future attacks, and thus prove the necessity for calling upon her Majesty to continue to her faithful and loyal subjects, that protection to which they feel themselves to have so just a claim, and which her Majesty has hitherto so generously extended to them.

Your Committee are aware, that at one period great pains were taken by the press, and particular parties in the States, to convince the world that the barbarous outrages, and criminal and disgraceful combinations which they have detailed, were confined to the lowest classes of the population—to the illiterate and notoriously profligate portions of the community.

In the absence of more direct proof of the little credit that should be attached to these statements, it would be difficult to persuade any reasonable person of their truth, when the vast extent and systematic organization of the bands which assailed the province, from time to time, are adverted to. It is not credible that, from 500 to 1000 men, composed of mere rabble, and destitute of any visible means of their own for their maintenance, could for nearly a month be clothed, fed, armed and kept together, on a desert spot of ground, such as Navy Island, upon which there was no shelter from the inclemency of a Canadian winter, unless

they received support and encouragement from the opulent; and it is equally unreasonable to suppose, that such an assemblage could be collected for the avowed purpose of overturning, by force of arms, the government of a neighbouring country, with which their own nation was at peace, without the persuasion of men capable of exercising a powerful influence over public opinion. The worst of men are never found congregated in such numbers, and for such a purpose, unless brought together by an influence exercised by men of wealth and intelligence. But it is not upon reasoning of this kind, that the fact of countenance and support having been given by the American people, to the brigands, solely rests. It is now an admitted and notorious truth, that in every one of the numerous instances of invasion of these provinces, by the brigands, the arms of the United States were used by them, and found in their possession; while the steamboats and schooners belonging to their most wealthy merchants were publicly employed in conveying hundreds of men, and quantities of military stores and provisions, from their chief cities and towns along the frontier, to the places of attack. It is equally certain, that during the last summer and autumn, the preparations which were making to invade the provinces, and murder its loyal inhabitants, were known and encouraged by officers of the general and state governments, by justices of the peace, and by citizens of all classes and denominations. Public meetings were called in many places, and attended by persons of the description mentioned, who harangued the populace, calling upon them to aid in overthrowing British authority in the colonies, and subscribing money to accomplish that object. Not long before the attack on Prescott, a meeting of this description occurred in the city of New York, at which two of the principal officers of the customs—persons who held their appointments from the President and government of the United States—took an open and active part—one of them acting as Vice President, the other as Secretary, of the meeting—yet no notice appears to have been taken, by their superiors, of conduct, which, in England at least, would have led to their immediate dismissal and punishment.

After the termination of the affair at Prescott, so disastrous to the hopes of those who planned it, a public meeting was called at Oswego, (from whence a large portion of the brigands took their departure, publicly embarking, as has been already stated, in the largest steamboat belonging to the Americans on Lake Ontario,) for the avowed purpose of recommending the public to abstain from further participation in Canadian warfare.—At that meeting, a *Mr. David Brewster*, FIRST JUDGE of the county court, a court of extensive local jurisdiction, openly declared, that he had been engaged in "*the patriot cause*," but that he had become convinced of his error, and therefore had determined to abandon it, and advised his "*fellow-patriots*" to do the same—one of these was stated to be a *Mr. Seth Hawley*, *post-master, and member of assembly elect*; who, however, did not think proper to avow his recantation, although he had declared his intention to do so, and he still, it is to be supposed, remains "a patriot."

About the same period, a paper was promulgated in the county of Jefferson, in the state of New York, containing an earnest and well written appeal to the "*patriots of the county*," to desist from further hostile aggressions upon the Canadas, and pointing out the destruction and misery which had befallen those who had been concerned in the attack on Prescott, and other places. This paper, evidently written for a good purpose, and by persons well informed of the combinations which had been entered into, contains the following statements and admissions:—

"It was ascertained that a complete civil and military organization had been effected through the medium of certain secret societies, extending along the whole line of territory bordering on the British dominions; that an army had been created—troops enrolled—munitions of war provided, and money raised; and that a blow was about to be struck, for the subjugation of the British government there, (in Canada,) by citizens of the United States, with the expected aid of disaffected British subjects in these provinces. It was known that meetings of these societies were frequently held, and numerous attended, receiving constant accessions of strength. Labourers left their employ—apprentices their masters—mechanics abandoned their shops—merchants their counters—*magistrates their official duties*—husbands their families—children their parents—christians their churches—*ministers of the gospel their charge*, to attend these meetings."—"To which the public officer, the magistrate, the conservator of the peace, was only admitted by breaking the official oath he had previously taken to support the constitution and laws of his country."

To these avowals, might be added *hundreds of others* of similar import; but your Committee deem it unnecessary to notice them, and they will close this part of their report by giving the statement made by *Jeremiah Winnegar*, one of the prisoners taken at Prescott

which was read upon his trial before the court martial at Kingston; and the evidence of a Mr. Brown, a judge of the court of common pleas in the state of New York, and a brother of the late General Brown, commander-in-chief of the United States army. The former was condemned to be executed, but was afterwards reprieved and pardoned by His Excellency the Lieutenant-Governor, and is now at liberty in his own country. This old man's story is well known to be true, and although told with more ingenuousness and appearance of candour than marked the account given of themselves by the other prisoners, does not materially vary from most of theirs.

"Jeremiah Winnegar is a native of the state of New York, labourer, resided at Dexter, and became a 'hunter' in October last, was sworn in by Sterling.—His son was engaged to come with the expedition to Canada, prisoner volunteered to come in his stead, his son being lame; came to Millenn's Bay on Saturday the 10th November last, embarked the following day in one of the schooners lying in the bay, in Captain Kemble's company; the schooner ran aground on Monday morning, the 12th November, and prisoner was taken off by the Paul Pry and put on board the other schooner, and landed at Wind-Mill Point, below Prescott. On Tuesday morning, prisoner was called out of a house where he stayed for the night, and went into a field to fight, discharged his musket twice, and retreated to a house, where he remained until Friday evening the 16th November, 1838, when he was taken prisoner; did not expect to fight when he left home; came for the sole purpose of giving liberty to the people of Canada; thought when he was coming that he was doing God service, is of the——persuasion, has a wife and eleven children, *heard ministers of the gospel encouraging the people to support the patriot hunters*—is in his 59th year."

To this account of himself, he added the following in his address to the court at the time of his trial:—

"I have nothing more to say than is contained in my statement—I can establish by witnesses who have known me upwards of thirty years, what my general character is, but have nothing to prove connected with this affair—I presume many of the court have families—I have a family as near and dear to me as them—I have left a wife—seven sons and four daughters—I have brought them up by honest industry, and have been blessed with health to maintain them—Though a poor man, I have the same feelings as others, and my family are dear to me, and, though old, I am their main support—I have only now to throw myself on the mercy of the court."

George Brown, of Brownville, Jefferson county, judge of the court of common pleas—on the trial of George H. Kimball, and others, before the court martial at Kingston, on the 28th December, 1838, was called as a witness by George H. Kimball, and stated as follows:—

"There is a brother of the prisoner "(Geo. H. Kimball)" about thirty years old, formerly a colonel of militia. He returned home after the affair at Prescott, I called to inquire of him the fate of a son of mine who was there. It is generally understood among us that he was a captain—John B. Kimball told me that General Shoultz had appointed him to act as Lieutenant Colonel, but that he came away during the action. One Fields, also an officer, came away the day before. John B. Kimball stated, that they were rather deranged for want of officers, and that he had acted as Adjutant on the morning of Tuesday, and paraded the men."

On cross examination he said he thought George H. Kimball was "brought into the expedition by a great many of our citizens associating in secret societies to aid in the Canada cause. Great inducements were held out to young men to join. I believe numbers have been thus deceived and deluded. The secrecy of these societies prevented any person from taking measures to counteract what they were doing. I would further add, that being bound by oath, as I understood, to keep every thing secret, no communications could be made of what was going on. It is reported among us, that a bank was formed, and the funds were provided as bank stock, in order to evade our laws. It is the general opinion, it was done by contributions of people in our country."

John B. Kimball, who made these disclosures to Judge Brown, of his participation in the affair at Prescott, has never been prosecuted.

With respect to the measures adopted by the government of the United States, in reference to the hostilities which have been waged against her Majesty's subjects, by the citizens of that country, almost without intermission, since the month of December, 1837, it is obvious that the discussion of them does not properly belong to your Committee; but they neverthe-

less think it right to advert to facts, which it is of importance that their fellow subjects should be made acquainted with, and which may not, by any other means, be so conveniently placed before them as in the report of your Committee.

It is not to be disguised, that whatever confidence the loyal people of these provinces may have entertained in the good faith of the American government and public authorities, at the commencement of the warfare which has been carried on against these provinces, by the people of the United States, *that* confidence has been very nearly, if not entirely, destroyed.

Notwithstanding the repeated invasions that have taken place—the murders that have been committed—the acts of piracy and arson that have been perpetrated, by thousands of persons who are *well known*, and who are now living unmolested in the adjoining States, *openly boasting of their infractions of the laws of the Union as well as of this country*, not one of them has been subjected, so far as your Committee are aware, to any legal punishment. Neither does it seem in any degree probable that any of them will be molested. In like manner, the conspiracy so extensively organized, during the last summer and autumn, for the overthrow of the government of the country, although undoubtedly known to hundreds of persons holding official situations, was not only not suppressed, but received direct encouragement and support from those whose duty it was to break it up, and to expose and punish all engaged in it.

The military force placed on the American frontier, to prevent the invaders from entering into the provinces, was wholly inadequate and incompetent to the performance of that duty, and does not appear to have been even of sufficient strength to guard the arsenals containing the arms of the government, which were in many instances seized and carried off by the brigands, to be used against the people of this country.

True it is, that Mr. Charles Buller, the Chief Secretary of the Earl of Durham, who left this country some time in the month of November last, has informed the British nation, from his place in the House of Commons:—That the government of the United States has done all that a *government could do* to prevent the assaults made upon us:—That they passed a law of neutrality, and *had kept that law more strictly than we had done*:—That they had *prosecuted and convicted several gentlemen who had infringed that law*:—That they had *doubled their army to keep this law*:—That *the opinion of the people, from one end of the country to the other, was decidedly with us*:—And that *the Americans dared not hold a sympathizer's meeting in any town in the United States*. Your Committee has no right or disposition to question the liberty of speech of any member of the Imperial Parliament; but on behalf of their loyal fellow subjects, they protest against that privilege being used to mislead the British nation on points of the utmost possible importance to their peace and future security.

Mr. Buller's predilections in favour of republican institutions may be very strong, and he may feel a desire to vindicate the conduct of a government which is based on universal suffrage, vote by ballot, and similar popular theories, which, in his opinion, are the best in the world, and are, therefore, the objects of his admiration; but, in advocating these anti-British and anti-monarchical principles, he should be cautious when assuming to make a statement of facts, to be strictly accurate. No doubt Mr. Buller intended to be so, when he made the statements above referred to; and although he resided in this country from June to November, holding daily and hourly intercourse with the most intelligent of the American people, having the most ample opportunity of informing himself correctly, and although on his return to England in the latter month, he passed through a considerable portion of the United States, where he might have corrected any error which he had inadvertently fallen into, yet it is to be supposed that he was so much engaged in the important duties imposed on him as Chief Secretary to the Lord High Commissioner, the Earl of Durham, that he had not time to investigate so closely as otherwise he might have done, the conduct of the government of the republic; and knowing what that government ought to have done, he has too hastily assumed that it had performed its duty. A more careful enquiry, which it must be admitted it is rather singular he omitted to make, would have proved to him that the "law of neutrality" to which he refers had not been kept, but had been wholly disregarded:—that no "*gentleman*" or any other *man* had been prosecuted and convicted for infringing that law:—that the American army had not been doubled to keep that law—that, in fact, no addition whatever had been made to it for any such purpose, or any other purpose:—that the opinion of the people of the United States, from one end of the country to the other, was not with us, but decidedly the reverse—and that it was wholly incorrect to say, that the Americans dared not hold a sympathizer's meeting in any town in the United States. These meetings being of constant occurrence throughout the principal towns of the adjacent country, and through several of which Mr. Buller passed, although, probably, not at the moment they were assembled.

Lest it should be imagined that this contradiction of the accuracy of Mr. Buller's statements requires confirmation from more disinterested parties, your Committee will give an extract from the leading journal of the state of New York, remarking on the speech of the learned gentleman, when the report of it first appeared on this side the Atlantic:—

"The Duke of Wellington and Sir Robert Peel animadverted severely on the conduct of this government, in relation to the inroads into Canada, but the *President* was defended by the MINISTERS, LORD BROUGHAM, and Mr. C. BULLER, an attachè to the DURHAM mission. The latter gentleman, indeed, stated circumstances in favour of our policy, with which ourselves are unacquainted, such as, *that this government had doubled the army to prevent the assaults on Canada, and one or two facts unheard of before.*"—MORNING COURIER AND NEW-YORK ENQUIRER, *Saturday, 23rd March, 1839.*

Similar remarks might be quoted from *many* other journals of the union. but upon a fact so obvious and undeniable, it cannot be necessary to cite them.

But your Committee are disposed to regard with far greater alarm and apprehension, certain principles advanced by the government of the United States, in respect to our right to pursue the brigands who may invade the provinces, and attack them within the limits of those states.

The ground assumed by the American minister in London, in relation to the destruction of the *Caroline* steamboat, if admitted, would at once place these provinces in a situation that would wholly disable them from effectually protecting themselves from foreign aggression,—Mr. Stevenson assumes that the invasion of Upper Canada, by the armed force, under the command of one of his fellow citizens, Van Rensselaer,—at Navy Island, was a case of CIVIL WAR, existing at the time within the province; that civil wars are not distinguishable from other wars, as to belligerent and neutral rights—and therefore, not being able to deny the fact, but admitting it as he does, to be true, that the steamboat in question was engaged in the service of the invaders, and had communicated with them from the United States shore three times in the course of one day; he nevertheless asserts, that we were not justified in following her to her place of shelter at Schlosser, and destroying her there: As a consequence of such mode of arguing,—if Mr. Stevenson be right, it must follow that the government of the United States is of opinion, that if all the steamboats lying at Buffalo, some fifty in number, had been engaged in bringing men, munitions of war, and other aid from that place to the armed body of invaders on Navy Island, there was nothing illegal in such acts, and that our troops would not have been justified in pursuing them into the States, and destroying them wherever they could find them. Your Committee have no apprehensions that any such doctrine will be admitted by Her Majesty's government, if the occasion should occur requiring its discussion; and if precedent were necessary to controvert it, there is no country whose history affords more striking examples in point, than that of the United States, many of which, if it would serve any useful purpose, might be noticed in this place—one only, however, will suffice.

In May, 1818, Pensacola and the fort of Barancas, in West Florida, belonging to the Spaniards, were taken forcible possession of by the American troops, in a time of peace between the two countries—the former "with only the show of resistance," the latter, by capitulation; the garrisons of both being conveyed to the Havana, at the expense of the American government.

The occupation of these Spanish possessions was justified by the government of the United States, on this occasion, upon the ground, that as almost the whole of the tribe of Seminoles inhabited the country within the limits of Florida, Spain was bound by the treaty of 1795, to restrain them from committing hostilities against the United States; "that as she was unable to fulfil this obligation—her inability to maintain her authority over the territory and Indians within her limits, ought not to expose the United States to other and greater injuries," and that, where the authority of Spain ceased to exist, the United States had a right to pursue their enemy, on a principle of self-defence.

"The right of self-defence," says the President, (in one of his messages to Congress, upon the subject of the Seminole war) "never ceases. It is amongst the most sacred, and alike necessary to nations and to individuals. And, whether the attack be made by Spain herself, or by those who abuse her power, the obligation is not the less strong."

“In pursuing the savages to an imaginary line in the woods, it would have been the height of folly to have suffered that line to protect them. Had that been done, the war could never have ceased. Even if the territory had been exclusively that of Spain, and her power complete over it, we had a right by the law of nations, to follow the enemy on it, and to subdue him there.”

The Spanish minister at Washington protested most strongly against these alleged violations of the territory of the King of Spain. He denied that any encouragement or protection had been given by the Spanish authorities to the Seminole Indians, between whom and the United States, they did not even know that a war had commenced, and he called upon the government forthwith, to restore to Spain the places which had been forcibly wrested from her, and the property which had been found in them;—to make indemnity for the injuries and losses which had been occasioned by the invasion; and to punish the general and the officers by whom the outrages had been committed.

The American government, in reply, reiterated the grounds upon which it justified the occupation of the forts. The Spanish minister was however informed, that Pensacola would be restored to any person, duly authorised on the part of Spain, to receive possession of it; and that St. Marks would be surrendered to any Spanish force sufficiently strong to hold it against an attack from the Indians: but the American government declined to inflict punishment, or to pass a censure upon General Jackson, whose conduct was “founded on the purest patriotism, and whose vindication was written in every page of the law of nations, as well as in the first law of nature, self-defence.”—On the contrary, it considered it had a right to claim from Spain, (and which the American minister at Madrid was instructed to demand,) “the punishment of the Spanish Governors who had aided and assisted the Indians in the hostilities against the United States, whom it was their duty to have restrained.”

But referring to the facts of the case stated by Mr. Stevenson, it is not true that a civil war existed in Upper Canada, at the time of the destruction of the *Caroline*:—there was not a man in arms in the province then, nor has there been one since for any other purpose, than to *repel invasion from the United States*.

The armed force at Navy Island was not an *insurrectionary* force, but one that had invaded the province from the state of New York—which invasion was an act of open hostility, committed by American citizens, armed and organised in the United States, and marched, in the presence of magistrates and public officers of the union, without resistance or interruption, into Upper Canada, for the avowed purpose of making war upon Her Majesty; and the steamboat *Caroline* was openly and notoriously engaged in the service of, and aiding and assisting this invading force—As in the case of the Spanish government in Florida, the government of the United States either wanted the power or the inclination, it matters not which, to restrain their citizens from making war upon the Queen of England, and attempting the destruction of her subjects, and the overthrow of her government; and the subjects and military force of Her Majesty had an undoubted right, not only to follow the steamboat *Caroline* into the territory of the United States, and destroy her there, but to enter into that country and destroy the *preparations there making* for their destruction, if it were seen that the American government either could not or would not do so themselves—That this right has not been acted upon by the people of Upper Canada before now, proves their sincere and anxious desire to preserve peace; but it would be folly to disguise the fact, that the repetition of aggressions, such as they have already experienced, may exhaust that disposition to patient forbearance, which has hitherto controlled them.

It would probably be considered that your Committee had not fully discharged their duty, while remarking on the case of the *Caroline*, if they permitted the opportunity to escape of contradicting on authority which they knew to exist, and of the most conclusive kind, the statements made by Mr. Stevenson of the cause and manner of her destruction, and the wholly unfounded allegations, that a number of persons were on board of her when she was set on fire and precipitated over the Falls of Niagara. Mr. Setvenson says, that the account given of the destruction of this boat by Mr. Fox and the British authorities in this province is, in every essential particular, discredited and disproved by the most unimpeachable evidence; that the evidence transmitted by him to Lord Palmerston, strips the proceeding of every pretext alleged in its justification, and marks it as an act of the most offensive and unwarrantable character. Apart from the admissions which are to be found in Mr. Stevenson’s own communication, and which have been already adverted to as sufficiently contradicting his assertions, your Committee have it in their power to affirm, that it is established by evidence *incapable*

of successful contradiction from any quarter, that the piratical steamboat in question was engaged for what was called the patriot service, several days before she came to the island. A detachment of the brigands was sent from the island to Buffalo, to assist in extricating her from the ice, and fitting her out, and bringing her to the island. She took muskets and other military stores on board, at Buffalo, for the use of the invaders. On her arrival at the island, her captain surrendered the entire direction of her to the chief brigand, who gave orders for her safety, fearing she might fall into the hands of the British. She was openly and publicly employed during the day in bringing over cannon and men from Schlosser to Navy Island.—When she was attacked, the crew on board were armed and prepared for resistance, anticipating an attack: they did resist, and seriously wounded several of the assailants. There was a body of men on shore, armed for her defence in the event of an attack, but they did not venture to go on board the vessel—and lastly, it is utterly untrue that any one was on board at the time she was precipitated over the falls.

Your Committee feel that this statement of the truth of the case is not necessary to vindicate the legality of the destruction of the boat, but simply to remove the imputation that unnecessary severity was exercised towards the persons on board of her, or that in any possible case her destruction was not fully justified.

It has been with feelings of the deepest concern, and, at times, of indignation, that the loyal people of the Canadas have observed the apathy of the government of the United States—notwithstanding the repeated appeals that have been made to them—in restraining and punishing the brigands who are within its reach. It is a fact not only undeniable, but almost universally admitted, that the conduct of the United States is, and from the beginning has been, such as to show that they regarded with satisfaction rather than disapprobation, the attempts made to sever these colonies from the British crown; and although your Committee do not feel authorised to advance their individual opinions as those of your honourable House, when they state their conviction, that there is a very strong desire among the American people and government, to expel monarchical institutions from this continent, yet they believe that the indications of this desire are so obvious, that our Gracious Sovereign and the British nation should be constantly and plainly apprised of them, by those who have the best opportunities of watching them, and stating them with confidence.

Your Committee believe that the feeling to which they have adverted has mainly induced the recent extraordinary movements in Maine, and the sudden and unexpected assertion of the general government, that the exclusive jurisdiction over the disputed territory on our eastern border does not belong to Great Britain, but that the state of Maine was fully justified in taking possession of it by force of arms. If reference were made to the mere inconvenience that would result from the impunity with which crimes of the most atrocious character might be committed in a country over which no ascertained legal jurisdiction extends, it would be enough to decide the necessity of leaving the territory in dispute under the control of laws by which it had always been governed; but the people and government of the United States are insensible to this or any other consideration that comes in conflict with their designs on the possessions of the British crown. They well knew, and cannot deny, that the territory in dispute has always been under the jurisdiction of Great Britain; and they are equally sensible that the settlement of the true line dividing the two countries has never been retarded or evaded by the English government, but that the fault, if there be any, is wholly on their side. Notwithstanding which, at a moment when it is believed dissensions exist in the colonies, warlike possession is taken of a part of the country that has always been claimed by, and which has ever been in the possession of, Great Britain, and which, if ceded, will completely cut off the land communication of the British North American colonies with each other; and the moment this most unjustifiable aggression is committed, Congress, in compliance with a recommendation from the President, passes a law authorising him to employ the army and navy and militia of the republic, to resist any attempts on the part of Great Britain to enforce by arms her claims to exclusive jurisdiction over what?—over that part of “THE STATE OF MAINE”! which is in dispute between the United States and Great Britain. This enactment would settle the whole matter, if submitted to, since it assumes that the territory in dispute is part of “THE STATE OF MAINE,” leaving further argument or proof, on the part of Great Britain, wholly out of the question.

Your Committee would exceed their province, if they ventured an opinion, however remote, of the course which Her Majesty may take, in reference to this unexpected interference with her undoubted sovereignty; but they may venture to express, on behalf of their brave and generous fellow subjects of New Brunswick, their firm conviction, that not the smallest

portion of their rights will be sacrificed to the cupidity of an encroaching and presumptuous opponent. And on behalf of themselves, and of the loyal inhabitants of Lower Canada, they can only say, that the surrender of the territory claimed by the United States, could not fail imminently to endanger the connection of these colonies with the parent state; and most earnestly do they hope that a concession so unfounded and ruinous will never be made.—Neither can it be forgotten by colonists, nor will it be overlooked by the British government, that no compromise can take place which will have the effect of transferring any portion of Her Majesty's subjects to a foreign power. The people of New Brunswick may be released from their allegiance, and cast off from the mother country; but they cannot be *transferred*, and *rendered subject* to another power without their own consent. *The true line, and that only must determine to what nation they belong.*

Your Committee having thus adverted to the events of most prominent importance that have occurred during the last year, feel called upon to impress upon your honourable House the necessity—a painful one it certainly is—of assuring our gracious Queen, that while her loyal subjects in these provinces acknowledge with the deepest gratitude the efficient protection extended to them, by the large military force that has been stationed in the country, they are bound to reiterate the opinion expressed in the Report of your honourable House, of the last session, that the continuance of this protection is essential to their future peace and safety—not, however, from the slightest apprehension of internal revolt—but “because the government of the United States either wants the inclination or the ability to compel its citizens to “yield obedience to the laws of nature and of nations;” and because we believe these citizens are still ferociously bent on repeating the aggressions from which we have already so severely suffered.

Your Committee further earnestly recommend that your honourable House should bring under the consideration of Her Majesty's government, the just and undoubted right of the owners of the Sir Robert Peel steamer, to prompt and complete indemnity for the felonious destruction of that vessel, in American waters, by American citizens. It has occasioned some surprise that this remuneration has not been made ere this; but the ruinous consequences which would result from longer delay, to several of our fellow subjects, imperatively require that your honourable House should press their claims with the utmost earnestness. The more recent burning of the Thames steamer, and of the property of individuals in different parts of the country, by the invading brigands from the United States, should, your Committee are of opinion, receive the early attention of your honourable House, in order that steps may be taken to obtain for the owners a full indemnity for their losses. Your Committee are well satisfied that the people of this province will not permit individuals to sustain ruinous losses which should be borne equally by all. They cannot regard the destruction of the property referred to, as among those casualties that establish no claim for indemnity from the public. They are the consequences of a national calamity, which the whole people are concerned in repairing; and your Committee are well satisfied that such is the opinion of every loyal subject of Her Majesty in the province.

It is not for your honourable House to point out the best means of defending these provinces from future invasion; but your Committee are of opinion, that Her Majesty would not receive unfavourably, the respectful representation, that there are many reasons against employing, for any length of time, the rural population of this new country in military duties. Taking them away from their agricultural pursuits, is productive of much and serious disadvantage to the province, and it would be wrong to overlook the injurious effects which may be produced, on the morals of young men, from habits too readily contracted in a service that cannot demand their constant employment.

If Her Majesty should direct the construction of forts and places of defence along the frontier, it is believed that very great saving would be ultimately effected, by rendering unnecessary a portion, at least, of the militia force which is now embodied; and to the calling out of which, the people of the province are materially indebted for their present safety.

In concluding their remarks upon the struggle in which the Canadas have been engaged during the past year, your Committee will briefly advert to two points, the most gratifying to every loyal British subject. The first is, the noble and cheering declaration of our beloved Queen, that “*Her Majesty is firmly determined to maintain the authority of Her Crown in this part of Her Dominions,*” and the second, that Her Majesty's subjects of British and Irish descent are not only entitled to, but are eminently deserving of *the royal pledge thus given to them.*

His Excellency the Lieutenant Governor truly observed, in his speech at the opening of the present Session of the Provincial Legislature,—“That the main foundation of the hopes of the discontented persons in this province and their foreign supporters has been a mischievous notion, industriously propagated, that England would desert her trans-Atlantic possessions in their hour of difficulty and danger.”

These false and pernicious opinions are now dispelled, as your honourable House never doubted they would be, by a pledge the most emphatic and sacred. And while their enemies are thus disappointed in their hopes, her Majesty's loyal people are encouraged to persevere in that noble display of devoted loyalty, and unsubdued bravery, which has so eminently distinguished them on every occasion, and in every conflict, where their services have been required, to expel or annihilate their ruthless invaders. It is in the power of your honourable House to inform our gracious Sovereign, that, notwithstanding all the misrepresentation and falsehood that has gone forth with respect to the political feelings and principles of her subjects here; and notwithstanding the persuasions employed, and the allurements held out to seduce them from their allegiance, they have stood steadfast and firm in their faith and loyalty to their Queen; that not a man among them was found to unite with the invaders of their country; that they spurned with abhorrence the false and delusive offers made to them of greater freedom and happiness, by a foreign people who had basely and criminally dared to interfere with their institutions, and to pollute their soil with their presence; that the truth of these feelings and principles has been tested by the blood of many of their fellow subjects, who have sacrificed their lives in maintaining them; and whose example their lamenting survivors, animated by the same patriotic spirit, are and ever will be ready to follow.

When your Committee were appointed by your Honourable House, they had reason to suppose that the duties with which they were charged, would not extend beyond the subject referred to in the preceding pages of this report; but since that period a document has been promulgated by order of the House of Commons, purporting to be the report of Her Majesty's late High Commissioner, the Earl of Durham, addressed to Her Majesty, on the affairs of British North America, which contains matter so deeply affecting the social as well as political relations of all the provinces, especially of Upper Canada, that it would ill-become your Committee to pass it over in silence. Indeed they regret that at this late period of the session, it is impossible to give the statements and opinions advanced by His Lordship, the extensive investigation their importance demands; but your Committee will apply themselves with calmness, and they trust with dispassionate zeal, to vindicate the people of Upper Canada, their government and legislature, from charges that imply a want of patriotism and integrity, which they know to be unjust, which they did not expect, and which they grieve to find advanced by a Nobleman who had been sent to these provinces to heal, rather than foment dissensions, and who certainly should have carefully guarded against giving currency to unfounded, mischievous and illiberal rumours, for the truth of which he admits he is unable to vouch.

When it was first announced that the noble Lord had been selected by Her Majesty to represent the Royal authority in these colonies, in the two-fold authority of Governor-General and High Commissioner, with powers far greater, as it was asserted, than had ever been confided to any of His Lordship's predecessors, it cannot be denied that a very general feeling of disappointment and apprehension pervaded the royal population of the provinces. His Lordship's political principles were, of course, universally known, and it was feared that he might too readily adopt and act upon opinions that had unhappily been long in the ascendant, and which, from want of an earlier check, had brought upon the country all the misfortunes with which it had been afflicted. Neither were these apprehensions lessened, when it was ascertained who were to be his Lordship's ostensible advisers, and the chief officers of his suite.—Apart from objections of a merely personal character, (although these in an unsophisticated society, such as existed in Canada, were far from overlooked,) it was known that the gentleman named as Chief Secretary as well as some others, were identified with a small knot of politicians, who had undisguisedly advocated the views and opinions of Papineau, and Mackenzie, and whose desire to release these colonies from what they termed “*the baneful domination of the mother country,*” had been plainly avowed. Notwithstanding these reasonable

apprehensions, however, the population, as if by common agreement, determined to receive his Lordship with the utmost cordiality and manifestation of confidence. They were aware that he had been for many years a Member of the Imperial Parliament; that he had for some time occupied a seat in the Cabinet, under Earl Grey; and that he had filled a diplomatic appointment of considerable importance; and they believed that it was quite impossible for him to have been engaged in these various employments, without acquiring a knowledge of public business, and being taught a prudent wariness of conduct, that would prevent his falling into any great or irretrievable error. But that which the loyalists chiefly relied upon, was the character which was ascribed to His Lordship of integrity, intelligence, and love of country. They did not fear the result of his mission, if he were possessed of these great and essential qualities. It was comparatively of little consequence whether he was tory, whig, or radical, in England, if, in Canada, he would exercise a sound, upright, patriotic, and independent judgment. It had never happened that a man, guided by these principles, and possessed of a dispassionate mind, had failed, after a short residence in the North American colonies, to detect the fallacy of the "*conciliating*" policy that had been so long pursued, or to determine which party sincerely desired to perpetuate the connexion with the mother-country; and which was aiming, under the specious pretext of securing liberal institutions, to sever the union and establish a democracy. Neither was an instance known of a high-minded Englishman, residing in America for any length of time, however strong his predilections might previously have been, who did not leave it with a feeling of disgust at the practical exhibition of republican institutions on this continent. Accordingly, upon his landing at Quebec, Lord Durham was received with the appearance of enthusiasm, and certainly with the most sincere desire to convince him, that no impediment would be thrown in the way of his government by those, who were truly desirous that peace and order should be again restored to the country, and who were heartily tired of the imbecility with which affairs had been conducted for the greater portion of the two preceding years.

The first Act of His Lordship's administration, was the issuing of a proclamation, setting forth the objects of his mission, and the policy he was determined to pursue in executing his high and important duties. He declared that "the honest and conscientious advocates of reform, and of the ameliorations of defective institutions, should receive from him, without distinction of party, races, or politics, the assistance and encouragement, which their patriotism had a right to command, from all who desired to strengthen and consolidate the connexion between the parent state and these important colonies; but the disturbers of the public peace, the violaters of the law, the enemies of the Crown, and of the British empire, would find in him, an uncompromising opponent, determined to put in force against them, all the powers, civil and military, with which he was invested."

This manifesto was received with general satisfaction, by the well-affected in both provinces, they desired no more than that the principles it avowed should be fully and faithfully acted up to; well persuaded that if this were done, the peace of the country would be quickly restored.

Your Committee are not disposed to doubt that Lord Durham sincerely desired and intended to fulfil, to the very letter, every pledge, direct or implied, contained in his proclamation: that his acts would be marked by discretion, and a respect for constitutional principles, and that he was firmly resolved to exert every faculty he possessed, in restoring tranquillity and security to the Canadas; unhappily, however, some baneful influence intervened, or some defect of judgment existed, to mar and frustrate these noble and generous resolutions. Your Committee disclaim the intention of uttering one single sentiment that can be construed into wilful or gratuitous disrespect to the Earl of Durham, or the desire of conveying the most distant imputation on his patriotism or integrity; but in the performance of a duty which admits of no forbearance that may exclude the truth, they are bound to declare, that from the date of this proclamation to the close of His Lordship's administration, almost all his public acts, were marked, either by a disregard of the restraints of law and of the constitution, or the entire absence of that knowledge essential to guide and keep a public man within the limits of the powers confided to him.

Distrust in his Lordship, was first excited by the suspension from office of all the members of the executive council, who had been commissioned by the Crown, and the appointment, as their successors, of gentlemen, who, with the exception of two, (the Commissary-General and the Secretary of the province of Lower Canada,) had accompanied him from England, and who, whatever might have been their general knowledge, were wholly unacquainted with

the local concerns of the country, and utterly incompetent to suggest or frame any legislative measure that the peculiar condition of public affairs demanded. These removals were made in the most courteous manner, and your Committee are unable to say, that they did not take place in consequence of orders from England; but the effect was not only to excite uncomfortable feelings in the province, from the ungracious appearance of the act,—but to cast his Lordship upon a sea of difficulties, without a single competent pilot to warn him of the dangers that surrounded him, and it is not to be wondered at, that he was speedily involved in serious embarrassments.

He soon afterwards required the great seal of this province to be affixed to a commission, tested in his own name as Governor-General, appointing certain gentlemen, commissioners, to inquire into the land-granting department in Upper Canada; over-looking, or disregarding, the provisions in his appointment, by which he was precluded from acting in any province, in which he had not actually assumed the government, and been sworn into office. Although this Act was wholly unauthorised, it was nevertheless acquiesced in, that it might not be alleged that his Lordship had been thwarted in any manner, in carrying into effect whatever measures he deemed necessary to accomplish the object of his mission.

A further, and somewhat ludicrous exhibition, of his Lordship's assumed powers, was evinced in the proclamation issued by him, offering a reward of one thousand pounds for the apprehension and conviction of the pirates concerned in the destruction of the Sir Robert Peel steamboat. As the offence was committed in the United States, where alone the power of punishment existed, this proclamation was considered a somewhat singular, if not an unprecedented interference with the administration of justice in a foreign country. To the people of this province, a demand on the American government for reparation would have appeared a more reasonable and legitimate mode of proceeding, and would have afforded far greater satisfaction and more convincing proof, that his Lordship was determined to protect, to the utmost of his power, her Majesty's subjects from insult and injury.

A measure of a much more mischievous tendency soon after occurred, in his Lordship's interference, when in Lower Canada, with the course of justice in the disposal of the prisoners captured at the Short Hills, in the Upper province. This interference, and the cause of it, are detailed in the correspondence laid before your honourable House:—It is, however, unnecessary to refer to it here, for any other purpose than to shew that his Lordship did not regulate his official acts and correspondence by any legal rules, but according to such views as he might chance to entertain, apparently regardless of the embarrassments he might occasion to others in the performance of the most painful and difficult duties.

The remarkable ordinances that consigned to transportation to Bermuda, several of the Lower Canadian traitors, and which enacted that the penalty of death should be inflicted upon others who had been neither tried nor indicted, but who had fled or absented themselves from the province, if they again returned to it; and the disallowance of these ordinances by her Majesty, are subjects within the recollection of every one, and it would answer no useful purpose to discuss them here. But without examining the degree of validity which attaches to those ordinances, or the motives or necessity for their enactment, they undoubtedly, at the time they were promulgated, were regarded by every professional or well-informed person, as unprecedented and extraordinary, if not wholly unconstitutional and void.

The concluding act of his Lordship's government, his Proclamation of the 9th October, requires no comment from your Committee—it was regarded by all lovers of order with silent astonishment and disapprobation, and with what justice is best proved by the terms in which it was noticed by her Majesty, who directed the Colonial Minister to inform Lord Durham that her Majesty had been advised by her Ministers to regard it “not merely as a deviation from the course which had hitherto been invariably pursued by the governors of British possessions abroad, but as a dangerous departure from the practice and principles of the constitution. They considered as open to most serious objection, an appeal, by such an officer, to the public at large, from measures adopted by the Sovereign, with the advice and consent of Parliament.

“The terms in which that appeal had, in that instance, been made, appeared to her Majesty's Ministers calculated to impair the reverence due to the royal authority in the colony—to derogate from the character of the Imperial Legislature—to excite amongst the disaffected hopes of impunity, and to enhance the difficulties with which his Lordship's successor would have to contend.

“The Minister’s of the Crown having humbly submitted this opinion to the Queen, the Secretary of State proceeded to say, that it became his duty to inform his Lordship that he had received her Majesty’s commands to signify to his Lordship her Majesty’s disapprobation of his Lordship’s Proclamation of the 9th of October.

“And that, under these circumstances, her Majesty’s government were compelled to admit, that his Lordship’s continuance in the government of British North America could be attended with no beneficial results.”

Your Committee have noticed these prominent public acts of his Lordship, for no other reason than to draw attention to the proofs which exist of the singularity, if not unsoundness, of his judgement—and as affording room for those not personally acquainted with the facts on which his Lordship founds his conclusions in the Report which he has presented to her Majesty to doubt, or at all events to receive with caution, the statements he has set forth, with respect to the social and political condition of a province in which he never resided, and with which he had scarcely any personal acquaintance. His Lordship’s personal observation was confined to his passing up the River St. Lawrence, and crossing Lake Ontario, in a steamboat, occupied exclusively by his family and suite—a four days sojourn at the Falls of Niagara, and a twenty-four hours visit to the Lieutenant Governor at Toronto.

Your Committee are not called upon to examine or offer any opinion upon that part of his Lordship’s Report which relates to the affairs of Lower Canada. It is, however, evidently drawn up with much greater care, and they believe with far greater accuracy, than that portion of it which relates to this province.

They will, therefore, proceed at once to the examination of those opinions and observations of his Lordship’s, which most seriously affect this community. Lord Durham ascribes, and your Committee believe truly, all the dissensions and disturbances that have occurred in Lower Canada, to a contest between *Races* of different origin—British and French Canadians; and, forgetful of the mischievous tendency of his remarks, he intimates that the political dissensions of this province are to be traced to a jealousy or disagreement between three *classes*, and a contest among them for the emolument and patronage of office.

The first of these, his Lordship (borrowing, with questionable taste, a newspaper *sobriquet*.) designates as “the Family Compact,” and he informs her Majesty that “the bulk of the party consists for the most part of native born inhabitants of the colony, or of emigrants who settled in it before the last war with the United States.” The *second* is stated to be formed by a body of the same class of persons called Reformers, and the *third class* comprises, according to his Lordship’s opinion, emigrants from the United Kingdom who have settled in the province since the war above referred to.

It is alleged by Lord Durham that the first party mentioned by him, “for a long time receiving accession to its numbers, possessed almost all the highest public offices; by means of which, and its influence in the Executive Council, it wielded all the powers of government; it maintained influence in the legislature, by means of its predominance in the Legislative Council; and it disposed of the large number of petty posts, which are in the patronage of the government all over the province. Successive Governors, as they came in their turn, are said to have either submitted quietly to its influence, or after a short and unavailing struggle, to have yielded to this well-organized party, the real conduct of affairs. The bench, the magistracy, the high offices of the Episcopal Church, and a great part of the legal profession, are filled by the adherents of this party;—by grant or purchase they have acquired nearly the whole of the waste lands of the province; they are all powerful in the chartered banks, and, till lately, shared among themselves, almost exclusively, all offices of trust and profit. The bulk of this party consists for the most part, of native born inhabitants of the colony, or of emigrants who settled in it before the last war with the United States;” and His Lordship declares that never was the power of the party so extensive or so absolute as it now is.

The High Commissioner in thus describing a class of persons who are evidently held in slight estimation by his Lordship, has been unable to find, or at all events he does not state, any objection to its Members on the ground of want of ability or patriotism; he does not question their loyalty, and he admits that they are numerous and possess much property and great influence, but that in consequence of their having monopolized the power and patronage of the government, they have excited envy, created dissatisfaction, and have ultimately provoked attack; and it is plain, that entertaining the same sentiments with their opponents, his

Lordship thinks it necessary that they should be put down, and that the authority and influence of the Crown should for that purpose, be thrown into the scale of the second class—whom his Lordship designates “Reformers,” among whom, however, he says, “it cannot be doubted that there were many who wished to assimilate the institutions of the province rather to those of the United States than to those of the mother country.”

There are two aspects in which these opinions of his Lordship may be regarded, equally unfavourable to his penetration as a statesman, and his character as a safe adviser of the Crown. It could not fail to strike a man of ordinary understanding that if the “Compact” were so numerous, and composed of the class of persons he describes, they must have acquired the influence they possess naturally and as a matter of course, and not by any dishonorable means: and it would be difficult to persuade any one, that the government of the country could be carried on without their support—and certainly there is something inexplicable in the opinion intimated by his Lordship, that they should be cast aside to make way for another party, “many of whom his Lordship says, wished to assimilate the institutions of the province rather to those of the United States, than to those of the mother country”! But your Committee have a higher duty to perform than criticising the language, or endeavouring to fathom the meaning of the Earl of Durham. They feel themselves equally bound to vindicate their fellow subjects of both classes. It is somewhat singular to find it represented that the reformers of this province complain of the existence or influence of “a family compact” composed of persons who are represented to be of the same origin with themselves; but whatever may be the opinion of others, your Committee believe, that the differences which have existed in the province, have proceeded from political disagreements that have unhappily grown up in this, as in every other community, and not from envy of each others prosperity; and although true it is, that the ranks of the reformers have been disgraced by men who have turned traitors to their country, yet the great body of that class of persons profess to lament the circumstance with as much intensity of feeling as any other; and your Committee believe that however much they may feel gratified at finding their political sentiments on the subject of the internal government of the country, approved and recommended by the Earl of Durham, they hold themselves to be under no obligation to his Lordship, for endeavouring to raise up domestic dissensions, which can have no other effect than obstructing, or delaying the restoration of that social harmony, which once happily existed, and which all benevolent men, of every party, anxiously and earnestly desire to see re-established in the province.

If Lord Durham had given himself the trouble to enquire into facts, and to consider them, he would have been convinced of the impropriety and injustice of designating, as he has done, the great body of the people of the country, as a “compact” united to tyrannize over and oppress their less numerous and less powerful fellow subjects.

When the constitution was conferred on the Canadas in 1791, and the first Governor, General Simcoe, assumed the administration of affairs, there were little more than 10,000 inhabitants in the Upper Province.

His Excellency was accompanied by personal friends who had served under him in the War of the Revolution. These, with few exceptions, were appointed to fill the various public offices in the colony. There are few of these most excellent and venerated men now remaining, and none of them who are not superannuated or incapable of further labour. Notwithstanding the natural and reasonable claims of their children and descendants to consideration, very few of them have been appointed to any situations of emolument, and none of them, that your Committee are aware of, have succeeded to their father’s vacant offices. The patronage of the Crown, even during the short period that has elapsed since the organization of the government, has been widely and indiscriminately extended among all classes, and all denominations of Her Majesty’s subjects, without the slightest regard to family or hereditary claims; and so far from a monopoly of office or power being retained by these persons, it was at one time a source of much dissatisfaction and complaint, that they had been ungenerously overlooked. But his Lordship, as if to meet this objection, that he probably apprehended might be raised to the part of his report to which these observations apply, has announced to Her Majesty and the British nation, that the *third* party to whom reference has been made, viz.:—the emigrants from the United Kingdom, who have settled in the province *since the last American war*, regard the entire of the original and native population, *whether reformers or others*, as a “family compact,” combining to exclude them from the enjoyment of offices conferring emolument or power;—that this large and spirited class of people feel as aliens instead

of citizens; and that they possess no greater right as British subjects than if they resided in the United States. Your Committee cannot suppose that Lord Durham has *imagined* such a state of society—they are well convinced that some disappointed or discontented person has imposed upon his Lordship's credulity, and led him to promulgate an opinion, the tendency of which to great and permanent injury, cannot be easily counteracted.

No portion of the community can suffer more directly or seriously from the effects of this erroneous assertion, than the very persons, who, it is alleged, are labouring under the baneful influence complained against; and it is with no common satisfaction that your Committee find among their number three gentlemen well known throughout the province, the representatives of three distinct constituencies, and who, being of the number of those who his Lordship states are regarded as aliens in this portion of their Sovereign's dominions, are best able to pronounce upon the accuracy of His Lordship's statements.

One of these gentlemen, Colonel Prince, is an Englishman by birth, and was bred to the legal profession. He came to this Province six years ago, and brought with him a considerable sum of money, which he has expended in purchasing and improving real estate in the Western District. On the first occasion of issuing a commission of the peace for that division of the province, he was included in it; and at the next general election he was returned to represent the county of Essex, by a population almost exclusively *Canadian*; and the Legislature, to mark their sense of his gallant conduct upon different occasions, in resisting the invasion of the country by foreign Brigands, passed a law admitting him to practise as a Barrister and Attorney in all the courts. The Lieutenant Governor soon after conferred upon him the rank of Colonel in the Militia, and entrusted him with the command of a battalion embodied for actual service, and which is still on duty. The *second* is Mr. R. Rollo Hunter, a gentleman of independent property, and a native of Scotland.—He has resided in the Province six years; is in the Commission of the Peace, and has been elected as representative for the County of Oxford. The *third*, Mr. J. A. H. Powell, is an Irishman.—He came to the country since the last war; his father held the rank of Major in the Army; he sold his commission, and settled at Perth, in the District of Bathurst, of which he was appointed Sheriff. Upon his death, his son (Mr. J. A. H. Powell) succeeded him, and has since been returned a member for the County in which he resides.

That which has been above related of the reception these gentlemen have met with, and the total absence of all ground for considering that they have been treated or regarded as "Aliens," may be said of the whole body of British and Irish immigrants who have taken up their abode in this Province; and the three members of your Committee, to whom special reference has been made, conceive that they are bound in justice, calmly, but unequivocally, to deny that Lord Durham has been correctly informed with respect to the feelings of the original settlers in Upper Canada towards them; on the contrary, they know that if there be one matter more than another that they feel a deep interest in and a desire to promote, it is emigration from the British Islands. They are aware of the immense advantage the country has derived from this source, in general wealth, as well as in their social and political relations; and it is universally considered that the check it has experienced from the recent difficulties in the two provinces, is among the most serious, if not the very greatest, of the evils that have resulted from them. And as a proof of the anxiety of the Provincial House of Assembly here, to promote emigration, and to remove every impediment to its increase, the members, at a time when the House was composed almost exclusively of persons of the first and second classes above alluded to, repeatedly and unanimously, called for the disallowance of an Act passed by the legislature of Lower Canada, imposing a tax upon British emigrants landing at the ports of Quebec and Montreal; a tax which was regarded by them as odious—injurious—and unconstitutional.

With respect to the exclusion of British and Irish emigrants from places of honour and emolument in the province, it is sufficient to state that *the vice-chancellor—the master and registrar of the court of chancery—the receiver-general—the secretary of the province—the solicitor general—four out of five executive councillors—and twelve out of the twenty-nine legislative councillors appointed since Sir John Colborne assumed the government of the country—two-thirds of the clergy of the church of England—a like proportion of district school-masters—and the principal and masters of Upper Canada College, with one exception,—have been taken from that class of gentlemen; and it may be confidently asserted that from among them, a large majority of justices of the peace, militia officers, commissioners of the court of requests, and other local appointments have been made,—while it is a remarkable fact, that of the *sixteen* battalions of militia ordered to be embodied for actual service for the*

defence of the country, *ten* of them are commanded by British or Irish gentlemen who have recently come to the province, selected without reference to politics or religious creed, but purely on account of loyalty and ability.

Your Committee feel it unnecessary to pursue this subject further; and while they are gratified in having it in their power to offer a complete, and, they trust, satisfactory refutation of opinions and statements, which, if true, would bring discredit and injury upon the province, they cannot avoid repeating their concern that those statements and opinions should have been inconsiderately advanced by a person filling the high station conferred upon the Earl of Durham.

The High Commissioner having thus recorded his opinion of the different parties in the province, proceeds to state various matters connected with the administration of Sir Francis Head, and the different departments of the government, which your Committee will notice in their order, as briefly as possible.

It has happened, unfortunately for Lord Durham, that he employed agents to procure information, or acquired it from parties, evidently incompetent or indisposed to speak correctly upon the past political events of this province; since to this circumstance your Committee are bound to attribute the many inaccuracies contained in His Lordship's Report, which, in themselves, are quite sufficient to cast general discredit upon it.

Thus, His Lordship affirms that Sir Francis Head, on assuming the government of the colony, *dismissed from the Executive Council some of the members* who were most obnoxious to the House of Assembly, and requested three individuals to *succeed* them. This is wholly incorrect:—Sir Francis Head did *not* dismiss any of the Council upon assuming the government, and of course he did *not* appoint others to succeed them:—the appointments made by Sir Francis were in addition to the Councilors he found in office; and they were in fact made in consequence of the representation of the latter gentlemen that an increase of their members was necessary for the transaction of the public business of the country.

The selection of the new Councillors was, very probably, made to conciliate the House of Assembly, but not at the instance of that body, or at the suggestion of any one of its members.

His Lordship next states, "that among the first acts of the Governor, after the appointment of this Council, was, the nomination to some vacant offices, of individuals who were taken from the old official party, and this without any communication with his Council. These appointments were attacked by the House of Assembly, and the new Council finding that their opinion was never asked upon these or other matters, and that they were seemingly to be kept in ignorance of all those public measures which popular opinion, nevertheless, attributed to their advice, remonstrated privately on the subject with the Governor. Sir Francis desired them to make a formal representation to him on the subject; they did so, and this produced such a reply from him, as left them no choice but to resign. The occasion of the differences which had caused the resignation was made the subject of communication between the Governor and the Assembly, so that the whole community was informed of the grounds of the dispute."

It is to be regretted that Lord Durham had not read the communication to which he refers in the last sentence quoted from his Report, before he gave this account of the cause of the resignation of the Council, he would in such case have avoided the error into which he has fallen; he would have learned that no nomination to vacant offices of individuals taken from the old official party had been made *after* the appointment of the new Council, and therefore that they had not resigned for the reasons given by His Lordship, but because they aimed at a change in the mode of administering the government, which it was deemed improper to concede, and which was therefore refused by Sir Francis Head.

A second inaccuracy occurs in that part of the High Commissioner's Report which relates to the proceedings of the new House of Assembly, in the case of Mr. Hepburne. His Lordship says, that in consequence of these proceedings, Sir F. Head succumbed to the Assembly, and persuaded Mr. Hepburne to resign his office, and to take one of very inferior emolument; and that this was done to avoid collision with the Assembly, who are represented as having been influenced by exceedingly discreditable, if not base, motives in their proceedings against Mr. Hepburne. The truth of the case is simply this: that Mr. Hepburne did *not* resign his office for the reason mentioned, but retained it until within a few months of Sir Francis Head's departure from the country, and then voluntarily relinquished it, for appointments far more desirable than the one he gave up.

As Lord Durham has fallen into error upon mere questions of fact of recent occurrence, it will probably not be considered surprising that he should mistake those of more remote date; but His Lordship has misapprehended one subject to which he has adverted, in a manner somewhat remarkable, and which ought not to pass without notice. His Lordship states, that *a law was passed* immediately after the last war with the States, forbidding American citizens to hold land in the province. In the first place, no such law was ever passed; and in the second, it was wholly unnecessary. Any one of the legal advisers of His Lordship could have told him, that an American citizen, unless naturalized, cannot, by the laws of England, hold lands within the British dominions. It is probable that, in alluding to this subject, His Lordship has been misled by an inaccurate reference to an act of a directly contrary tendency, which was adopted in 1825. This act was passed, and has the effect of confirming the titles of American citizens, who had previously settled in the province, under the impression that they might legally hold lands. With respect to future settlers of this class, the law remains as it always has been, neither facilities nor obstructions being placed in their way. Of the policy of their admission, however, it would surprise no one, if His Lordship, after his experience in the government of this country, should have entertained great doubts: the reverse, however, appears to be his opinion—he seems to think the indiscriminate admission of the citizens of the neighbouring republic, would be of advantage, both to the province and the mother country.

Your Committee will pass over particular notice of the opinions advanced by his Lordship, on the subject of the Clergy Reserve question, “of the policy towards the Catholics,” and the “complaints of Orangeism”—not that abundant room does not exist for the expression of regret, that on subjects sufficiently calculated in themselves to produce excitement, his Lordship should have felt it right to appear as the partizan or advocate of either party, and to express favourable views as to one, and adverse opinions as respected the other. If mischief do not arise from so indiscreet a course, the Province will be indebted to the magnanimity of its inhabitants, rather than to the observations or advice of Her Majesty’s High Commissioner.

His Lordship does not appear to have considered it necessary to recommend forbearance among parties, whose differences involve no great principles of government, but are confined to subjects of a social, rather than political character; but he prefers the attempt to cast aside, and disregard the wishes and pretensions of any portion of the community that happen not to be in accordance with those theories, for which he most plainly evinces a preference.

The settlement of the question which has, undoubtedly, strongly agitated the public mind, with respect to the clergy reserves, has been an object of the most anxious solicitude among all parties in the province, and nothing can more clearly prove that want of success in attaining this desirable end, is not to be attributed to illiberal or unchristian feelings, than that the various measures which have been introduced have met with conscientious objections among all classes of politicians.

Your Committee, however, earnestly hope that the forbearance and mutual concessions which have lately marked the proceedings of your Honourable House, will result in some measure that will prove acceptable to the great body of their fellow-subjects, and put an end to further discussion upon a subject that involves the only point of serious dispute among them.

With respect to what His Lordship is pleased to designate the “policy towards the Catholics,” your Committee are well convinced, that no portion of the inhabitants of the province are more fully aware than the Catholics themselves, that no invidious policy has ever been designed or acted upon towards them,—and ungrateful would such conduct be, if ever attempted. No portion of the people of this province have been more ready to fulfil the duties of faithful subjects, and none are more deserving of the protection and patronage of the Crown.

As regards the statement respecting the existence of “orangemen,” as your Committee do not feel themselves at liberty to comment on particular associations in the province, they will confine themselves to the expression of their conviction, that an universal desire exists amongst all classes of the community, to live in peace with each other, and that this desire will gradually but certainly put an end to distinctions that may be found to create dissensions, and in their opinion, nothing would be so certain to defeat this great object, as the application of violent or coercive measures, or the indiscreet interference of authority. The distinctions referred to by Lord Durham, were not found to damp the universal loyalty and good feeling of the people of this province, during the last eighteen months of peril and invasion;—all parties laid aside their disagreements, and none more readily and willingly than Catholics and

orangemen, who were found fighting in the same ranks, side by side, in defence of their laws, their liberties, and their Sovereign. Such men, actuated by such principles, cannot be estranged from each other; they must and will be friends as well as neighbours.

Lord Durham, in his remarks on the physical condition of the province, has considered it necessary to contrast the improvements that are going on in Canada, with those in progress in the neighbouring states, and to draw a comparison very disadvantageous to this province.—Your Committee would extend this report to an unreasonable and unprofitable length, were they to enter into the discussion of the various statements and opinions of his Lordship. They will, therefore, content themselves with remarking that if it were admitted, that the contrast is correctly drawn by his Lordship, it ought not to surprise any one who would take the trouble to recollect the true cause to which it should be attributed. The improvements referred to in the adjacent states, have for their support the wealth of a country containing a population of FIFTEEN MILLIONS OF SOULS—Upper Canada, unsustained by any other than its own resources—cut off from a seaport by the unwise legislation of the mother-country,—unable, from the same cause, to increase its revenues by duties on imports, and containing a population of *less than half a million*, might well rest satisfied that no just reproach could be cast upon it, if its inhabitants had abstained from all attempts at great and expensive works, and had confined themselves to the ordinary pursuits of agriculture and commerce. But the fact is otherwise; and notwithstanding the inference to be drawn from the High Commissioner's report,—Upper Canada has undertaken, and gone far towards accomplishing works that would do credit to any NATION, and which, if they are not found superior in magnitude and usefulness, will bear an advantageous comparison with any in the neighbouring country. That they have not been rendered more complete and extensive, is not to be attributed to want of enterprise or of patriotism on the part of the people of Upper Canada, but to the mistaken policy already adverted to, which has left them without the means of developing the great natural resources of the country, and which can alone be remedied by the Imperial Parliament. But your Committee believe that the happiness and prosperity of a country does not altogether depend in forcing, after the manner of hot-bed vegetation, public works, or what are termed, public improvements. These are of course useful in their way,—but unless accompanied by obedience to, and a just and impartial administration of the laws, insuring protection of life and property, and social happiness and contentment—they are of small value. In these important respects, the inhabitants of Upper Canada may, with justifiable exultation, claim superiority over their republican neighbours:—But the Earl of Durham has not thought it necessary to advert to considerations of that kind; he does not seem to have had eyes to see, or ears to hear any of the faults or defects of those, by him, commended and admired people. It is possible, however, that it may detract something from the estimation in which they are held by him, when he peruses a report of a select committee of the senate of the state of New York, recently promulgated, which denounces the Erie canal and other great "improvements" so much lauded by his Lordship, as *infamous jobs*; that they were completed by *foreign* (British) capital; and, recommending that the debts contracted for their completion should be considered as having been *fraudulently incurred*, and *that they should never be paid*. This recommendation, sufficiently republican in its nature, may convince others, if it does not Lord Durham, that it is possible that the exhibition of the public "improvements" in the United States, may not have been altogether so wise or so deserving of the unqualified praise that has been bestowed upon them.—and that certainly it would have been more becoming not to have undertaken them, if the public (chiefly British) creditor is to be refused re-payment of the money advanced for their construction.

The High Commissioner appears to have given no very great attention to the condition of trade in Upper Canada,—he, however, slightly adverts to the want of a port of entry from the sea; and as a measure that would remove some of the embarrassments experienced from this cause, and from the disadvantages arising from the Saint Lawrence being closed by frost for a considerable portion of the year, his Lordship suggests that merchants should be permitted to ship their goods from England, and land them at New York in bond, and from thence to bring them into Upper Canada, *free of duty*. Your Committee will not remark at any length, upon the objections which the ship-owners and merchants of England would probably raise to a measure of this description, but they are wholly unable to reconcile this suggestion or advise of his Lordship, with the recommendations wisely and patriotically urged upon Her Majesty's government, in his letter addressed to Lord Glenelg, dated Niagara, 16th July, 1838, and which contains the following passages:—

“ Opposite to Fort Erie, immediately on the lake, is the town of Buffalo, the head quarters of the robbers and pirates who have so long infested this country. Its extent and appearance are surprising; the size and respectability of the buildings, and the number of masts which I could discern in the harbour, prove the value of the commerce, and the wisdom of the arrangements which have thus created, in about ten years, a city in the midst of the wilderness.

“ This prosperity is owing to the Erie Canal, which commences at Buffalo, and thus makes it the depot of all the trade of the west, flowing to New York.

“ All these advantages might be ours, by the judicious application of not a large expenditure. The Welland Canal, which commences at the Grand River, in Lake Erie, and strikes the Lake Ontario, a few miles west of Fort George, has great advantages over the Erie Canal; it is open three weeks earlier in the spring, and connects the two Lakes by a short passage.

“ If this canal was completed, and the Saint Lawrence Canal, the water communication by the lakes, the Rideau Canal, and the Saint Lawrence, to the sea, by Montreal and Quebec, would be complete, and all that immense trade which now flows from the west, by Buffalo and Lockport, and the grand canals to New York, would pass through our provinces, and enrich all the towns and districts through which it was carried.

“ This is not a speculation of mine, but it is an admitted fact, by the Americans themselves; the knowledge of which leads the merchants of Buffalo to encourage these border inroads which disturb the peace of our provinces, and prevent our attention being directed to objects which involve their complete ruin.

“ I enclose your Lordship an American paper, published at Oswego, in which you will find all these important considerations to which I have briefly adverted, treated at length. I quote it for the value and correctness of its commercial anticipations, setting aside all reference to the military speculations which it contains.

“ I feel so strongly the importance of this subject, both as a means of restoring tranquillity to the Canadas, and of blessing the North American provinces with a degree of prosperity which has never yet been afforded them, that I feel it my duty to press it on the immediate attention of Her Majesty's Government.

“ I would ask of them a grant of money to be issued on the same principles and securities as those which regulate the assistance given to harbours, rail-roads, canals, and other public works in England. The interest of the money advanced could be satisfactorily ensured, and I feel certain that the value of the tolls would very soon be so great that the principal would be speedily repaid. I believe, my Lord, I am not too sanguine, when I assert that such a step taken would at once put an end to all discontents and disturbances in the Canadas. The Americans would see that their chances of acquiring these provinces, by holding out the temptation of a prosperity which our supremacy does not afford the Canadians, were at an end, and would discontinue their intrigues on our frontiers, whilst the inhabitants of our North American colonies would find in the increase of trade and wealth, which must flow in, pursuits and occupations which would leave them neither the leisure nor the desire for political agitation, or traitorous conspiracies.

“ On our part, we should, by the judicious application of this loan, spare all the immense expense of our army and fleet, and of the volunteers and militia.

“ I again express my earnest conviction that the measure I recommend is, for the reasons which I have adduced above, founded on the best considerations of economy, tranquillity and security, for the present and future, and as such I humbly submit it to the decision of Her Majesty's Government.”

When Lord Durham announced his having written this despatch, it was received throughout the province with the highest possible satisfaction. He truly described it as a measure above all others best calculated to remove dissensions, and to establish the prosperity of the country. It would be impossible to overrate the grateful feelings which such an act of munificence on the part of the British government would excite among all classes; but it is most singular that His Lordship should, when drawing up his final report, have overlooked the fact, that if his scheme of importing goods, free of duty, by the way of New York, were adopted, our magnificent canals would be rendered almost, if not entirely, useless, and the whole advantage arising from the transportation of our imports would be transferred to the boats and canals of the state of New York.

Your Committee need not say how unequivocally they deprecate this unwise and destructive recommendation—nor do they for a moment believe that it will receive countenance in any quarter.

In referring to the great works undertaken by this province, Lord Durham has truly ascribed the inability of the province to complete them, to the impediments arising from the political condition of Lower Canada, and its unwillingness to contribute its aid in works in which they are equally interested; but your Committee regret that this statement should have been accompanied by most unmerited and ungenerous insinuations against the gentlemen who have gratuitously, and at great personal inconvenience, acted as commissioners in superintending the outlay of the public money. There is something so offensive and unbecoming in these passages of the Report, as to induce the Committee, from that and other internal evidence, to believe that that portion of it which relates to Upper Canada, was not written by, and never received the careful revision of, His Lordship.

Your Committee will now direct the attention of your honourable House to such parts of the high Commissioner's report, as more particularly relate to the executive department of the government, and to the legislature. In submitting to the consideration of your honourable House the observations they have to offer on this part of the subject, it is with pain they have to declare, that his Lordship appears to have adopted opinions of the most unjust and injurious description, upon information the most inaccurate, and without thinking it necessary to seek the truth in those quarters where he was most certain to obtain it.

It is somewhat singular, that Lord Durham should have overlooked or disregarded the many obvious objections that existed to his making reference in the public manner he has done, or indeed in any other manner, to the course pursued by the executive government of this province, in the administration of justice in relation to the traitors and brigands, whom it became a necessary but painful duty to prosecute. That the course pursued in Upper Canada did not harmonize with the policy of his Lordship, is not to be denied; but what was done here, was done in accordance with the known and established laws of the province: trial by jury was not dispensed with, and no *ex post facto* enactments were passed to create unknown penalties against unconvicted offenders;—and no punishments were awarded that were not within the legal authority of the Crown. Although punishments more severe than Lord Durham had the power or the inclination to award, were inflicted in Upper Canada, his Lordship has no right to dispute their necessity; and he is wholly without grounds for asserting that his policy, if known and followed here, would have been attended by any other consequences than resulted from it in Lower Canada, where he was at full liberty to give it effect. In that province, the general impunity which followed crime of the deepest malignity, was followed by renewed rebellion and increased outrage. Upper Canada has been spared that additional disgrace, and saved from the calamities of a second insurrection; whether this cause for satisfaction is to be attributed to that firm determination to vindicate the laws of the country, which your honourable House, without a dissenting voice, has thanked his Excellency the Lieutenant-Governor for exercising, no one can confidently affirm, but it is known to members of your honourable House, that the painful duty of disposing of the numerous prisoners who had subjected themselves to the severest penalties known to our laws, was entered upon with the most earnest and anxious desire to extend mercy to the utmost limits compatible with the safety of the country, and that this desire was firmly adhered to, notwithstanding the strong feeling of an outraged and deeply-injured community; loudly and unequivocally demanding examples of the utmost severity, far more numerous than were inflicted.

Without the slightest mention of the grounds on which the two persons alluded to by his Lordship, as having suffered the extreme penalty of the law, but apparently purposely omitting any notice of them, his Lordship has stated that they unfortunately engaged a great share of public sympathy—and that their pardon had been solicited in petitions signed, it is generally asserted, by "*thirty thousand of their countrymen*"! The making this statement, if strictly accurate, could answer no useful purpose, but quite the contrary; but to mark how incautious his Lordship is, in referring to facts, it is proper to state that instead of *thirty thousand* signatures, there were not *five thousand* appended to the petitions presented.

In connection with this subject, it cannot fail to attract the notice of every one, that Lord Durham appears to have altogether overlooked the outraged feelings, and deep injuries done to the loyal people of this Province, by the convicted traitors. In no part of his Lordship's report does he exhibit sympathy for them—they are the objects of reproach—the guilty are the only parties for whom his Lordship expresses sympathy or compassion.

Your Committee have with regret further to observe, that the High Commissioner, not content to limit himself to ungracious notice of particular acts of the Government, with respect to the public prosecutions, has, in addition, given credit and currency to charges the most ungenerous, not only against the officers of the local Government and the Legislature, but also against a large portion of the loyal people of the country generally. His Lordship has represented to Her Majesty, that "It certainly appeared too much as if the rebellion had been purposely invited by the Government, and the unfortunate men who took part in it deliberately drawn into a trap, by those who subsequently inflicted so severe a punishment on them for their error. It seemed, too, as if the dominant party made use of the occasion afforded it by the real guilt of a few desperate and imprudent men, in order to persecute or disable the whole body of their political opponents. A great number of perfectly innocent individuals were thrown into prison, and suffered in person, property and character. The whole body of reformers was subjected to suspicion, and to harrassing proceedings, instituted by Magistrates, whose political leanings were notoriously averse to them. Severe laws were passed, under colour of which, individuals very generally esteemed were punished without any form of trial."

If one who was not clothed with the official character of Lord Durham, had promulgated the paragraph here quoted, he might justly be rendered personally liable for its publication; but although his Lordship is not responsible for his official acts, as Her Majesty's High Commissioner, to the Provincial Government, and the people his observations so deeply and injuriously affect, yet a moral obligation rests upon him, as an honourable man, to declare to the world upon what grounds he has asserted that "it *appeared* too much as if the rebellion had been purposely invited by the Government, and the unfortunate men who took part in it, deliberately drawn into a trap by those who subsequently inflicted so severe a punishment on them for their error?" By what authority has his Lordship stated, that "it *seemed* too, as if the dominant party made use of the occasion afforded it by the real guilt of a few desperate and imprudent men, in order to persecute or disable the whole body of their political opponents?" From whom did his Lordship learn, and who are the injured parties referred to in his statement, that "a great number of perfectly innocent individuals were thrown into prison, and suffered in person, property and character?" Who were the Magistrates, "whose political leanings subjected the whole body of reformers to harrassing proceedings?"—And lastly, what "severe laws were passed under colour of which, individuals very generally esteemed were punished without any form of trial?" The enormities here enumerated could not have been perpetrated without the grossest fraud and tyranny on the part of the Government—the corrupt and guilty co-operation of the Legislature—and the most malignant and wicked participation of the great body of the people. And surely, however great may have been the objections of his Lordship to those different parties—and however strong his sympathy with their political opponents—yet, charged as he was with the deeply responsible and delicate office of Her Majesty's High Commissioner, the most important object of which was, if possible, to reconcile conflicting parties, and to restore peace and harmony to the country—remembering also his first promise to the people of these Provinces, that he would discharge his duty "without distinction of party, races, or politics," he surely ought most cautiously to have guarded against falling into any errors of fact, and carefully abstained from uttering sentiments calculated to inflame the public mind, and to raise up new causes for dissension, instead of allaying those that already existed.

But Lord Durham has, unfortunately, proved himself insensible to the propriety of this prudent and politic course. For the consequences of his Lordship's acts, no party in this Province is responsible—and it will be the duty, (and your Committee trust that the patriotism of the people will lead them to perform it) of all parties, to unite in averting the new dangers and difficulties they are likely to produce.

It is impossible for any one to meet charges so general as those advanced by Lord Durham, but your Committee may venture to remark, that although it is *possible* that some innocent individual may have been thrown into prison during the insurrection, and although it is also *possible* that some such persons may have been subjected to harrassing proceedings, instituted by Magistrates whose political leanings were adverse to them—such occurrences ought not to excite surprise, and assuredly ought not to be made the ground of general condemnation. It has never yet happened, your Committee believe, that a political insurrection has occurred, in the suppression of which, some innocent persons have not been subject to suspicion, and oftentimes falsely accused,—but that the Government or Magistrates availed themselves of the occasion of the insurrection in this Province, to persecute or disable the

whole body of their political opponents, cannot be asserted with any degree of truth—neither do your Committee believe that any person of intelligence and character among the reformers, will be found to say so.

Referring to the administration of Justice in this Province, Lord Durham remarks that, “it is true, it appears much better in Upper than in Lower Canada; Courts of Justice, at least, are brought into every man’s neighbourhood, by a system of circuits, and *there is still some integrity in Juries.*” Why his Lordship should have permitted this paragraph to appear in his report, is altogether incomprehensible. Your Committee do not believe that any man who had a regard for truth, was to be found in the Province, so reckless as to attempt to throw discredit on the integrity of the learned Judges of Her Majesty’s Courts in Upper Canada; and the equivocal terms used in referring to the juries, are as offensive as they are unjust. Those who are concerned in the administration of justice, desire no praise for doing their duty honestly and conscientiously; and your Committee believe your honourable House might safely defy the High Commissioner to point out any portion of Her Majesty’s dominions, where these duties are performed with greater uprightness, than in this distant colony of the Empire.

Your Committee will next advert, as briefly as possible, to that part of Lord Durham’s report, in which he endeavours to disparage, and bring discredit upon your honourable House, and directly to impeach the integrity of those loyal and independent men, by whom the majority of the Assembly were chosen. His Lordship states, that “the circumstances under which they were elected, were such as to render them peculiarly objects of suspicion and reproach, to a number of their countrymen.”

As in the instance of the charges insinuated in that part of the High Commissioner’s report which relates to the insurrection, his Lordship adduces no fact in support of allegations, which your Committee are bound to declare have been unjustly made;—while, on the other hand, evidence which did not depend upon the mere assertion of your honourable House, but which was established and confirmed by documents and facts that defied contradiction, were within his Lordship’s reach, and would have prevented him, had he been disposed to consult them, from making the unfounded charges which he has rather chosen to give currency to, that, “in a number of instances, the elections were carried by the unscrupulous exercise of the influence of the government, and by a display of violence on the part of the tories, who were emboldened by the countenance afforded to them by the authorities”—and that “the tories succeeded in carrying more than one seat by means of the violence of the organized mob (referring to orangemen) placed at their disposal.” It will not be expected that your Committee should go over the evidence which has already been laid before the people of this province and the British nation, repudiating these statements:—there is no necessity for doing so, as regards the electors of Upper Canada, and Her Majesty will receive every necessary information from the report adopted by your honourable House, at its first session, on the petition of *Charles Duncombe*, addressed to the House of Commons. It would seem, indeed, from a perusal of his Lordship’s report, that he had received and adopted, as true, the statements made by this, now, fugitive traitor, wholly disregarding the ample refutation they received in the report referred to. With respect to the degree of confidence that may be reposed in your honourable House by your constituents, it becomes not your Committee to speak—but they feel a great satisfaction in knowing, that in whatever light their conduct may be viewed by those to whom they are responsible, and before whom they must soon and are ready to appear, they have endeavoured faithfully to do their duty to their Sovereign and their country, and they are well satisfied that the great bulk of the inhabitants of Upper Canada, of all parties and creeds, will be ready and willing to shield them from unmerited calumny and reproach.

Your Committee have not overlooked the apparent injustice done, in permitting the statements made by the High Commissioner, so injurious to your honourable House, to be made public, when their refutation was in the hauds of Her Majesty’s ministers, but your Committee feel it right to explain that the whole report of his Lordship appears to have obtained currency in a most irregular manner, and without the concurrence or sanction of the government.

Your Committee will here close their remarks on the various allegations in the report of the High Commissioner, that appeared to them to require particular animadversion. If in the course of their remarks, they have been betrayed into too strong an expression of reproach or

indignant refutation, they trust that it will not be ascribed to a wanton indifference to that courtesy and respectful deference that should mark the proceedings of a public body towards those of high rank and station; and on the other hand they trust that they will not be denied the credit of having forborne to apply animadversions of far greater severity than they have used, to many parts of a report, which they can truly affirm, and which they believe they have clearly proved to be most unjust and unfounded, and which are calculated to have a most mischievous influence on the future destinies of these colonies.

Lord Durham professes to submit to Her Majesty and the British nation, a true and faithful account of the state and condition of this, as well as of the other British North American provinces, and there is no doubt that it will be promulgated throughout the country, by those who are gratified at finding their political principles and theories advocated and sustained by His Lordship, that there is nothing in his Report that admits of contradiction, and that whatever discredit may be attempted to be cast upon it, must proceed from disappointment or vindictive feelings. In refutation of this attempt to pervert the truth, if it should be made, your Committee invite the attention of the independent yeomanry and hardy husbandmen of Upper Canada to the following paragraph. Having first described the surpassing prosperity of the United States, for the purpose of contrasting it with the poverty and inferiority of these colonies, His Lordship proceeds to state: "On the side of *both the Canadas*, and also of New Brunswick and Nova Scotia, a widely scattered population—*poor and apparently unenterprising*, though hardy and industrious—separated from each other by tracts of intervening forests, without towns and markets, almost without roads, *living in mean houses, drawing little more than a rude subsistence from ill-cultivated land, and seemingly incapable of improving their condition*, present the most instructive contrast to their enterprising and thriving neighbours "on the American side."

Let the farmers of all political parties residing in the districts fronting on the St. Lawrence, the owners of the extensive, beautiful and well-cultivated lands on the Bay of Quinté—in the district of Newcastle—the Home, Gore, Niagara, London and Western districts, read this degrading account of them, and ask themselves whether they would feel perfectly safe in submitting their future political fate, and that of their children, to the dogmas of a man who has so grossly misstated their character and condition. If Lord Durham, after travelling up and down the River St. Lawrence, and along the Niagara frontier, seeing, as he must have seen, even within this limited field of observation, farms of unsurpassed beauty and fertility, occupied and excellently worked by yeomanry who enjoyed every comfort, and whose wealth and independence placed within their reach, almost every luxury that could be desired by man, could deliberately pen or promulgate a paragraph such as has been just quoted from his Report, surely the people of the country may well hesitate before they place implicit confidence in any statement or opinion that he may advance on any other subject.

Nor is it easy to understand what could have been the motives which induced the High Commissioner to give this character to the rural population of the country. Its inaccuracy could not have proceeded from ignorance or want of information; neither could His Lordship be insensible to the injury it was calculated to bring on this country, by diverting emigration to other shores:—perhaps to the highly and extravagantly admired shores of the neighbouring republic! Your Committee, unwilling to entertain this opinion, will pursue the enquiry no further.

Having thus adverted to those portions of the High Commissioner's Report which appeared to your Committee most obviously to require explanation and remark, they will bring the duty assigned to them by your Honourable House to a close, by briefly stating the plan recommended by His Lordship to be adopted for the future government of these provinces.

It is this:—That the provinces of Upper and Lower Canada be forthwith united under one Legislature, and that the act of the Imperial Parliament intended to effect this object should contain provisions by which any or all the other North American colonies may, on the application of their Legislatures, be, with the consent of the two Canadas, admitted into the Union.

Representation to be settled according to numbers of the population.

The existing endowments of the *Catholic Church* in Lower Canada to be guaranteed.

Provision by law for the *Protestant Church* to be taken away, by a repeal of the clauses of the Constitutional Act which relate to the Clergy Reserves.

All the revenues of the provinces, except those arising from lands, to be at the disposal of the Legislature, upon condition of providing an adequate civil list.

The revenues and disposal of the crown lands to be confided to the imperial authority.

The independence of the judges to be secured by giving them the same tenure of office and security of income as exists in England.

In the practice of the government, His Lordship advises that no money votes should be allowed without the previous consent of the Crown: and that responsibility to the united Legislature of all officers of the government, except the Governor and his Secretary, should be secured by every means known to the constitution.

The Governor, as Representative of the Crown, to be instructed that he must carry on the government by heads of departments, in whom the united Legislature shall repose confidence; and that he must look for no support from home in any contest with the Legislature, except on points involving strictly imperial interests.

And these several changes, His Lordship recommends should be forthwith made, and without any previous communication with this or the other province.

If it were properly within the instruction of your Committee to discuss the several propositions of His Lordship for the future government of Her Majesty's subjects in Canada, they would feel themselves in a great degree relieved from doing so. The two points of most importance, viz: the legislative union of the provinces, and the responsibility of the officers of government to the legislature, have already undergone the most careful investigation, and received the deliberate judgment of your Honourable House. The *first* has, under certain specified conditions, been assented to—the *second* has been pronounced inconsistent with the dependence of these provinces, as colonies, upon the mother country. If, in disregard of your recorded opinions, these two measures should be proposed to, and receive the concurrence of Her Majesty and the Imperial Parliament, it would be of little consequence to attempt to resist, or even to discuss, the other suggestions, which, whether they be objectionable or not, are comparatively of minor importance.

Your Committee, however, are not willing to believe that the great nation to which these provinces belong, and which has hitherto extended to them its powerful—its parental protection, will hastily, and without the most full and ample information, adopt the opinions and act upon the recommendations of any individual, however high his rank or great his talents, that involve the future destinies of Her Majesty's faithful subjects in these provinces.

Your Committee, however, are well convinced, that some great change is about to take place in the system of government in Upper and Lower Canada, but they do not believe that it will involve any departure from the principles of the British Constitution, so far as they can be made applicable to a Colony.

Your Committee submit with their report, the draft of an address to Her Majesty, which they beg to recommend to the adoption of your honourable House.

All which is respectfully submitted.

C. A. HAGERMAN,  
JOHN PRINCE,  
HENRY SHERWOOD,  
JOHN A. H. POWELL,  
W. B. ROBINSON,  
W. CHISHOLM,  
R. ROLLO HUNTER.

COMMITTEE ROOM, COMMONS' HOUSE OF ASSEMBLY,  
the 30th day of April, 1839.

(Draft of an Address to Her Majesty.)

## TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

We, your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg permission respectfully to approach Your Majesty, with the renewed assurance of our continued loyalty, attachment and devotion, to your Majesty's person and government.

We beg to express to your Majesty, our most grateful sense of the support and protection which your Majesty has been graciously pleased to extend to your loyal and faithful subjects, against the unprovoked invasions of both the Provinces of Canada, on the part of the people of the neighbouring nation. To that protection, and to the wisdom and foresight of our rulers, aided by the never-failing loyalty and gallantry of your Majesty's subjects, we are, under Divine Providence, indebted for the maintenance of our laws and liberties, and the preservation of our lives and properties, from the vindictive and wicked assaults of a depraved and savage banditti.

The vast expense incurred by the British nation, in maintaining the fleets and armies of your Majesty, sent for our support, is cause of deep and serious concern to Your Majesty's faithful subjects: nor can they cease to express their grateful acknowledgments for the noble generosity thus evinced. It however, is a source of no small gratification to us, to have it in our power to say, that in Upper Canada, at least, this burthen has not been thrown upon the Parent State, from any necessity to maintain internal tranquillity, but merely to shield us from the attacks of a people with whom we are professedly at peace—but who, nevertheless, are waging open war against the Crown and subjects of Your Majesty.

There is but too much reason to apprehend, that should Your Majesty withdraw your forces from this country, at the present moment, renewed invasions, and on a more extended scale than any that have hitherto occurred, would be speedily experienced. It is not for Your Majesty's subjects in these colonies, to point out to Your Majesty the means that should be adopted to put an end to these outrages; but as the representatives of the people of Upper Canada, we venture humbly, but confidently, to declare, that these outrages never will cease, until Your Majesty shall have announced to the government of the United States, that Your Majesty holds it responsible for the conspiracies and invasions, formed and conducted by the citizens of the republic, to overthrow Your Majesty's government on this continent, and to murder and destroy Your Majesty's subjects, for no other reason than that they are loyal and faithful to their Sovereign's person and government.

We beg permission, further, most respectfully and earnestly, to draw Your Majesty's attention to the rightful claim of your subjects to indemnity for the destruction of the "*Sir Robert Peel*" steamboat, while lying in the waters of the United States, in the peaceful pursuit of its ordinary business. This outrage, no less insulting to the British nation, than injurious to the individuals who have suffered from it by the loss of their property, has never been in any way atoned for, and the consequences to the owners of the vessel, are of the most ruinous kind. We therefore implore Your Majesty to take such steps, for the relief of Your Majesty's injured subjects, as you may in your wisdom think right. Neither do we imagine, that when Your Majesty shall have determined on the course proper for Your Majesty to pursue in reference to this particular case, that Your Majesty will overlook the claims which all Your Majesty's subjects, in both the provinces, have for indemnity for the many and great injuries of a similar nature, inflicted on them by a foreign nation, and for which, unless reparation be in some way made, and security given for their future peace, consequences of the most painful character, and which it is feared cannot be prevented, may result from future collisions.

Since the commencement of the present Session of the Provincial Parliament, the final report of Your Majesty's High Commissioner, on the affairs of British North America, has been received in this country. In this report, Your Majesty's faithful subjects find many statements deeply affecting the social and political relations and condition of Upper and Lower Canada, and recommendations of several important changes in the form and practice of the constitution. It is with much concern that Your Majesty's faithful subjects find that Your

Majesty's High Commissioner has strongly urged the adoption of these changes by Your Majesty and the Imperial Parliament, without waiting for the opinion that may be formed of them by the people, who are to be most deeply and immediately affected by them. Under these circumstances, we have caused a report to be drawn up, by a select Committee of the House of Assembly, which contains matter referring to this subject, as well as to our relations with the people of the United States, which we respectfully submit for Your Majesty's consideration:—and, in the fullest confidence that Your Majesty and the Imperial Parliament, continuing to act on those noble principles of justice and patriotism that have hitherto been manifested towards this portion of the British empire, will discountenance and disallow every measure, that, in the most remote degree, has a tendency to weaken the ties which now unite the North American colonies of Your Majesty to Your Majesty's Crown and Government;—we commit ourselves to that superintending power, to which, as loyal people we owe implicit obedience.

Whatever measures your Majesty may be pleased to approve and recommend to your Imperial Parliament, we earnestly implore your Majesty's especial attention to the financial difficulties that have occurred to arrest the progress and completion of the great public works in which this province has been engaged. These difficulties, we venture to assure your Majesty, do not arise from any fault of the government and legislature of Upper Canada, but entirely from causes produced by enactments of the British Parliament—by the dissensions in Lower Canada, and the unwillingness of that province to aid in accomplishing undertakings, that are calculated to bring to both colonies great and equal benefits. The remedy for the embarrassments, to which we refer, rests entirely with your Majesty and your Majesty's Imperial Legislature:—and we rejoice that it rests in such hands, well convinced that whatever measure of relief can be accorded to us, will be generously and freely granted.

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**APPENDIX TO JOURNAL,  
HOUSE OF ASSEMBLY.**

**SESS. 1839.**

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APPENDIX TO JOURNAL  
OF THE  
**HOUSE OF ASSEMBLY**  
OF  
UPPER CANADA,  
IN THE SECOND YEAR OF THE REIGN OF  
QUEEN VICTORIA:

BEING THE  
FOURTH SESSION OF THE THIRTEENTH PROVINCIAL PARLIAMENT.

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SIR ALLAN NAPIER MACNAB, SPEAKER.

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**SESSION 1839.**

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Vol. XX.

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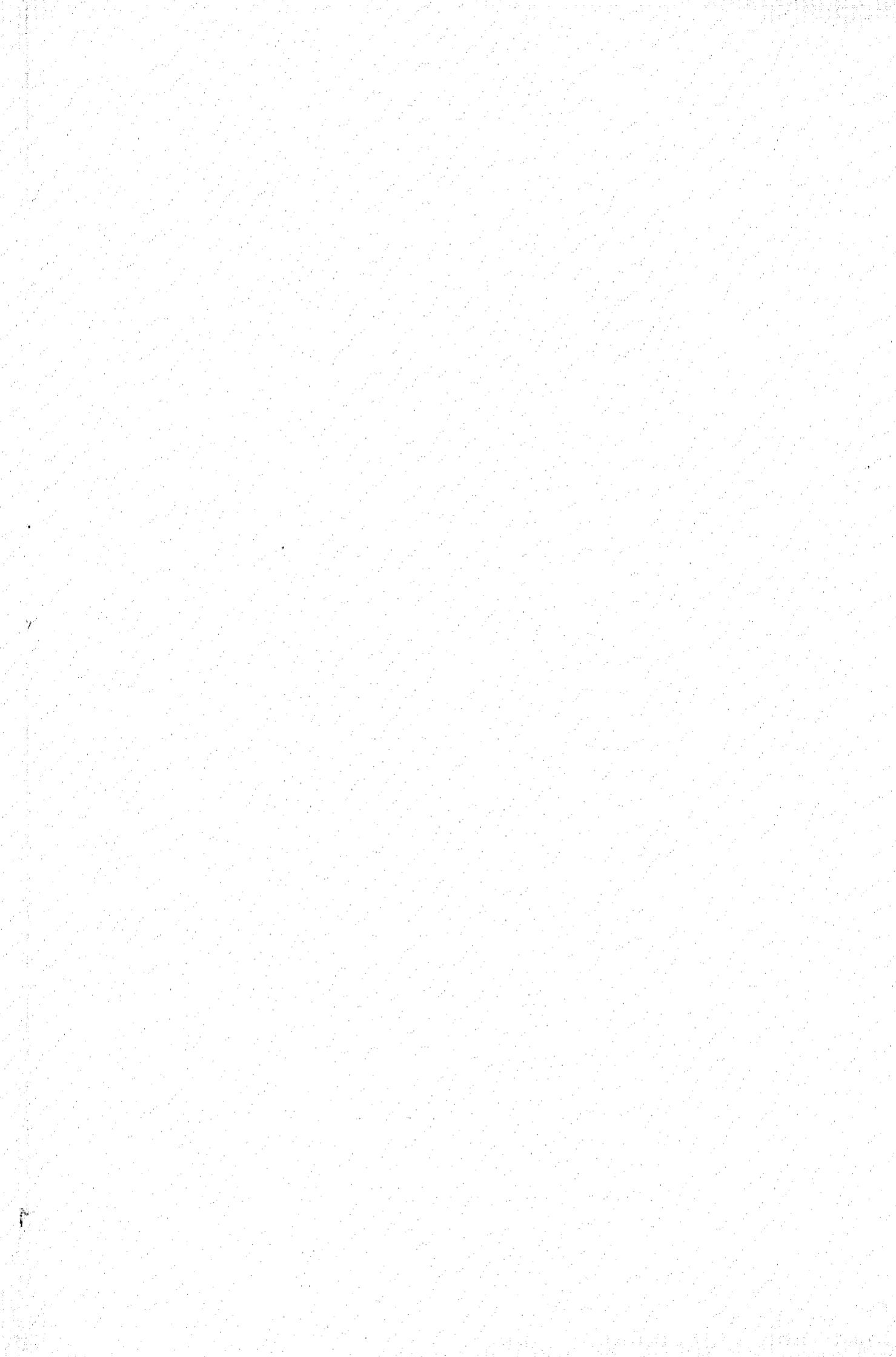
SIR GEORGE ARTHUR, K. C. H.  
LIEUTENANT-GOVERNOR.

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TORONTO:

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

1839.



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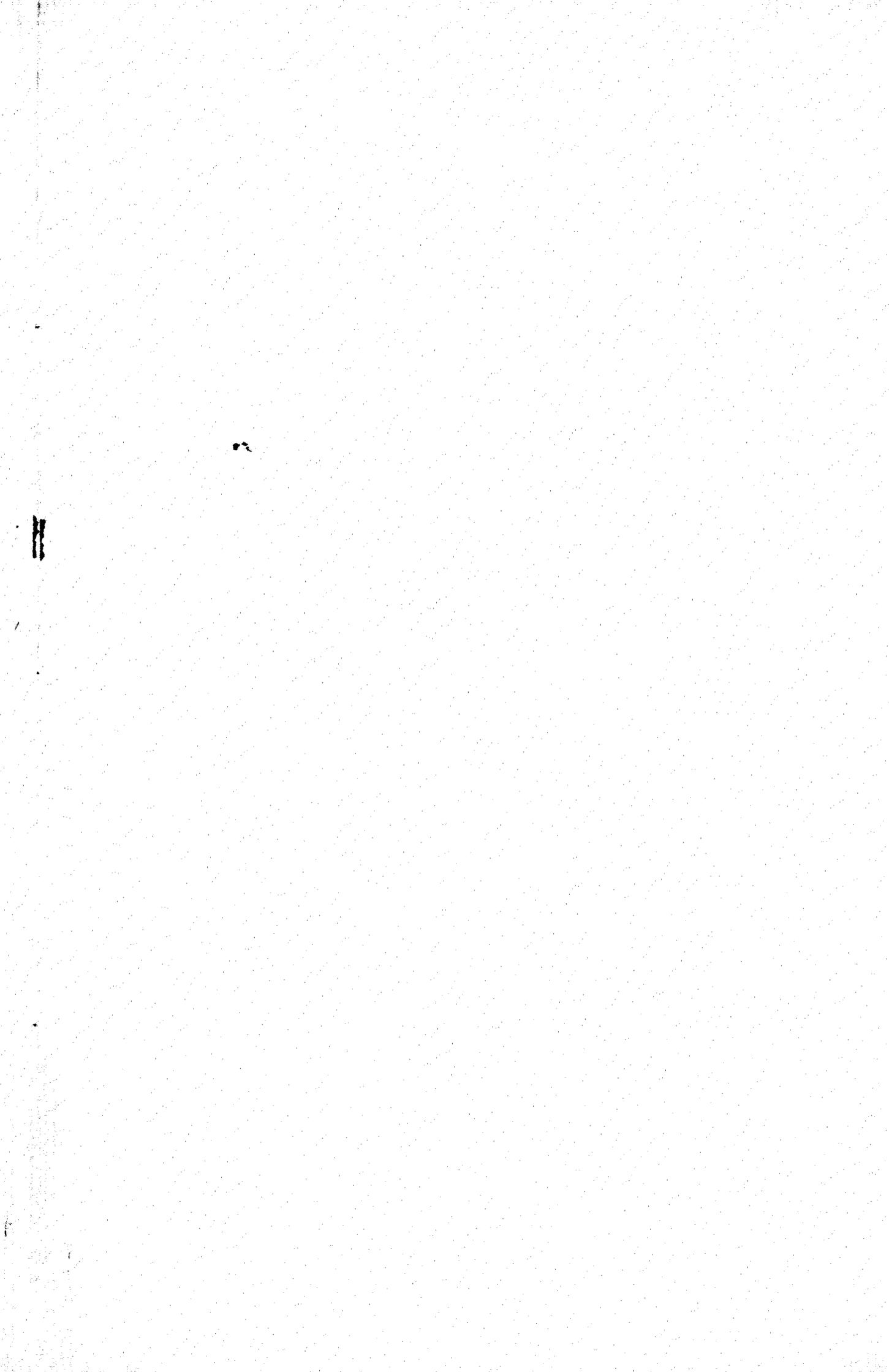
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UPPER CANADA.

SCHEDULE of ACCOUNTS prepared to be laid before the Legislature, Fourth Session of the Thirteenth Parliament.

- 1.—Statement of Monies paid to the Receiver General of Lower Canada between the 1st July 1837, and the 1st January, 1838, on account of Duties collected at the Port of Quebec.
- 2.—Statement of Monies paid to the Receiver General of Lower Canada, between the 1st January, and the 1st July, 1838, on account of Duties collected at the Port of Quebec.
- 3.—Statement of Monies paid to the Receiver General of Lower Canada, between the 1st July, 1838, and the 1st January, 1839, on account of Duties collected at the Port of Quebec.
- 4.—Account of Revenue arising from Duties on Imports from the United States of America, from the 1st October, to the 31st December, 1837.
- 5.—Account of Revenue arising from Duties on Licences issued for the Sale of Spirituous Liquors, and for Distilling, from 5th October, 1837, to the 5th January, 1838.
- 6.—Account of Revenue arising from Duties on Licences issued to Hawkers and Pedlers from the 1st October, to the 31st December, 1837.
- 7.—Account of Revenue arising from Duties on Licences to Auctioneers and on Sales at Auction, from the 1st October, to 31st December, 1837.
- 8.—Abstract of Warrants issued on the Receiver General of the Province, from the 1st January, to the 30th June, 1838, inclusive; under Provincial Enactments.
- 9.—Abstract of Warrants issued on the Receiver General of the Province, under Provincial Enactments, from the 1st July to the 31st December, 1838, inclusive.
- 10.—Statement of the Receiver General's Receipts and Payments of the Provincial Revenue, for the year 1838.
- 11.—Account of Revenue arising from Duties on Imports from the United States of America, into this Province, during the year 1838.
- 12.—Account of Revenue arising from Duties on Licences issued for the Sale of Spirituous Liquors and for Distilling, for the year 1838.
- 13.—Account of Revenue arising from Duties on Licences to Hawkers and Pedlers, for the year 1838.
- 14.—Account of Revenue arising from Duties on Licences issued to Auctioneers and on Sales at Auction, for the year 1838.
- 15.—Account of Revenue arising from the Duties on Tonnage of British Vessels on the Lakes, for the year 1838.
- 16.—Statement of Monies outstanding in the hands of Collectors and Inspectors, on the 1st January, 1839, on account of Provincial Duties.
- 17.—Statement of Monies due by late Collectors and Inspectors on the 1st January, 1839.
- 18.—Estimate of the Civil Expenditure of the Province, for the year 1839.
- 19.—General Estimate of the Expenditure and Resources of the Province, for the year 1839.

JAMES NATION,  
Acting Inspector General.

INSPECTOR GENERAL'S OFFICE, }  
27th February, 1839.

COPY.

(No. I.)

STATEMENT OF MONIES paid into the hands of the Receiver General of Lower Canada, between the 1st July, 1837, and the 1st January, 1838, arising from Duties on Importations by Sea into the said Province, to a proportion of which the Province of Upper Canada is entitled, under the provisions of the Imperial Act 3, Geo. IV., chap. 119.

UNDER ACTS.	In the Quarter ended 5th July, 1837.			In the Quarter ended 10th Oct., 1837.		
	£	s.	d.	£	s.	d.
Imperial Act, 14 Geo. 3, ch. 88, .....	0450	12	11	4656	18	1
Provin'l. Act, 38 .... do .....	415	5	8	579	14	4
.... do .... 35 .... do .....	845	1	5	11270	5	0
.... do .... 41 .... do .....	2	3	10	38	15	8
.... do .... 53 & 55 do ch. 2 .....	15310	0	8	6176	18	3
.... do .... 55 .... do ch. 3 .....	870	8	9	497	12	4
	£ 26902	13	3	29220	4	5
Amount in Quarter ended 5th July, 1837 .....				26902	13	3
Carried forward, £ .....				50122	17	8

## Statement of Monies, &amp;c.—(Continued.)

	<i>Brought forward, £</i> .....	50122 17 8
Deduct expenses of Collection, viz:		
Incidental expenses at Quebec and Montreal, .....	£ 998 19 5	
Salaries of two Tide Waiters at Quebec, for six months to 30th Sept., 1837, ..	50 0 0	1048 19 5
	<i>Net Currency, .....</i>	49073 18 3
Proportion for Upper Canada 33½ per cent.—is, Currency, .....		18-93 9 1½
Equal in Sterling to, .....		17004 2 3

Quebec, 1st January, 1838.

(Signed) JOSEPH CAREY, *Inspector General P. P. Accounts.*(Signed) S. WALCOTT, *Civil Secretary.*(A true Copy,) JAMES NATION, *Acting Inspector General.*

COPY.

(No. II.)

STATEMENT OF MONIES paid to the Receiver General of Lower Canada, between the 1st of January and the 1st July, 1838, arising from Duties on Importations by Sea into the said Province, to a proportion of which the Province of Upper Canada is entitled, under the Provisions of the Imperial Act, 3d Geo. IV. chap. 119.

UNDER ACTS.	In the Quarter ended 5th Jan. 1838			In the Quarter ended 5th April and up to 1st of May, 1838.		
	£	s.	d.	£	s.	d.
Imperial Act, 14 Geo. 3, ch. 83, .....	2171	18	4	194	4	8
Provincial Act, 33 do .....	309	0	2	122	14	8
do do 35 do .....	12055	9	1	2456	12	1
do do 41 do .....	553	10	9	7	1	0
do do 53 & 55 do .....	5354	15	6	5211	16	10
do do 55 do ch. 3, .....	330	11	6	15130	5	9
	£ 20775	5	4	23122	15	0
Amount for quarter ended 5th January, 1838, .....				20775	5	4
Amount paid on account of quarter ending 5th July, 1838, .....				5258	14	1
				£ 49156	14	5
Deduct expenses of collection, viz:—						
Incidents at Quebec and Montreal .....	£ 281	8	5			
Salaries of two Tide waiters, at do. from 1st Oct. 1837 to 31st March, 1838, ..	50	0	0	331	8	5
				<i>Net Currency, .....</i>	48325	6 0
Proportion for Upper Canada 33½ per cent.—is, Currency, .....					18797	14 10
Equal in Sterling to .....					16917	19 4

Quebec, 30th June, 1838.

(Signed) JOSEPH CAREY, *Inspector General P. P. A.*

(A true Copy,)

JAMES NATION, *Acting Inspector General.*

COPY.

(No. III.)

STATEMENT OF MONIES paid into the hands of the Receiver General of Lower Canada, between the 1st July, 1838, and the 1st January, 1839, arising from Duties levied on Importations by Sea into the said Province, to a portion of which the Province of Upper Canada is entitled, under the provisions of the Imperial Act, 3d Geo. IV. chap. 119.

UNDER ACTS.	Quarter ended 5th July, 1838.			Quarter ended 10th Oct. 1838.		
	£	s.	d.	£	s.	d.
Imperial Act, 14 Geo. 3, .....	19297	18	1	13499	18	1
Provin'l. " 33 do .....	416	4	10	998	1	8
do do 35 do .....	1428	17	11	10175	17	7
do do 41 do .....	18	16	9	483	8	4
do do 53 & 53 do .....	9063	13	8	7793	15	7
do do 55 do ch. 3, .....	1208	12	4	1270	9	1
	£ 31434	3	7	34230	10	4
	<i>Carried forward, £</i>					

Statement of Monies, &c.—(Continued.)

	<i>Brought forward, £</i>	31434 3 7	34220 10 4
Less so much paid to the Receiver General on account of Quarter ended 5th July, 1838, previous to 5th July, 1838, and credited in the last statement up to that date,....		5258 14 1	26175 9 6
Amount paid on account of the Quarter ended 5th January, 1839,.....			6403 16 11
			66799 16 9
Expenses of Collection:			
Incidental expenses at Quebec and Montreal.....		910 0 1½	
Salaries of two Tide Waiters, from 1st of April to the 30th September, 1838,.....		50 0 0	990 0 1½
	<i>Net Currency, £</i>		65809 16 7½
Proportion for Upper Canada 38½ per cent.—is, Currency,.....			25636 15 7
Equal in Sterling to,.....			22803 2 0

Quebec, 1st January, 1839.

(Signed)

JOSEPH CAREY, *Inspector General. P. P. A.*

(A true Copy.)

JAMES NATION, *Acting Inspector General.*

(No. IV.)

UPPER CANADA.

ACCOUNT OF REVENUE arising from Duties on Goods, Wares, and Merchandize, imported into this Province from the United States of America, from the 1st October to the 31st December, 1837, inclusive, as reported by the Collectors of Customs.

PORTS.	COLLECTORS.	Whole Collection.	Expense of Collection.	Net Revenue, Currency.
R. Aux Raisins,.....	John Cameron,.....	No Return,.....	.....	.....
Cornwall,.....	George S. Jarvis,.....	108 13 4½	.....	108 13 4½
Prescott,.....	Alpheus Jones,.....	65 9 9	.....	65 9 9
Brockville,.....	Richard D. Fraser,.....	49 0 11½	3 15 7½	45 5 3½
Maitland,.....	Alexander McQueen,.....	None,.....	.....	.....
Gananoque,.....	Ephraim Webster,.....	33 16 5	16 18 2½	16 18 2½
Kingston,.....	Thomas Kirkpatrick,.....	716 12 9½	.....	716 12 9½
Bath,.....	Colin McKenzie,.....	76 3 6	38 1 9	38 1 9
Hallowell,.....	Edward Beeston,.....	No Return,.....	.....	.....
Newcastle,.....	Bernard McMahon,.....	127 16 2	63 4 9½	64 11 4½
Belleville,.....	Henry Baldwin,.....	122 12 7	61 6 3½	61 6 3½
Cobourg,.....	Robert Brown,.....	176 12 1	19 8 6½	157 3 6½
Port Hope,.....	William Kingsmill,.....	32 6 11	16 3 5½	16 3 5½
Windsor,.....	Henry Boys,.....	26 10 0	13 5 0	13 5 0
Toronto,.....	Thomas Carfrae,.....	1149 6 11	52 9 6	1096 17 5
Oakville,.....	William Chisholm,.....	63 2 7½	7 13 1½	55 9 6½
Burlington Bay,.....	John Chisholm,.....	257 6 8½	.....	257 6 8½
Dalhousie,.....	John Clarke,.....	87 6 2½	43 13 1½	43 13 1½
Niagara,.....	Thomas McCormick,.....	91 10 10½	.....	91 10 10½
Queenston,.....	Robert Grant,.....	34 6 7	.....	34 6 7
Chippewa,.....	James Secord,.....	94 4 5	42 0 3½	52 4 1½
Fort Erie,.....	Hon. James Kerby,.....	81 14 0½	.....	81 14 0½
Dover,.....	Geo. J. Ryerse,.....	94 11 10	22 14 11½	71 16 10½
Turkey Point,.....	James Mitchell,.....	No Return,.....	.....	.....
Talbot,.....	Mahlon Burwell,.....	3 7 0	1 13 9	1 13 9
Amherstburgh,.....	Francis Caldwell,.....	57 7 4½	28 13 8½	28 13 8½
Sandwich,.....	William Anderton,.....	10 14 7½	8 7 3½	8 7 3½
Goderich,.....	John Galt,.....	47 16 9	23 13 4½	23 13 4½
Stanley,.....	John Bostwick,.....	351 8 10½	.....	351 8 10½
Burwell,.....	John Burwell,.....	29 17 9½	14 13 10½	14 13 10½
Colborne,.....	Walter B. Sheehan,.....	15 7 6	7 13 9	7 13 9
Chatham,.....	William Cosgrave,.....	24 10 7	12 5 3½	12 5 3½
Penetanguishine,.....	T. W. Anderson,.....	None,.....	.....	.....
		Whole Collection,.. £	4035 15 8½	
		Expense of Collection,.. £	498 5 7½	
		Net Revenue,.. £	3537 10 -1	

INSPECTOR GENERAL'S OFFICE, }  
27th February, 1839. }

JAMES NATION,  
ACTING INSPECTOR GENERAL.

(No. V.)

## UPPER CANADA.

ACCOUNT OF REVENUE arising from Duties on Licences issued to Shopkeepers, Innkeepers and Distillers, from the 5th October, 1837, to the 5th January, 1838, as reported by the Inspectors.

DISTRICTS.	INSPECTORS.	No. of Shops.	No. of Innkeepers.	Stills. Galls.	Duty on Shops.		Duty on Innkeepers.			Duty on Stills.			Total Currency.			
					£	s.	£	s.	£	s.	d.	£	s.	d.		
Midland, .....	James Sampson, .....	3	17	341	22	10	81	0	42	12	6	146	2	6		
Eastern, .....	Hon. Philip Vankoughnet, .....	1	1	.....	7	10	7	10	.....	.....	.....	15	0	0		
Newcastle, .....	William H. Jones, .....	11	21	1005	62	10	132	0	125	12	6	340	2	6		
Home, .....	Hon. Alexander McDonell, .....	2	9	232	12	10	54	0	29	0	0	95	10	0		
Gore, .....	John Willson, .....	5	25	345	35	0	161	10	43	2	6	239	12	6		
Niagara, .....	John Jordan, .....	11	11	150	82	10	71	10	18	15	0	172	15	0		
Prince Edward, ...	Adam Hubbs, .....	1	2	.....	7	10	11	10	.....	.....	.....	19	0	0		
Western, .....	William G. Hall, .....	2	.....	.....	12	10	.....	.....	.....	.....	.....	12	10	0		
London, .....	James Mitchell, .....	No	Return,	.....	.....	.....	7	10	.....	.....	.....	7	10	0		
Johnstown, .....	John Weatherhead, .....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		
Bathurst, .....	Anthony Lesslie, .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		
Ottawa, .....	Richard P. Hotham, .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		
		36	87	2073	262	10	526	10	259	2	6	1048	2	6		
												Allowance of 10 per cent. to Inspectors, ..		95	15	3
												Net Revenue, .. £		952	7	3

JAMES NATION,  
ACTING INSPECTOR GENERAL.

INSPECTOR GENERAL'S OFFICE, }  
27th February, 1839. }

(No. VI.)

## UPPER CANADA.

ACCOUNT OF REVENUE arising from Duties on Licenses issued to Hawkers and Pedlars from the 1st of October to the 31st December, 1837, inclusive, as reported by the Collectors.

PORTS.	PERSONS LICENSED.	Description.	Duty.			Total C'y.				
			£	s.	d.	£	s.	d.		
Kingston, .....	John Bowden, .....	Foot Pedlar,	5	0	0	5	0	0		
Dover, .....	Jeremiah Chrysler, .....	do.	5	0	0	5	0	0		
Sandwich, .....	J. P. George, .....	do.	5	0	0	5	0	0		
			£			15	0	0		
						Allowance to Collectors, ..		0	15	0
						Net Revenue, .. £		14	5	0

JAMES NATION,  
ACTING INSPECTOR GENERAL.

INSPECTOR GENERAL'S OFFICE, }  
27th February, 1839. }

(No. VII.)

UPPER CANADA.

ACCOUNT OF REVENUE arising from Duties on Goods, Wares, and Merchandize, sold at Auction, from the 1st October to the 31st December, 1837, as reported by the Collectors.

PORTS.	Amount C'y.		
	£	s.	d.
Kingston,.....	15	8	10
Toronto,.....	47	5	2½
	£62	14	0½
Allowance to Collectors,....	3	2	8½
Net Revenue,.....	£59	11	4

JAMES NATION,  
Acting Inspector General.

INSPECTOR GENERAL'S OFFICE, }  
27th February, 1839. }

(No. VIII.)

UPPER CANADA.

ABSTRACT OF WARRANTS issued by His Excellency the Lieutenant Governor on the Receiver General of the Province, under Provincial Enactments, from the 1st January, to the 30th June, 1838.

Enactment.	TO WHOM PAID AND FOR WHAT SERVICE.	Currency.			Currency.		
		£	s.	d.	£	s.	d.
1 Wm. 4th, ch. 14.	John Joseph, Esquire, Civil Secretary, being the amount of the salary of the Lieutenant Governor of the Province, for the half year, ended the 31st December, 1837.....	1111	2	2½			
.... do ....	The Honorable Robert B. Sullivan, his salary as Member of the Executive Council, for the same period.....	55	11	1½			
.... do ....	The Honorable William Allau, his salary as Member of the Executive Council, for the same period.....	53	11	1½			
.... do ....	The Honorable Augustus Baldwin, his salary as Member of the Executive Council, for the same period.....	55	11	1½			
.... do ....	The Honorable John Elmsley, his salary as Member of the Executive Council, for the same period.....	55	11	1½			
.... do ....	The Honorable William H. Draper, his salary as Member of the Executive Council, for the same period.....	55	11	1½			
.... do ....	The Honorable John B. Robinson, his salary as Chief Justice of the Province, for the same period.....	633	6	8			
.... do ....	The Honorable Levis P. Sherwood, his salary as Judge of the Court of King's Bench, for the same period.....	500	0	0			
.... do ....	The Honorable James B. Macaulay, his salary as Judge of the Court of King's Bench, for the same period.....	500	0	0			
.... do ....	Christopher A. Hagerman, Esquire, his salary as Attorney General, for the same period.....	166	13	4			
.... do ....	The Honorable W. H. Draper, his salary as Solicitor General for the same period.....	111	2	2½			
.... do ....	John Beikie, Esquire, his salary as Clerk of the Executive Council, for the same period.....	111	2	2½			
					3611	2	1½
7 Wm. 4, ch. 112,	Christopher A. Hagerman, Esquire, his additional salary for the same period.....	433	6	8			
.... do ....	The Honorable W. H. Draper, his additional salary for the same period.....	188	17	10			
.... do ....	John Joseph, Esquire, his salary as Civil Secretary, for the same period.....	104	0	0			
.... do ....	Edward McMahon, Esquire, his salary as Chief Clerk in the Government Office, for the same period.....	150	0	0			
	Carried forward, £	876	4	6	3611	2	1½

## Abstract of Warrants, &amp;c.—(Continued.)

Enactment.	TO WHOM PAID AND FOR WHAT SERVICE.	Currency.	Currency.
	<i>Brought forward, £</i>	876 4 6	3611 2 11
7 Wm. 4, ch. 112.	Arthur Gifford, Esquire, his salary as Second Clerk in the Government Office, for the same period.....	100 0 0	
.... do ....	James McDonell, Esquire, his salary as third Clerk in the Government Office, for the same period.....	87 10 0	
.... do ....	Walter McKenzie, Esquire, his salary as Junior Clerk in the Government Office, for the same period.....	87 10 0	
.... do ....	James Nation, Esquire, his salary as Senior Clerk in the Inspector General's Office, for the same period.....	150 0 0	
.... do ....	Raymond Baby, Esquire, his salary as Junior Clerk in the Inspector General's Office, for the same period.....	100 0 0	
.... do ....	Mr. James Bridgeland, his salary as Keeper of the Court of King's Bench, for the same period.....	10 0 0	
.... do ....	Mr. Thomas Phipps, his salary as Usher of the Court of King's Bench, for the same period.....	10 0 0	
.... do ....	Samuel P. Jarvis, Esquire, his salary as Deputy Secretary and Registrar for the same period.....	150 0 0	
.... do ....	John Radenhurst, Esquire, Chief Clerk in the Surveyor General's Office, his salary for the same period.....	150 0 0	
.... do ....	James G. Chewitt, Esquire Senior Surveyor and Draftsman, in the Surveyor General's Department, his salary for the same period.....	150 0 0	
.... do ....	William Spragge, Esq., Second Clerk in the Surveyor General's Office, his salary for the same period.....	100 0 0	
.... do ....	Philip Durnford, Esquire, his salary as Clerk in the Surveyor General's Office, for the same period.....	85 0 0	
.... do ....	Mr. John M. Caldwell, his salary as Clerk in the Surveyor General's Office, for the same period.....	85 0 0	
.... do ....	Mr. Henry Lizzars, his salary as Clerk in the Surveyor General's Office, for the same period.....	85 0 0	
.... do ....	William H. Lee, Esquire, Chief Clerk in the Executive Council Office, his salary for the same period.....	150 0 0	
.... do ....	Mr. Thomas G. Hurd, Second Clerk in the Executive Council Office, his salary for the same period.....	100 0 0	
.... do ....	Bernard Turquand, Esquire, First Clerk in the Receiver General's Office, his salary for the same period.....	150 0 0	
.... do ....	J. F. Maddock, Esquire, his salary as Second Clerk in the Receiver General's Office, from the 19th September to the 31st December, 1837, at £200 per annum.....	58 19 8½	
.... do ....	J. F. Maddock, Esquire, his salary as third Clerk, in the Receiver General's Office, from 1st July to the 18th September, 1837, inclusive, at £125 per annum.....	27 7 11¼	
.... do ....	George Hamilton, Esquire, his salary as third Clerk in the Receiver General's Office, from the 27th September to the 31st December, inclusive, at £125 per annum.....	32 17 6¼	
.... do ....	Mr. Thomas D. Harrington, his salary as Clerk in the Office of the Secretary and Registrar, for the half year ended the 31st December, 1837.....	100 0 0	
.... do ....	The Honorable John Macaulay, his account of the Contingent Expenses of the Surveyor General's Office, for the half year ended the 31st December, 1837.....	42 3 10	
.... do ....	John Joseph, Esquire, being an advance on account of the Contingent Expenses of the Government Office.....	100 0 0	
.... do ....	James Nation, Esquire, balance of his Account of the Contingent Expenses of the Public Offices, for the half year ended the 31st December, 1837.....	164 19 2½	
.... do ....	John Beikie, Esquire, Clerk of the Executive Council, his Account of the Contingent Expenses of his Office for the same period.....	65 4 7	
.... do ....	John Joseph, Esquire, Civil Secretary, on Account of the Contingent Expenses of the Government Office.....	175 15 7	
.... do ....	The Honorable John H. Dunn, Receiver General, the amount of his Account of the Contingent Expenses of his Office, for the half year ended 31st December, 1838.....	185 13 6	
.... do ....	Robert Stanton, Esquire, Government Printer, the amount of his Account for the same period.....	278 10 3	
.... do ....	John Joseph, Esquire, on Account of the Contingent Expenses of the Government Office.....	180 0 0	
.... do ....	The Honorable George H. Markland, Inspector General, the amount of his Account of the Contingent Expenses of his Office, for the half year ended the 31st December, 1837.....	45 16 7	4,081 13 2¼
	<i>Carried forward, £</i> .....		7692 15 4½

*Abstract of Warrants, &c.—(Continued.)*

Enactment.	TO WHOM PAID AND FOR WHAT SERVICE.	Currency.	Currency.
	<i>Brought forward,.... £</i>		7692 15 41
41 Geo. 3, ch. 12, &c.	The Honorable Allan N. McNab, Speaker of the House of Assembly, his salary, from the 15th June to the 31st December, 1837, inclusive,.....	109 11 91	
.... do ....	Grant Powell, Esquire, Clerk of the Legislative Council, his salary for the half year ended the 31st December, 1837,.....	100 0 0	
.... do ....	James FitzGibbon, Esquire, Clerk of the House of Assembly, his salary for the same period,.....	100 0 0	
.... do ....	The Reverend Thomas Phillips, Chaplain to the Legislative Council, his salary for the same period,.....	25 0 0	
.... do ....	Stephen Jarvis, Esquire, Gentleman Usher of the Black Rod, his salary for the same period,.....	25 0 0	
.... do ....	D'Arcy Boulton, Esquire, Master in Chancery, his salary for the same period,.....	25 0 0	
.... do ....	David A. McNab, Esquire, Sergeant at Arms, his salary for the same period,.....	25 0 0	
.... do ....	Mr. Hugh Carfrae, Door Keeper, Legislative Council, his salary for the same period,.....	10 0 0	
.... do ....	Mr. Hugh McLellan, Door Keeper, House of Assembly, his salary for the same period,.....	10 0 0	
.... do ....	Grant Powell, Esquire, Clerk of the Legislative Council, the allowance for Copying Clerks in his Office, for the 3d Session of the 13th Parliament,.....	25 0 0	
.... do ....	James FitzGibbon, Esquire, Clerk of the House of Assembly, the allowance for Copying Clerks in his Office for the same Session,.....	25 0 0	
7 Wm. 4, ch. 1,	The Honorable Jonas Jones, his salary as Judge of the Court of King's Bench, for the half year ended the 31st December, 1837,.....	500 0 0	479 11 91
.... do ....	The Honorable Archibald McLean, his salary as Judge of the Court of King's Bench for the same period,.....	500 0 0	
7 Wm. 4, ch. 109,	The Honorable Robert S. Jameson, his salary as Vice Chancellor, for the same period,.....		625 0 0
7 Wm. 4, ch. 1,	The Honorable James B. Macaulay, his salary for travelling expenses, as presiding Judge at the late Gaol delivery in the Gore District,.....	25 0 0	
.... do ....	The Honorable James B. Macaulay, the allowance for his travelling expenses, as Judge of Assize on the Circuit in the Johnstown, Eastern, Bathurst, and Ottawa Districts,....	100 0 0	
.... do ....	The Honorable Jonas Jones, the allowance for travelling expenses as Judge of Assize, on the Circuit in the Gore, Western, and London Districts,.....	75 0 0	
.... do ....	William A. Campbell, Esquire, his Account as Clerk of Assize, in the Home District and Eastern Circuit, in the Spring of 1837,.....	71 4 0	
3 Wm. 4, ch. 35, & 7 Wm. 4, ch. 96,	The Honorable George H. Markland, Inspector General, the appropriations for the maintenance of Light Houses for the year 1838,.....		1271 4 0
11 Geo. 4, ch. 8,	Charlotte Weir, her pension from 1st July, 1837, to the 30th June, 1838,.....		1600 0 0
1 Vict. ch. 62	Colonel Samuel P. Jarvis, the amount of the expenses attending a Court Martial, held at Toronto, for the trial of Thomas J. Sutherland,.....	62 15 0	20 0 0
.... do ....	Christopher A. Hagerman, Esquire, Attorney General, on account of the appropriation for defraying the expenses of the administration of Justice, and other charges, consequent upon the late Insurrection,.....	500 0 0	
.... do ....	The Honorable R. S. Jameson, President of the Commissioners for the examination of State Prisoners, for ditto,....	150 0 0	
.... do ....	Christopher A. Hagerman, Esquire, Attorney General, for do.	500 0 0	
.... do ....	Lieutenant Colonel William B. Robinson, his pay for 37 days attendance as a member of the Militia Court-Martial, assembled at Toronto, for the trial of Thomas J. Sutherland, at 17s. army sterling per diem,.....	36 5 7	
.... do ....	Francis T. Billings, Esquire, Treasurer of the Home District, on Account of the expenses attending the State Prisoners confined in the Gaol of the Home District,.....	100 0 0	
	<i>Carried forward,.... £</i>	1349 0 7	11688 11. 13

*Abstract of Warrants, &c.—(Continued.)*

Enactment.	TO WHOM PAID AND FOR WHAT SERVICE.	Currency.	Currency.
	<i>Brought forward,.... £</i>	1349 0 7	11688 11 13
1 Vict..ch. 62,	Francis T. Billings, Esquire, Treasurer of the Home District, the balance of his Account for ditto. to the 31st March, 1838,.....	233 0 11	
.... do ....	The Honorable Robert S. Jameson, President of the Commission for the examination of State Prisoners, on Account of Contingent Expenses,.....	100 0 0	
.... do ....	James Hamilton, Esquire, Sheriff of the London District, the amount of his Account of the expenses attending State Prisoners in the Gaol of said District,.....	706 2 4	
.... do ....	Captain William M. Wilson, and others, the amount of the reward offered for the apprehension of Robert Alway, accused of High Treason,.....	250 0 0	
.... do ....	Christopher A. Hagerman, Esquire, on Account of the Contingent Expenses of the administration of Justice, on account of special appropriation of £3000,.....	300 0 0	
		2938 3 10	
.... do ....	Sir Allan N. McNab, the amount of his Account as Queen's Counsel, on the Circuit in the Gore, London, and Western Districts,.....	122 0 0	
.... do ....	John F. Maddock, Esquire, second Clerk in the Receiver General's Office, to make up a deficiency in his salary for the year 1837,.....	12 10 0	
.... do ....	George Hamilton, Esquire, third Clerk in the Receiver General's Office, to make up a deficiency in his salary for the year 1837,.....	12 10 0	
.... do ....	James Nation, Esquire, on Account of the Contingent Expenses of the Public Offices, for the half year commencing 1st January, 1838,.....	400 0 0	
.... do ....	Mr. John G. Howard, Architect, for services rendered in the erection of Public Buildings at Toronto,.....	25 0 0	
.... do ....	John Ewart, Esquire, for Superintending the erection of Public Buildings at Toronto,.....	30 0 0	
.... do ....	James FitzGibbon, Esquire, the balance due him on account of the expenses incurred for the Buildings at Toronto,.....	9 0 0	
.... do ....	Robert Stanton, Esquire, the amount due to him of his Accounts for Printing the Statutes of the 1st and 2d Sessions of the 12th Provincial Parliament,.....	1623 6 8	
.... do ....	John Joseph, Esquire, Civil Secretary, the amount appropriated for repairs of the Government House,.....	100 0 0	
.... do ....	Mr. Christopher R. Denham, for labor and materials furnished for the Public Buildings at Toronto,.....	27 0 0	
.... do ....	John Joseph, Esquire, Civil Secretary, on Account of the Contingent Expenses of the Government Office, for the year 1838,.....	187 5 7	
.... do ....	The Honorable George H. Markland, the amount of certain expenses incurred by him in fitting up the Public Offices,.....	46 4 6	
.... do ....	John S. Cartwright, Esquire, the amount of his Account as Queen's Counsel, on the Circuit in the Bathurst and Prince Edward Districts, in 1837,.....	168 10 0	
.... do ....	Robert Stanton, Esquire, Government Printer, in advance on account of Printing the Statutes of 1838,.....	350 0 0	
.... do ....	The Honorable Robert S. Jameson, Vice Chancellor, the amount of his account of the expense of fitting up the Court of Chancery,.....	92 14 7½	
.... do ....	Henry Sherwood, Esquire, the amount of his account as Queen's Counsel, on the Eastern Spring Circuit, 1838,.....	65 0 0	
.... do ....	John Joseph, Esquire, Civil Secretary, on Account of the Contingent Expenses of the Government Offices,.....	188 0 0	
.... do ....	James Stanton, Esquire, to make up a deficiency in his salary, as Clerk in the Executive Council Office, for the year 1836,.....	80 0 0	
		6417 4 9¼	
7 Wm. 4, ch. 107	Thomas H. Johnson, Esquire, Treasurer of the Ottawa District, on account of the appropriation for the improvement of Roads and Bridges,.....	650 0 0	
.... do ....	John Harris, Esquire, Treasurer of the London District, for ditto,.....	234 0 0	
.... do ....	John McKay, Esquire, Treasurer of the Bathurst District, for ditto,.....	888 14 0	
.... do ....	Jean B. Baby, Esquire, Treasurer of the Western District, for ditto,.....	125 0 0	
	<i>Carried forward,.... £</i>	1897 14 0	18105 15 1¼

*Abstract of Warrants, &c.—(Continued.)*

Enactment.	TO WHOM PAID AND FOR WHAT SERVICE.	Currency.	Currency.
	<i>Brought forward,.... £</i>	1897 14 0	18105 15 11½
7 Wm. 4, ch. 107.	The Honorable Zaccheus Burnham, Treasurer of the Newcastle District on account of the appropriation for the improvement of Roads and Bridges,.....	625 0 0	
.... do ....	John Harris, Esq. Treasurer of the London District, for ditto.	325 0 0	
.... do ....	David Smith, Esquire, Treasurer, Prince Edward District, for ditto.....	1091 0 0	
			3938 14 0
7 Wm. 4, ch. 81,	Allan McPherson, Commissioner, &c. on account of the appropriation for Macadamizing the Road from Kingston to Nanpess,.....	2000 0 0	
.... do ....	Allan McPherson, Esquire, Commissioner, &c. on account of ditto.....	1000 0 0	
.... do ....	Allan McPherson, Esquire, Commissioner, &c. on account of ditto.....	2000 0 0	
.... do ....	Allan McPherson, Esquire, Commissioner, &c. on account of ditto.....	2000 0 0	
			7000 0 0
6 Wm. 4 ch. 39,	The Honorable Zaccheus Burnham, Commissioner, &c., on account of the appropriation for the improvement of the Inland Waters of the New Castle District.....	1000 0 0	
.... do ....	The Honorable Zaccheus Burnham, Commissioner, &c., on account of do.....	1000 0 0	
.... do ....	The Honorable Zaccheus Burnham, Commissioner, &c., on account of do.....	1500 0 0	
			3500 0 0
48 Geo. 3, ch. 16. &c	Mr. George Baxter, Master of the Midland District School, his salary for the half year ended the 31st December, 1837,	50 0 0	
.... do ....	Mr. John Rae, Master of the Gore District, School, his salary for the same period,.....	50 0 0	
.... do ....	Mr. Marcus C. Crombie, Master of the Prince Edward District School, his salary for the same period.....	50 0 0	
.... do ....	Mr. William Kay, Master of the Bathurst District School, his salary for the same period.....	50 0 0	
.... do ....	Mr. C. N. B. Cozens, Master of the Home District School, his salary from the 8th September, to the 31st December 1837.....	31 10 1	
.... do ....	The Reverend William Johnson, Master of the Western District School, his salary for the half year ended 31st December, 1837.....	50 0 0	
.... do ....	Dr. John Whitlaw, Master of the Niagara District School, his salary for the same period.....	50 0 0	
.... do ....	The Reverend Hugh Urquhart, Master of the Eastern District School, his salary for the same period.....	50 0 0	
.... do ....	The Reverend John Smith, Master of the Johnstown District School, his salary for the same period.....	50 0 0	
.... do ....	Mr. Walter C. Crofton, Master of the Newcastle District School, his salary for the same period.....	50 0 0	
.... do ....	Mr. E. Chadwick, Master of the London District School, his salary for the period from 13th April to 30th June, 1837.	2½ 16 7	
.... do ....	Mr. Colin Gregg, Master of the Ottawa District School, his salary for the period from 1st July, to 31st December, 1837.	50 0 0	
.... do ....	Mr. Francis N. Wright, Master of the London District School, his salary for the same period.....	50 0 0	
			603 6 0
4 Geo. 4, ch. 8, &c	David Smith, Esquire, Treasurer of the Prince Edward District, the amount appropriated in aid of Common Schools in the said District annually.....	250 0 0	
.... do ....	John McKay, Esquire, Treasurer of the Bathurst District, the amount of the annual appropriation in aid of Common Schools in said District.....	250 0 0	
.... do ....	Henry Bensley, Esquire, Treasurer of the Gore District, the amount of the annual appropriation in aid of Common Schools, in said District.....	250 0 0	
.... do ....	Adiel Sherwood, Esquire, Treasurer of the Johnstown District, the amount of the annual appropriation in aid of Common Schools in said District.....	250 0 0	
.... do ....	Francis T. Billings, Esquire, Treasurer of the Home District, the amount of the annual appropriation in aid of Common Schools in said District.....	250 0 0	
	<i>Carried forward,.... £</i>	1250 0 0	33147 16 7½
		3	

*Abstract of Warrants, &c.—(Continued.)*

Enactment.	TO WHOM PAID AND FOR WHAT SERVICE.	Currency.	Currency.
	<i>Brought forward</i> ..... £	1250 0 0	33147 16 7½
4 Geo. 4, ch. 8, &c.	Alexander McLean, Esquire, Treasurer of the Eastern District, the amount of the annual appropriation in aid of Common Schools in said District.....	250 0 0	
.... do ....	John Harris, Esquire, Treasurer of the London District, the amount of the annual appropriation in aid of Common Schools in said District.....	250 0 0	
.... do ....	The Honorable George H. Markland, the amount appropriated for Common and Sunday School Books annually.....	150 0 0	1900 0 0
7 Wm. 4, ch. 105.	John McKay, Esquire, Treasurer of the Bathurst District, being the amount appropriated for Common Schools in said District.....		500 0 0
1 Vict., ch. 60.	William Clarke, Esquire, Treasurer of the Niagara District, the amount of the additional appropriation in aid of Common Schools in said District.....	500 0 0	
.... do ....	Adiel Sherwood, Esquire, Treasurer of the Johnstown District, the amount of the additional appropriation in aid of Common Schools in the said District.....	500 0 0	
.... do ....	David Smith, Esquire, Treasurer of the Prince Edward District, the amount of the additional appropriation in aid of Common Schools in the said District.....	200 0 0	
.... do ....	John Harris, Esquire, Treasurer of the London District, the amount of the additional appropriation in aid of Common Schools in the said District.....	600 0 0	1800 0 0
1 Wm. 4, ch. 15,	The Honorable John H. Dunn, his salary as Receiver General of the Province, for the half year ended 31st Dec., 1837.....		388 17 9½
59 Geo. 3, ch. 13,	The Honorable George H. Markland, his salary as Inspector General, for the same period.....		202 15 6½
7 Wm. 4, ch. 110,	Samuel P. Jarvis, Esquire, his salary as Clerk of the Crown in Chancery, for the same period.....		37 10 0
4 Geo. 4, ch. 6,	Colonel Nathaniel Coffin, his salary and allowances as Adjutant General of Militia, from the 1st July, 1837, to the 6th March, 1838, inclusive.....		305 2 8½
2 Geo. 4, ch. 20 &c.	Mrs. Elizabeth Law, her pension for the half year, ended 31st December, 1837.....		10 0 0
4 Geo. 4, ch. 28,	Mr. James Carroll, his pension, for the same period.....		10 0 0
4 Geo. 4, ch. 24,	Mr. Peter Miller, his pension, for the same period.....		10 0 0
6 Wm. 4, ch. 49,	Mr. John McMillan, his pension for the same period.....		10 0 0
4 Geo. 4, ch. 27,	Colonel Walter O'Hara, his salary as Assistant Adjutant General, for the same period.....		100 0 0
5 Wm. 4, ch. 37,	Mr. Joseph Swetman, additional salary as Keeper of the False Duck's Light House, for the same period.....		18 15 0
7 Wm. 4, ch. 76,	Charles C. Small, Esquire, Commissioner, &c, on account of the appropriation for Macadamizing certain Roads in the Home District.....	2555 11 1	
.... do ....	Thomas Fisher, Esquire, Commissioner, &c., on account of ditto.....	1111 2 2½	3666 13 3½
4 Wm. 4, ch. 40.	The Honorable Jonas Jones, Commissioner, &c., on account of the appropriation for the Improvement of the River St. Lawrence.....	2500 0 0	
.... do ....	John McDonald, Esquire, Commissioner, &c., on account of ditto.....	10000 0 0	12500 0 0
59 Geo. 3, ch. 7,	The Honorable John Macaulay, Surveyor General, for 285 old and five new Returns to District Treasurers.....		42 15 0
7 Wm. 4, ch. 82,	George Adams, Esquire, Commissioner on account of the appropriation for Macadamizing the Road from Queenston to Grimsby.....	1500 0 0	
.... do ....	George Adams, Esquire, do on account of do.....	5555 11 1½	
.... do ....	George Adams, Esquire, do. on account of do.....	1000 0 0	8055 11 1½
7 Wm. 4, ch. 64,	George Gurnett, Esq., Commissioner &c., on account of the appropriation for the Improvement of the Harbor at Toronto.....	500 0 0	500 0 0
7 Wm. 4, ch. 66.	John S. Cartwright, Esquire, Commissioner, &c., on account of the appropriation for the Improvement of the navigation of the River Trent.....		2000 0 0
	<i>Carried forward</i> , £		65205 17 0½

*Abstract of Warrants, &c.—(Continued.)*

Enactment.	TO WHOM PAID AND FOR WHAT SERVICE.	Currency.	Currency.
	<i>Brought forward,.... £</i>		65205 17 0½
7 Wm. 4, ch. 78,	William Scott Burn, Esquire, Commissioner, &c., on account of the appropriation for Macadamizing the Road from Hamilton to Brantford.....	2000 0 0	
.... do ....	William Scott Burn, Esquire, Commissioner, &c., on account of do.....	3000 0 0	
.... do ....	William Scott Burn, Esquire, Commissioner, &c., on account of do.....	4000 0 0	
.... do ....	Andrew T. Kerby, Esquire, Commissioner &c., on account of the appropriation for Macadamizing the Road from Dundas to Waterloo.....	2000 0 0	9000 0 0
.... do ....	Andrew T. Kerby, Esquire, Commissioner, &c., on account of do.....	4000 0 0	
.... do ....	Andrew T. Kerby, Esq, Commissioner, &c., on account of do.....	6000 0 0	
7 Wm. 4, ch. 57,	John S. Cartwright, Esquire, Commissioner, on account of the appropriation for the Survey of the Ottawa River.....		12000 0 0
Address of the H. } of Assembly, }	Hamilton H. Killaly, Esquire, Civil Engineer, on account of the expense of the Survey of the Communication between Lake Scugog and Lake Ontario.....		500 0 0
1 Vict. ch. 54,	Henry Smith, Esquire, Warden of the Provincial Penitentiary, to remunerate him for certain services and disbursements on account of the Institution.....		250 0 0
1 Vict. ch. 55,	Mr. J. W. Breat, Treasurer of the House of Industry, Toronto, the amount appropriated for the relief of the sick and destitute poor of Toronto.....		208 15 7
Address of the H. } of Assembly, }	Grant Powell, Esquire, Clerk of the Legislative Council, to enable him to pay the contingent expenses of his Office, for the 3rd Session of the 13th Provincial Parliament...	2837 15 10	350 0 0
.... do ....	Stephen Jarvis, Esquire, to enable him to pay the contingent expenses of his Office, for the same Session.....	350 0 0	
.... do ....	James FitzGibbon, Esquire, Clerk of the House of Assembly, to enable him to pay the contingent expenses of his Office, for the same Session.....	7562 9 6½	
.... do ....	David A. MacNab, Esquire, Sergeant at Arms, House of Assembly, to enable him to pay the contingent expenses of his Office, for the same Session.....	669 11 11	
1 Vict. ch. 53,	James Nickalls, Esquire, President of the Board of Inspectors of the Provincial Penitentiary, on account of the appropriation for the maintenance of the Institution.....	2000 0 0	11219 17 3½
.... do ....	James Nickalls, Esquire, President of the Board of Inspectors of the Provincial Penitentiary, on account of do.....	2000 0 0	
7 Wm. 4, ch. 95,	Bernard McMahon Esquire, Commissioner, &c. on account of the appropriation for the erection of a Light House at Presqu' Isle on Lake Ontario.....	250 0 0	4000 0 0
.... do ....	Bernard McMahon Esquire, Commissioner, &c. on account of do.....	250 0 0	
56 Geo. 3, ch. 12,	Catharine McLeod, her Pension for the year 1837.....		500 0 0
7 Wm. 4, ch. 23,	Martin McMartin, Esquire, Treasurer of the Agricultural Society of the Eastern District, amount appropriated in aid of the funds of said Society.....		20 0 0
7 Wm. 4, ch. 83,	James Reid, Esquire, Commissioner, &c., the amount appropriated for the erection of a Bridge over the River Thames, at Chatham.....		200 0 0
7 Wm. 4, ch. 80,	James Morris, Esquire, Commissioner, &c., on account of the appropriation for Macadamizing the Road from Brockville to St. Francis.....		1000 0 0
1 Viet. ch. 49,	William Hust, Esquire, as compensation for loss of time in consequence of a Wound received by him, in capturing a Band of Rebels.....		5555 11 1½
7 Geo. 4, ch. 6,	The Honorable John H. Dunn, Receiver General, to enable him to pay the Militia Pensions for the half year ended 30th June, 1838.....		25 0 0
Sundry Pro'l Acts,	The Honorable John H. Dunn, Receiver General, to enable him to pay the Interest on certain Government Debentures for the same period.....		491 9 7
			5488 2 6
	<i>Carried forward,.... £</i>		115892 13 1½

*Abstract of Warrants, &c.—(Continued.)*

Enactment.	TO WHOM PAID AND FOR WHAT SERVICE.	Currency.	Currency.
	<i>Brought forward,....</i>	£	115892 13 1½
1 Vict. ch. 44,	The Honorable John H. Dunn, Receiver General, to enable him to pay the Pensions to Widows and Children of certain Militiamen,.....		14 8 3
48 Geo. 3, ch. 16,	The Reverend John Smith, Master of the Johnstown District School, his salary from the 1st January to the 1st May, 1838, inclusive,.....		32 17 6½
7 Wm. 4, ch. 112	Colonel James FitzGibbon, the amount of his pay and expenses as acting Judge Advocate at a Militia Court Martial, for the trial of Colonel James Covert, in the months of July and August, 1836,.....		55 1 0
7 Wm. 4, ch. 1.	Mr. Robert Hervey, Jun. the amount of his account as Clerk of Assize, on the Circuit in the Bathurst, Prince Edward, and Midland Districts, in 1837,.....		38 12 0
1 Wm. 4, ch. 14,	John Joseph, Esquire, Civil Secretary, the amount of the Lieutenant Governor's salary, from the 1st January to 22d March, 1838, inclusive,.....		493 3 0
1 Vict. ch. 60,	Alexander McLean, Esq. Treasurer of the Eastern District, the amount of appropriation, in aid of Common Schools in the said District,.....	500 0 0	
.... do ....	Francis T. Billings, Esquire, Treasurer of the Home District, the amount appropriated in aid of Common Schools in the said District,.....	750 0 0	1250 0 0
Total Currency,....		£	117848 14 9½

JAMES NATION,  
*Acting Inspector General.*

INSPECTOR GENERAL'S OFFICE,  
27th February, 1839.

RECAPITULATION.

Enactments.	SERVICES.	Amount C'y.
		£ s. d.
1 Wm. 4, ch. 14,	Administration of Justice and support of the Civil Government,....	4104 5 1½
7 Wm. 4, ch. 112,	.... ditto. .... ditto. ....	4136 14 2½
1 Vict. ch. 62,	.... ditto. .... ditto. ....	6417 4 9½
41 Geo. 3, ch. 12 &c.	Officers of the Legislature,.....	479 11 9½
7 Wm. 4, ch. 1.	Administration of Justice,.....	1309 16 0
7 Wm. 4, ch. 109,	Salary of the Vice Chancellor,.....	625 0 0
3 Wm. 4, ch. 35 &c	Maintenance of Light Houses,.....	1600 0 0
7 Wm. 4, ch. 107,	For the improvement of Roads and Bridges,.....	3938 14 0
7 Wm. 4, ch. 81,	Macadamization of the Road from Kingston to Napuaee,.....	7000 0 0
7 Wm. 4, ch. 76,	.... Do. .... of certain Roads in the Home District,.....	3666 13 3½
7 Wm. 4, ch. 62,	.... Do. .... of the Road from Queenston to Grim-by,.....	8055 11 1½
7 Wm. 4, ch. 78,	.... Do. .... of the Road from Hamilton to Brantford,.....	9000 0 0
7 Wm. 4, ch. 79,	.... Do. .... of the Road from Dundas to Waterloo,.....	12000 0 0
7 Wm. 4, ch. 80,	.... Do. .... of the Road from Brockville to St. Francis,.....	5555 11 1½
4 Wm. 4, ch. 40,	Improvement of the Navigation of the River St. Lawrence,.....	12500 0 0
6 Wm. 4, ch. 39,	.... Do. .... of the Inland Waters of the Newcastle District,....	3500 0 0
48 Geo. 3, ch. 16 &c	District Schools,.....	636 4 2½
4 Geo. 4, ch. 8,	Common Schools, and Common and Sunday School Books,.....	1900 0 0
7 Wm. 4, ch. 105,	Common Schools,.....	500 0 0
1 Vict. ch. 60,	Common Schools,.....	3050 0 0
1 Wm. 4, ch. 15,	Receiver General's Salary,.....	388 17 9½
59 Geo. 3, ch. 13,	Inspector General's Salary,.....	202 15 6½
7 Wm. 4, ch. 110,	Salary of the Clerk of the Crown in Chancery,.....	37 10 0
4 Geo. 4, ch. 6, &c	Adjutant General of Militia and Establishment,.....	405 2 8½
5 Wm. 4, ch. 37,	Keeper of the Light House at the False Duck's Islands, his salary,..	18 15 0
59 Geo. 3, ch. 7,	Surveyor General's Returns to District Treasurers,.....	42 15 0
7 Wm. 4, ch. 64,	Improvement of Toronto Harbor,.....	500 0 0
7 Wm. 4, ch. 66,	.... Do. .... of the Navigation of the River Trent,.....	2000 0 0
7 Wm. 4, ch. 57,	On account of the expense of the Survey of the Ottawa River,.....	500 0 0
<i>Carried forward,....</i>		£ 94071 1 8

RECAPITULATION.—(Continued.)

Enactment.	SERVICES.	Amount C <sup>y</sup> .
	<i>Brought forward,.... £</i>	94071 1 8
Address H. Assembly,	On account of the communication between Lake Scugog and Ontario,	250 0 0
1 Vict. ch. 54,	Certain expenses incurred on account of the Provincial Penitentiary,	208 15 7
1 Vict. ch. 55,	For the relief of the Poor of Toronto,.....	350 0 0
Address H. Assembly,	Contingencies of the 3d Session of the 13th Provincial Parliament,...	11219 17 3½
1 Vict. ch. 53,	Maintenance of the Provincial Penitentiary,.....	4000 0 0
7 Wm. 4, ch. 95,	On account of the erection of a Light House at Presqu' Isle,.....	500 0 0
7 Wm. 4, ch. 23,	Agricultural Society of the Eastern District,.....	200 0 0
7 Wm. 4, ch. 83,	Bridge over the River Thames,.....	1000 0 0
1 Vict. ch. 49,	Compensation to William Hust,.....	25 0 0
7 Geo. 4, ch. 6,	Militia Pensions,.....	491 9 7
11 Geo. 4, ch. 8,&c	Pensions,.....	94 8 2
Sundry Acts,.....	Interest on Debentures,.....	5438 2 6
	Total Currency,.... £	117848 14 9½

INSPECTOR GENERAL'S OFFICE, }  
27th February, 1899.

JAMES NATION,  
ACTING INSPECTOR GENERAL.

(No. IX.)

UPPER CANADA.

ABSTRACT OF WARRANTS issued by His Excellency the Lieutenant Governor on the Receiver General of the Province, under Provincial Enactments, from the 1st July to the 31st December, 1838, inclusive.

Enactment.	TO WHOM PAID AND FOR WHAT SERVICE.	Currency.			Currency		
		£	s.	d.	£	s.	d.
1 Wm. 4th, ch. 14	The Honorable John Macaulay, Civil Secretary, the amount of the salary of the Lieutenant Governor of the Province, from the 23d March to the 30th June, 1838, inclusive, ..	617	19	2½			
.... do ....	The Honorable Robert B. Sullivan, his salary as Member of the Executive Council, for the half year ended 30th June, 1838	55	11	1½			
.... do ....	The Honorable William Allan, his salary as Member of the Executive Council, for the same period.....	55	11	1½			
.... do ....	The Honorable Augustus Baldwin, his salary as Member of the Executive Council, for the same period.....	55	11	1½			
.... do ....	The Honorable John Elmsley, his salary as Member of the Executive Council, for the same period.....	55	11	1½			
.... do ....	The Honorable William H. Draper, his salary as Member of the Executive Council, for the same period,.....	55	11	1½			
.... do ....	John Beikie, Esquire, his salary as Clerk of the Executive Council, for the same period.....	111	2	2½			
.... do ....	The Honorable John B. Robinson, his salary as Chief Justice of the Province, for the same period.....	683	6	8			
.... do ....	The Honorable Levis P. Sherwood, his salary as Judge of the Court of King's Bench, for the same period.....	500	0	0			
.... do ....	The Honorable James B. Macaulay, his salary as Judge of the Court of King's Bench, for the same period.....	500	0	0			
.... do ....	Christopher A. Hagerman, Esquire, his salary as Attorney General, for the same period.....	166	13	4			
.... do ....	The Honorable W. H. Draper, his salary as Solicitor General for the same period.....	111	2	2½			
					3117	19	1½
7 Wm. 4, ch. 1,	The Honorable Archibald McLean, his salary as Judge of the Court of King's Bench for the same period,.....	500	0	0			
.... do ....	The Honorable Jonas Jones, his salary as Judge of Court of King's Bench, for the same period,.....	500	0	0			
.... do ....	The Honorable Levis P. Sherwood, Judge of Assize, on the Spring Circuit in the Niagara and Talbot Districts, for travelling expenses.....	50	0	0			
	<i>Carried forward, £</i>	1050	0	0	3117	19	1½

*Abstract of Warrants, &c.—(Continued.)*

Enactment.	TO WHOM PAID AND FOR WHAT SERVICE.	Currency.	Currency.
	<i>Brought forward, £</i>	1050 0 0	3117 19 14
7 Wm. 4, ch. 1.	The Honorable Archibald McLean, his travelling expenses as Judge of Assize, on the Spring Circuit, in the Districts of Prince Edward, Midland and Newcastle.....	75 0 0	
.... do ....	The Honorable Jonas Jones, the allowance to him for travelling expenses as Presiding Judge at the General Gaol Delivery in the Niagara District.....	25 0 0	
.... do ....	The Honorable James B. Macaulay, the allowance to him for travelling expenses as Judge of Assize on the Circuit, in the Talbot, London, and Western Districts.....	75 0 0	
.... do ....	The Honorable Archibald McLean, his allowance for travelling expenses as Judge of Assize on the Fall Circuit, in the Midland, Prince Edward, and Newcastle Districts.....	75 0 0	
.... do ....	The Honorable Levis P. Sherwood, his allowance for travelling expenses as Judge of Assize on the Fall Circuit, in the Johnstown, Eastern, Ottawa and Bathurst Districts..	100 0 0	
.... do ....	William B. Jarvis, Esquire, the amount of his account for attendance as Sheriff of the Home District, in the Court of King's Bench .....	41 5 0	
.... do ....	The Honorable Jonas Jones, his travelling expenses as Presiding Judge at the Nisi Prius Court, in the District of Niagara, and Judge of Assize in the Gore District, on the Fall Circuit.....	50 0 0	
.... do ....	Mr. William A. Geddes, the amount of his account as Clerk of Assize in the Western Fall Circuit .....	22 18 0	
.... do ....	John S. McDonell, Esquire, the amount of his account as Clerk of Assize on the Western Circuit, in 1837, and Midland Circuit of 1838.....	100 17 10	
.... do ....	James M. Cawdell, Esquire, the amount of his account as Clerk of Assize on the Fall Circuit of 1837, in the Newcastle and Niagara Districts.....	31 5 6	
.... do ....	Mr. William A. Geddes, the amount of his account as Clerk of Assize on the Eastern Spring Circuit of 1838.....	17 17 0	
.... do ....	Samuel Sherwood, Esquire, the amount of his account as Clerk of Assize on the Circuit, in the Niagara and Talbot Districts.....	21 3 0	1685 6 4
1 Vict. ch. 62.	John Joseph, Esquire, his salary as Civil Secretary, from the 1st January to the 15th June, 1838, inclusive.....	95 9 04	
.... do ....	The Honorable John Macaulay, his salary as Civil Secretary, from the 16th to the 30th June, 1838, inclusive.....	9 10 112	
.... do ....	Edward McMahon, Esq. his salary as Chief Clerk in the Government Office, for the half year ended 30th June, 1838	150 0 0	
.... do ....	Arthur Gifford, Esquire, his salary as Second Clerk in the Government Office, for the same period.....	100 0 0	
.... do ....	James McDonell, Esquire, his salary as third Clerk in the Government Office, for the same period.....	87 10 0	
.... do ....	Mr. Walter McKenzie, Junior Clerk in the Government Office, his salary for the same period.....	87 10 0	
.... do ....	Thomas D. Harrington, Esq., his salary as Clerk in the Office of the Secretary and Registrar, for the same period.....	100 0 0	
.... do ....	James Nation, Esquire, First Clerk in the Office of the Inspector General, his salary for the same period.....	150 0 0	
.... do ....	Bernard Turquand, Esquire, his salary as First Clerk in the Receiver General's Office, for the same period.....	150 0 0	
.... do ....	J.F. Maddock, Esquire, his salary as Second Clerk in the Receiver General's Office, for the half year ended the 30th June, 1838 .....	100 0 0	
.... do ....	Mr. George Hamilton, his salary as third Clerk in the Receiver General's Office, for the same period.....	85 0 0	
.... do ....	James G. Chewitt, Esquire, his salary as Senior Surveyor and Draftsman, Surveyor General's Department, for the same period.....	150 0 0	
.... do ....	John Radenhurst, Esquire, Chief Clerk in the Surveyor General's Department, his salary for the same period.....	150 0 0	
.... do ....	Mr. William Spragge, his salary as Second Clerk in the Surveyor General's Office, for the same period.....	100 0 0	
.... do ....	Mr. John M. Caldwell, Junior Clerk in the Surveyor General's Office, his salary for the same period.....	85 0 0	
.... do ....	Philip Durnford, Esquire, his salary as Clerk in the Surveyor General's Office, for the same period.....	85 0 0	
	<i>Carried forward, £</i>	1684 0 0	4803 5 54

*Abstract of Warrants, &c.—(Continued.)*

Enactment.	TO WHOM PAID AND FOR WHAT SERVICE.	Currency.	Currency.
	<i>Brought forward,.... £</i>	1684 0 0	4603 5 54
1 Vict. ch. 62,	Mr. Henry Lizzars, his salary as Assistant Draftsman in the Surveyor General's Office, for the same period.....	85 0 0	
.... do ....	Mr. Henry James Castle, his salary as Clerk in the Surveyor General's Office, for the same period.....	85 0 0	
.... do ....	William H. Lee, Esquire, his salary as Chief Clerk in the Office of the Executive Council, for the same period.....	150 0 0	
.... do ....	Mr. Thomas Hurd, his salary as Second Clerk in the Executive Council Office, for the same period.....	100 0 0	
.... do ....	Mr. Samuel Smith, his salary as Clerk in the Executive Council Office, for the same period.....	85 0 0	
.... do ....	Mr. William R. Bartlett, his salary as Clerk in the Executive Council Office, for the same period.....	85 0 0	
.... do ....	Christopher A. Hagerman, Esquire, his Salary as Attorney General, for the same period.....	433 6 8	
.... do ....	The Honorable William H. Draper, his salary as Solicitor General, for the same period.....	188 17 9½	
.... do ....	Samuel P. Jarvis, Esquire, Deputy Secretary and Registrar, his salary for the same period.....	150 0 0	
.... do ....	Mr. James Bridgeland, his salary as Keeper of the Court of King's Bench, for the same period.....	10 0 0	
.... do ....	Mr. Thomas Phipps, his salary as Usher of the Court of King's Bench, for the same period.....	10 0 0	
.... do ....	The Honorable John Macaulay, Civil Secretary, on account of the Contingent Expenses of the Government Office, for the half year commencing the 1st July, 1838.....	200 0 0	
.... do ....	The Honorable John Macaulay, Civil Secretary, on account of ditto.....	207 17 5	
.... do ....	The Honorable John Macaulay, Civil Secretary, on account of ditto.....	206 0 0	
.... do ....	The Honorable John Macaulay, Civil Secretary, on account of ditto.....	100 0 0	
.... do ....	The Honorable John Macaulay, Civil Secretary, on account of ditto.....	284 6 0	
.... do ....	The Honorable John Macaulay, Civil Secretary, on account of ditto.....	50 0 0	
.... do ....	Mr. William Steers, his salary as Clerk in the Office of the Adjutant General of Militia, for the half year ended 30th June, 1838.....	62 10 0	
.... do ....	James Nation, Esquire, the balance of his Account of the Contingent Expenses of the Public Offices, for the same period.....	41 1 1	
.... do ....	James Nation, Esquire, on Account of the Contingent Expenses of the Public Offices, for the half year commencing the 1st July, 1838.....	350 0 0	
.... do ....	Robert Stanton, Esquire, Government Printer, his Account for Printing and Advertising for the half year ended the 30th June, 1838.....	494 1 4	
.... do ....	John Beikie, Esquire, Clerk of the Executive Council, his Account of the Contingent Expenses of his Office for the same period.....	43 13 6	
.... do ....	Robert Stanton, Esquire, Government Printer, the residue of the sum due to him for Printing the Statutes of the years 1837 and 1838.....	633 7 1½	
.... do ....	The Honorable John H. Dunn, Receiver General, the amount of his Account of the Contingent Expenses of his Office, for the half year ended 30th June, 1838.....	82 6 1½	
.... do ....	The Honorable Robert B. Sullivan, Surveyor General, the amount of his Account of the Contingent Expenses of his Office for the same period.....	30 14 0	
.... do ....	Mr. Edward W. Nation, his salary as acting Second Clerk in the Inspector General's Office, for the same period.....	100 0 0	
.... do ....	James Nation, Esquire, acting Inspector General, the amount of his Account of the Contingent Expenses of the Inspector General's Office, for the half year ended the 30th June, 1838.....	34 13 11	
.... do ....	John Joseph, Esquire, the balance of his Account as Civil Secretary, of the Contingent Expenses of the Government Office, for the half year ended the 30th June, 1838.....	8 6 5½	
.... do ....	Mr. Henry J. Castle, his salary as Clerk in the Surveyor General's Office, from 1st July to 26th Oct. 1838, inclusive	54 5 2½	
	<i>Carried forward,.... £</i>	6049 6 7	4603 5 54

*Abstract of Warrants, &c.—(Continued.)*

Enactment.	TO WHOM PAID AND FOR WHAT SERVICE.	Currency.	Currency.
	<i>Brought forward,.... £</i>	6049 6 7	4803 5 5½
1 Vict. ch. 62	James Nation, Esquire, Acting Inspector General, on account of the contingent expenses of the Inspector General's Office, for the half year commencing 1st July, 1838.....	15 3 0	
.... do ....	William H. Lee, Esquire, Acting Clerk of the Executive Council, on account of the contingent expenses of the Executive Council Office, for the same period.....	25 0 0	6089 9 7
1 Wm. 4, ch. 15,	The Honorable John H. Dunn, his salary as Receiver General of the Province, for the half year ended the 30th June, 1838 .....		389 17 9½
59 Geo. 3, ch. 13,	The Honorable George H. Markland, his salary as Inspector General, for the same period.....		202 15 6½
41 Geo. 3, ch. 12, &c.	The Honorable Sir Allan N. McNab, Speaker of the House of Assembly, his salary for the same period.....	100 0 0	
.... do ....	James FitzGibbon, Esquire, Clerk of the House of Assembly, his salary for the same period.....	100 0 0	
.... do ....	William D. Powell, Esquire, one of the Executors of the late Grant Powell, Esquire, the amount of the salary of the said Grant Powell, Esquire, as Clerk of the Legislative Council, from 1st January, to 10th June, 1838, inclusive,	88 4 4½	
.... do ....	John Joseph, Esquire, his salary as Clerk of the Legislative Council, from the 11th to the 30th June, 1838, inclusive..	11 15 7½	
.... do ....	Stephen Jarvis, Esquire, his salary as Gentleman Usher of the Black Rod, from 1st January to 20th March, 1838, inclusive.....	10 16 5	
.... do ....	Frederick S. Jarvis, Esquire, his salary as Gentleman Usher of the Black Rod, from 21st March to 30th June, 1838, inclusive.....	14 3 7	
.... do ....	D'Arcy Boulton, Esquire, Master in Chancery, his salary for the half year ended the 30th June, 1838.....	25 0 0	
.... do ....	The Reverend Thomas Phillips, Chaplain to the Legislative Council, his salary for the same period.....	25 0 0	
.... do ....	David A. McNab, Esquire, Sergeant at Arms, House of Assembly, his salary for the same period.....	25 0 0	
.... do ....	Mr. Hugh Carfrae, Door Keeper, Legislative Council, his salary for the same period.....	10 0 0	
.... do ....	Mr. Hugh McLellan, Door Keeper, House of Assembly, his salary for the same period.....	10 0 0	420 0 0
4 Geo. 4, ch. 8, &c.	Mr. James Carrol, his pension for the same period.....	10 0 0	
.... do ....	Mrs. Elizabeth Law, do. do. ....	10 0 0	
.... do ....	Mr. Peter Miller, do. do. ....	10 0 0	
.... do ....	Mr. John McMullen, do. do. ....	10 0 0	
.... do ....	Mrs. Frances A. Moodie, her pension from the 4th December, 1837, to the 30th June, 1838, inclusive.....	57 5 2½	
.... do ....	Lieutenant Shephard McCormick, R. N., his pension from the 29th December, 1837, to the 30th June, 1838, inclusive..	50 8 2	
.... do ....	Mrs. Maria Church, widow, her pension from the 16th December, 1837, to the 30th June, 1838, inclusive.....	27 3 10	174 17 2½
7 Wm. 4, ch. 109,	The Honorable Robert S. Jameson, his salary as Vice Chancellor, for the half year ending the 30th June, 1838.....		625 0 0
7 Wm. 4, ch. 110,	Samuel P. Jarvis, Esquire, his salary as Clerk of the Crown in Chancery, for the same period.....		37 10 0
4 Geo. 4, ch. 6, &c.	Colonel Richard Bullock, Adjutant General of Militia, his salary from the 7th March to the 30th June, 1838, inclusive, and allowances.....	144 17 3½	
.... do ....	Colonel Walter O'Hara, Assistant do., his salary from the 1st January to the 30th June, 1838, inclusive .....	100 0 0	244 17 3½
7 Wm. 4, ch. 76,	Charles C. Small, Esquire, Commissioner, &c., on account of the appropriation for Macadamizing certain Roads in the Home District.....	3383 6 8	
.... do ....	Charles C. Small, Esquire, Commissioner, &c., on account of ditto.....	3000 0 0	
.... do ....	Thomas Fisher, Esquire, Commissioner, &c., on account of ditto.....	2000 0 0	
.... do ....	Benjamin Thorne, Esquire, Commissioner, &c., on account of ditto.....	333 6 8	
.... do ....	Thomas Fisher, Esq, Commissioner, &c., on account of ditto.....	222 4 5	8898 17 9
	<i>Carried forward,.... £</i>		21875 10 7½

*Abstract of Warrants, &c.—(Continued.)*

Enactment.	TO WHOM PAID AND FOR WHAT SERVICE.	Currency.	Currency.
	<i>Brought forward,.... £</i>		21875 10 7½
6 Wm. 4 ch. 39,	The Honorable Zaccheus Burnham, Commissioner &c., on account of the appropriation for improving the navigation of the Inland Waters of the Newcastle District.....	1500 0 0	
.... do ....	G. S Boulton, Esquire, Commissioner, &c., on account of do.....	2000 0 0	3500 0 0
7 Wm. 4, ch. 66,	G. S. Boulton, Esquire, do on account of the appropriation for the improvement of the navigation of the River Trent.....	5000 0 0	
.... do ....	John S. Cartwright, Esquire, do on account of do.....	2000 0 0	7000 0 0
48 Geo.3, ch. 16 &c.	Mr. Francis H. Wright, Teacher London District School, his salary from 1st January, to 30th June, 1838, inclusive	50 0 0	
.... do ....	Mr. C. N. B. Cozens, Master of the Home District School, his salary for the same period.....	50 0 0	
.... do ....	John Whitelaw, M. D., Master of the Niagara District School, his salary for the same period.....	50 0 0	
.... do ....	Mr. Marcus B. Crombie, Master of the Prince Edward District School, his salary for the same period.....	50 0 0	
.... do ....	The Reverend Hugh Urquhart, Master of the Eastern District School, his salary for the same period.....	50 0 0	
.... do ....	Mr. Walter C. Crofton, Master of the Newcastle District School, his salary for the same period.....	50 0 0	
.... do ....	Mr. John Rae, Master of the Gore District School, his salary for the same period.....	50 0 0	
.... do ....	The Reverend William Johnson, Master of the Western District School, his salary for the same period.....	50 0 0	
.... do ....	Mr. William Kay, Master of the Bathurst District School, his salary for the same period.....	50 0 0	
.... do ....	The Reverend William H. Herkimer, Master of the Midland District School, his salary from the 12th January, to the 30th June, 1838, inclusive.....	46 11 6	
.... do ....	Mr. Colin Gregor, Master of the Ottawa District School, his salary for the half year ending the 30th June, 1838,.....	50 0 0	546 11 6
1 Vict. ch. 60,	Thomas H. Johnson, Esquire, Treasurer of the Ottawa District, the amount appropriated in aid of Common Schools in said District.....	350 0 0	
.... do ....	Henry Beasley, Esquire, Treasurer of the Gore District, the sum do. do., in said District.....	600 0 0	
.... do ....	J. B. Baby, Esquire, Treasurer of the Western District, the sum do. do., in said District.....	350 0 0	
.... do ....	The Honorable Zaccheus Burnham, Treasurer of the New Castle District, the sum do. do., in said District.....	500 0 0	
.... do ....	John McKay, Esquire, Treasurer of the Bathurst District, the sum do. do., in said District.....	500 0 0	
.... do ....	Henry Webster, Esquire, Treasurer of the Talbot District, the sum do., for do.....	150 0 0	2450 0 0
4 Geo. 4, ch. 8,	Wm. Clark, Esq., Treasurer of the Niagara District the sum appropriated in aid of Common Schools in said District..	250 0 0	
.... do ....	J. B. Baby, Esquire, Treasurer of the Western District, the sum do., in said District.....	250 0 0	
.... do ....	The Honorable Zaccheus Burnham, Treasurer New Castle District, the sum do., in said District.....	250 0 0	
.... do ....	Henry Webster, Esquire, Treasurer of the Talbot District, the sum do., in said District.....	250 0 0	
.... do ....	David Smith, Esquire, Treasurer of the District of Prince Edward, the sum do., in said District.....	250 0 0	1250 0 0
7 Wm. 4, ch. 31,	Allan McPherson, Esq., Commissioner, &c. on account of the appropriation for Macadamizing the Road from Kingston to Napanee.....	3000 0 0	
.... do ....	Allan McPherson, Esq., Commissioner, &c. on account of do.....	4111 2 2½	7111 2 2½
5 Wm. 4, ch. 37,	Mr. Joseph Swetman, his additional salary as Keeper of the Light House at the False Ducks Islands.....		18 15 0
7 Wm. 4, ch. 107.	J. B. Baby, Esquire, Treasurer of the Western District, the amount appropriated for Roads and Bridges in the said District.....	875 0 0	
	<i>Carried forward,.... £</i>	875 0 0	43751 19 4

## Abstract of Warrants, &amp;c.—(Continued.)

Enactment.	TO WHOM PAID AND FOR WHAT SERVICE.	Currency.	Currency.
	<i>Brought forward, . . . . £</i>	875 0 0	43751 19 4
7 Wm. 4, ch. 107,	Adiel Sherwood, Esquire, Treasurer of the Johnstown District, the account of the appropriation for do., in said District. . . . .	1175 0 0	2050 0 0
7 Wm. 4, ch. 78,	William Scott Burn, Esquire, Commissioner, &c., on account of the appropriation for Macadamizing the Road from Hamilton to Brantford. . . . .	3000 0 0	
.... do ....	William Scott Burn, Esquire, Commissioner, &c., on account of do. . . . .	5000 0 0	
.... do ....	William Scott Burn, Esquire, Commissioner, &c., on account of do. . . . .	7000 0 0	15000 0 0
1 Vict. ch. 56,	John Lane, Esquire, Commissioner, &c., amount appropriated for the erection of a dwelling house for the Keeper of the Point Pelé Light House . . . . .		60 0 0
7 Wm. 4, ch. 23,	Mr. William Atkinson, Treasurer of the Agricultural Society of the Home District, the annual appropriation in aid of the funds of said Society. . . . .	200 0 0	
.... do ....	Thomas H. Johnson, Esquire, Treasurer of the Agricultural Society of the Ottawa District, the annual appropriation in aid of the funds of the said Society. . . . .	200 0 0	
.... do ....	David J. Smith, Esquire, Treasurer of the Agricultural Society of the Midland District, the annual appropriation in aid of the funds of the said Society. . . . .	200 0 0	
.... do ....	George W. Baker, Esquire, Treasurer of the Agricultural Society of the District, the sum appropriated in aid of the funds of the said Society. . . . .	84 0 0	684 0 0
1 Vict. ch. 53,	James Nickalls, Esquire, President of the Board of Inspectors of the Provincial Penitentiary, on account of the appropriation for the maintenance of the Institution. . . . .	1000 0 0	1000 0 0
7 Wm. 4, ch. 82,	George Adams, Esq. Commissioner, &c. on account of the appropriation for Macadamizing the Road from Queenston to Grimsby . . . . .		7333 6 8
7 Wm. 4, ch. 85,	Donald Campbell, Esquire, Commissioner, &c. the residue of the appropriation for the erection of a Light-house at Presqu' Isle. . . . .		500 0 0
8 Wm. 4, ch. 37,	William Chisholm, Esquire, Commissioner, &c. the appropriation for maintaining a Light at the Burlington Canal. . . . .		100 0 0
7 Wm. 4, ch. 99,	The Honorable John B. Robinson, Speaker, Legislative Council, the annual appropriation for the purchase of Books for the Library of the Legislature. . . . .	50 0 0	
.... do ....	The Honorable John B. Robinson, Speaker, Legislative Council, one moiety of the sum appropriated for the purchase of Statutes, &c. of the Imperial Parliament. . . . .	15 0 0	
.... do ....	The Honorable Sir Allan N. Macnab, Speaker, House of Assembly, one moiety of the annual appropriation for ditto for the years 1837 and 1838. . . . .	30 0 0	
.... do ....	The Honorable John B. Robinson, Speaker, Legislative Council, the residue of the appropriation of £1000 for the purchase of Books for the Library of the Legislature. . . . .	259 7 4	
.... do ....	The Honorable John Macaulay, Civil Secretary, the amount of charges on a Box containing Statutes, &c. of the Imperial Parliament, imported from England. . . . .	4 1 0	358 8 4
4 Wm. 4, ch. 40,	John McDonell, Esquire, Commissioner, &c. on account of the appropriation for the Improvement of the Navigation of the River St. Lawrence. . . . .		22222 4 5
7 Wm. 4, ch. 64,	George Gurnett, Esq., Commissioner &c., on account of the appropriation for the Improvement of the Harbor at Toronto . . . . .		1000 0 0
7 Wm. 4, ch. 79,	Andrew T. Kerby, Esquire, Commissioner, &c., on account of the appropriation for Macadamizing the Road from Dundas to Waterloo. . . . .		4000 0 0
59 Geo. 4, ch. 13,	The Honorable George H. Markland, his salary as Inspector General of Public Provincial Accounts, from the 1st January to the 30th September, 1839, inclusive . . . . .		100 11 1
1 Vict. ch. 45,	Colonel Nathaniel Coffin, his pension from the 7th March to the 30th June, 1838, inclusive. . . . .		95 6 10
	<i>Carried forward, . . . . £</i>		98255 16 84

*Abstract of Warrants, &c.—(Continued.)*

Enactment.	TO WHOM PAID AND FOR WHAT SERVICE.	Currency.	Currency.
	<i>Brought forward,..... £</i>		99255 16 8½
1 Vict. ch. 48,	Mrs. ——— Macnab, her pension from the 16th December, 1837, to the 30th June, 1838, inclusive.....		26 19 8½
Sundry Acts,	The Honorable John H. Dunn, Receiver General, the amount of Interest on Government Debentures for the half year ending 31st December, 1838.....		5405 12 6
7 Geo. 4, ch. 6 &c.	The Honorable John H. Dunn, Receiver General, the amount of Militia Pensions for the same period.....		844 6 6½
	Total Currency.....	£	104532 15 5½

JAMES NATION,  
*Acting Inspector General.*

INSPECTOR GENERAL'S OFFICE, }  
27th February, 1839. }

RECAPITULATION.

Authority.	SERVICES.	Amount C'y.		
		£	s.	d.
7 Wm. 4, ch. 14,	Administration of Justice and support of the Civil Government,....	3117	19	1½
1 Vict. ch. 62,	..... ditto. .... ditto. ....	6089	9	7
7 Wm. 4, ch. 1,	Additional appropriation for the Administration of Justice,.....	1685	6	4
1 Wm. 4, ch. 15,	Receiver General's Salary,.....	398	17	9½
59 Geo. 3, ch. 13,	Inspector General's Salary,.....	303	6	8
41 Geo. 3, ch. 12 &c.	Officers of the Legislature, .....	420	0	0
Sundry Acts,	Pensions .....	297	3	9
7 Wm. 4, ch. 109,	Salary of the Vice Chancellor,.....	625	0	0
7 Wm. 4, ch. 110,	Salary of the Clerk of the Crown in Chancery,.....	37	10	0
4 Geo. 4, ch. 6,&c	Do. of Adjutant General and Assistant Adjutant General of Militia,.....	244	17	3½
7 Wm. 4, ch. 76,	Macadamization of certain Roads in the Home District, .....	8888	17	9
6 Wm. 4, ch. 39,	Improvement of the Navigable Waters of the Newcastle District,...	3500	0	0
7 Wm. 4, ch. 66,	..... Do. .... of the Navigation of the River Trent,.....	7000	0	0
43 Geo. 3, ch. 16&c	Masters of District Schools,.....	546	11	6
1 Vict. ch. 60,	Appropriation in aid of Common Schools,.....	2450	0	0
4 Geo. 4, ch. 8,	Annual Appropriation in aid of do. ....	1250	0	0
7 Wm. 4, ch. 31,	Macadamization of the Road from Kingston to Napanee,.....	7111	2	2½
5 Wm. 4, ch. 57,	Salary of the Keeper of the Light House at the False Ducks Islands,	13	15	0
7 Wm. 4, ch. 107,	On account of the improvement of Roads and Bridges,.....	2050	0	0
7 Wm. 4, ch. 73,	Macadamization of the Road from Hamilton to Brantford,.....	15000	0	0
1 Vict. ch. 56,	Erection of a Dwelling House for the Keeper of the Light House at Point Pelé,.....	60	0	0
7 Wm. 4, ch. 23,	Agricultural Societies,.....	684	0	0
1 Vict. ch. 53,	Maintenance of the Provincial Penitentiary,.....	1000	0	0
7 Wm. 4, ch. 82,	Macadamization of the Road from Queenston to Grimsby,.....	7333	6	8
7 Wm. 4, ch. 95,	Erection of Light House at Presque Ilse,.....	500	0	0
3 Wm. 4, ch. 37,	Maintaining a Light at the Burlington Canal,.....	100	0	0
7 Wm. 4, ch. 99,	Purchase of Books, &c. for the Provincial Library,.....	358	8	4
4 Wm. 4, ch. 40,	Improvement of the Navigation of the River St. Lawrence,.....	22222	4	5
7 Wm. 4, ch. 64,	... Do. ... of the Harbor at Toronto,.....	1000	0	0
7 Wm. 4, ch. 79,	Macadamization of the Road from Dundas to Waterloo,.....	4000	0	0
Sundry Acts.	Interest on Government Debentures,.....	5405	12	6
7 Geo. 4, ch. 6 &c.	Militia Pensions,.....	844	6	6½
	Total Currency,.....	£	104532	15 5½

JAMES NATION,  
*Acting Inspector General.*

INSPECTOR GENERAL'S OFFICE, }  
27th February, 1839. }

(No. X.)

## UPPER CANADA.

STATEMENT of the Receiver General's Receipts and Payments of the Provincial Revenue  
from 1st January to 31st December, 1838.

RECEIPTS.	Currency.			PAYMENTS.	Currency.		
	£	s.	d.		£	s.	d.
Balance in the hands of the Receiver General on the 31st December, 1837, ..	21009	12	6½	Amount of Warrants issued by His Excellency the Lieutenant Governor on the Receiver General of the Province, from the 1st January to the 30th June, 1838, as per statement No. 8, .....	104532	15	5½
This Province's proportion of duties on Importations by Sea at the Port of Quebec, as per Nos. 1 & 2, .....	37691	4	0	Amount of .... Do. .... from 1st July to 31st December, 1838, per No. 9, .....	117848	14	9½
Bank Stock Dividends, .....	2000	0	0	Amount of the Receiver General's allowance of one half per cent on the sum of £37691 4s. 0d. Currency received by him from Lower Canada, .....	198	9	1½
Proceeds of exchange on London on account of Debentures negotiated there, ..	12111	2	3	Balance in the hands of the Receiver General on the 31st December, 1838, .....	17954	8	10
Proceeds of exchange on London on account of the appropriation by the Home Government for the payment of War Losses, in this Province, .....	19900	0	0				
Proceeds of Debentures payable in London, sold by the Receiver General in Upper Canada, .....	118916	13	4				
Duties on Importations from the United States, .....	10766	15	3½				
Duties on Licences issued to Hawkers and Pedlers, .....	97	14	11½				
Duties on .... do. .... to Auctioneers, and on Sales at Auction, .....	442	18	6½				
Duties on, Tonnage of British Vessels on the Lakes, .....	209	5	2				
Duties on Licences for the sale of Spirituous Liquors, and for distilling, .....	6881	1	9½				
Duties on Ale and Beer Licences, .....	23	0	0				
Interest on Loans for Public works, .....	8288	4	8½				
Tolls, &c. at the Burlington Bay Canal, ..	820	16	5½				
Fees on Militia Commissions, .....	231	15	0				
Fines for exemption from Military service, .....	86	0	0				
Harbor dues at the Port of Toronto, .....	223	8	5				
Tolls collected at Kettle Creek Harbor, ..	500	0	0				
Premium on Bill drawn on Montreal by the Receiver General for £1200 Currency, .....	120	0	0				
Interest on certain Debentures sold to the Commercial Bank, .....	54	15	10				
Amount overpaid the Treasurer of the London District on account of Schools, refunded by him, .....	150	0	0				
Total Currency... ..	£240524	8	2½		£240524	8	2½

JAMES NATION,  
Acting Inspector General.

INSPECTOR GENERAL'S OFFICE, }  
27th February, 1839. }

(No. XI.)

UPPER CANADA.

ACCOUNT OF REVENUE arising from Duties on Goods, Wares and Merchandize, imported into this Province from the United States of America, from the 1st January to 31st December, 1838, as reported by the Collectors.

PORTS.	COLLECTORS.	Whole Collec- tion.	Expenses of Collection.	Net Revenue, Currency.
Riviere Aux Raisins,.....	John Cameron,.....	No Returns,		
Cornwall,.....	George S. Jarvis,.....	115 7 1	57 13 6½	57 13 6½
Prescott,.....	Alpheus Jones,.....	236 1 6	100 0 0	136 1 6
Brockville,.....	Richard D. Fraser,.....	284 6 0	100 0 0	184 6 0
Maitland,.....	Alexander McQueen,.....	No duties,		
Gananoque,.....	Ephraim Webster,.....	134 6 8½	67 3 4½	67 3 4½
Kingston,.....	Thomas Kirkpatrick,.....	2674 11 1½	184 14 6½	2489 16 7
Bath,.....	Colin McKenzie,.....	96 3 1½	48 1 6½	48 1 6½
Hallowell,.....	Edward Beeston,.....	No Returns,		
Newcastle,.....	Bernard McMahon,.....	168 3 3½	81 11 7½	81 11 7½
Belleville,.....	Henry Baldwin,.....	269 0 5	100 0 0	169 0 5
Cobourg,.....	Robert Brown,.....	223 1 5½	100 0 0	123 1 6½
Port Hope,.....	William Kingmill,.....	227 4 6	100 0 0	127 4 6
Windsor,.....	Henry Boys,.....	120 14 8	60 7 4	60 7 4
Toronto,.....	Thomas Carfrae,.....	5128 8 6½	335 13 11	4792 14 7½
Oakville,.....	William Chisholm,.....	187 9 5	93 14 8½	93 14 8½
Burlington,.....	John Chisholm,.....	1519 7 9½	150 19 4½	1368 8 5½
Dalhousie,.....	John Clarke,.....	540 8 10½	100 0 0	440 8 10½
Niagara,.....	Thomas McCormick,.....	745 17 4	100 0 0	645 17 4
Queenston,.....	R. Grant, and G. McMicken,.....	173 7 5	86 13 8½	86 13 8½
Fort Erie,.....	Honorable James Kerby,.....	471 14 6½	100 0 0	371 14 6½
Chippewa,.....	James Secord,.....	259 3 9½	100 0 0	159 3 9½
Dover,.....	George J. Ryerse,.....	261 2 0½	100 0 0	161 2 0½
Turkey Point,.....	Donald Fisher,.....	46 0 10½	23 0 5½	23 0 5½
Talbot,.....	Mahlon Burwell,.....	No duties,		
Amherstburgh,.....	Francis Caldwell,.....	427 14 10½	100 0 0	327 14 10½
Sandwich,.....	William Anderton,.....	457 9 6½	100 0 0	357 9 6½
Penetanguishine,.....	Thomas G. Anderson,.....	301 3 10	100 0 0	201 3 10
Goderich,.....	John Galt,.....	42 0 2	21 0 1	21 0 1
Burwell,.....	John Burwell,.....	83 5 3½	41 12 7½	41 12 7½
Stanley,.....	John Bostwick,.....	756 15 11½	100 0 0	656 15 11½
Colborne,.....	Walter B. Sheehan,.....	258 12 8	100 0 0	158 12 8
Chatham,.....	William Cosgrave,.....	82 14 7½	41 7 3½	41 7 3½
Whole Collection,.....		£ 16293 17 7½		
Expense of Collection,.....		£ 2792 14 2		
Net Revenue,.....		£ 13500 3 5½		

JAMES NATION,  
Acting Inspector General.

INSPECTOR GENERAL'S OFFICE, }  
27th February, 1839. }

(No. XII.)

UPPER CANADA.

ACCOUNT OF REVENUE arising from Duties on Licences issued to Shopkeepers, Innkeepers, and Distillers, from the 5th January, 1833, to the 5th January, 1839, as reported by the District Inspectors.

DISTRICTS.	INSPECTORS.	No. of Shops.	No. of Innkeep- ers.	Stills. Galls.	Duty on Shops.		Duty on Inn- keep'rs			Duty on Stills.			Total. Currency.	
					£ s.	£ s.	£ s. d.	£ s. d.	£ s. d.	£ s. d.				
Ottawa,.....	Richard P. Hotham,.....	7	11	.....	50 0	72 10	.....	.....	.....	.....	.....	122 10 0		
Bathurst,.....	Anthony Lesslie,.....	33	46	451	227 10	210 0	56 7 6	.....	.....	.....	.....	493 17 6		
Carried forward,.....		£ 65	57	451	277 10	282 10	56 7 6	.....	.....	.....	.....	616 7 6		

## Account of Revenue, &amp;c.—(Continued.)

DISTRICTS.	INSPECTORS.	No. of Shops.	No. of Innkeepers.	Stills.	Duty on	Duty on	Duty on	Total	
				Gally.	Shops	Innkeepers.	Stills.	Currency.	
					£ s.	£ s.	£ s. d.	£ s. d.	
Eastern,.....	Hon. Philip Vankoughnet,...	25	60	35	167 10	377 10	4 7 6	549 7 6	
Johnstown,.....	John Weatherhead,.....	35	73	241½	235 0	358 10	30 6 3	623 16 3	
Midland,.....	James Sampson,.....	25	141	1137	180 0	720 0	142 2 6	1042 2 6	
Prince Edward,.....	Adam Hubbs,.....	7	22	150	50 0	139 10	18 15 0	208 5 0	
Newcastle,.....	Henry W. Jones,.....	37	59	2162½	277 10	340 10	270 6 3	888 6 3	
Home,.....	Hon. Alexander McDonell,...	44	197	792½	325 0	1310 0	99 1 3	1734 1 3	
Gore,.....	Hon. John Wilson,.....	28	124	844½	195 0	695 0	105 11 3	995 11 3	
Niagara,.....	John Jordan,.....	22	60	247½	165 0	322 10	30 18 8	518 8 9	
London,.....	James Mitchell,.....			No Returns,.					
Western,.....	William G. Hall,.....	9	45	60	62 10	242 0	7 10 0	312 0 0	
Talbot,.....	Edward P. Ryerse,.....	2	17	410	10 0	93 0	51 5 0	154 5 0	
		274	855	6532½	1945 0	4881 0	816 11 3	7643 1 3	
								Deduct allowance to Inspectors,....	686 12 9
								Net Revenue, Currency,....	£6956 8 6

JAMES NATION,  
ACTING INSPECTOR GENERAL.

INSPECTOR GENERAL'S OFFICE, }  
27th February, 1839. }

(No. XIII.)

## UPPER CANADA.

ACCOUNT OF REVENUE arising from Duties on Licences issued to Hawkers and Pedlars from the 1st January to the 31st December, 1838, as reported by the Collectors.

PORTS.	PERSONS LICENSED.	DESCRIPTION.	DUTY.			TOTAL.			
			£	s.	d.	£	s.	d.	
Cornwall .....	Thomas Boyle .....	On foot .....	5	0	0	15	0	0	
	.... do .....	Michael Comber.....	.... do .....	5	0				0
	.... do .....	John Moore.....	.... do .....	5	0				0
Newcastle .....	James M. Levi .....	One horse ...	10	0	0	15	0	0	
	.... do .....	John Kelly .....	On foot .....	5	0				0
Toronto .....	George Forsyth .....	.... do .....	5	0	0	15	0	0	
	.... do .....	Joseph Ross.....	.... do .....	5	0				0
	.... do .....	Michael Harroghy.....	.... do .....	5	0				0
Burlington .....	Arthur Kearney.....	.... do .....	5	0	0	5	0	0	
Niagara .....	James McDuzen.....	.... do .....	5	0	0	5	0	0	
Chippewa.....	Michael Bradley.....	Two horses..	15	0	0	25	0	0	
	.... do .....	James Gillan.....	One horse ...	10	0				0
Sandwich.....	G. P. George .....	On foot.....	5	0	0	15	0	0	
	.... do .....	R. Gault .....	One horse ...	10	0				0
Whole Collection, .....						95	0	0	
Allowance to Collectors, .....						4	15	0	
Net Revenue, Currency.....						90	5	0	

JAMES NATION,  
Acting Inspector General

INSPECTOR GENERAL'S OFFICE }  
27th February, 1839. }

(No. XIV.)

UPPER CANADA.

STATEMENT OF REVENUE arising from Duties on Licences issued to Auctioneers and on Sales at Auction, from the 1st January to the 31st December, 1838, inclusive.

PORTS.	PERSONS LICENSED.	DUTY.			TOTAL CURRENCY.
		£	s.	d.	
Kingston.....	Samuel W. Brady.....	5	0	0	35 0 0
do .....	Thomas Baker.....	5	0	0	
do .....	James Linton.....	5	0	0	
do .....	John Macnamara.....	5	0	0	
do .....	Robert Jackson.....	5	0	0	
do .....	Hugh Calder.....	5	0	0	
do .....	Saul Davis.....	5	0	0	
Toronto.....	Patrick O'Neill.....	5	0	0	35 0 0
do .....	Robert McClure.....	5	0	0	
do .....	Patrick Burke.....	5	0	0	
do .....	Terence J. O'Neill.....	5	0	0	
do .....	William Wakefield.....	5	0	0	
do .....	James M. Strange.....	5	0	0	
do .....	Thomas Cheer.....	5	0	0	
Burlington Bay.....	Richard Wonham.....	5	0	0	5 0 0
Sandwich.....	John B. Laughton.....	5	0	0	10 0 0
do .....	William Hall & Co.....	5	0	0	
Stanley.....	Peter Schram.....	5	0	0	5 0 0
Burwell.....	John Talbot.....	5	0	0	5 0 0
DUTY ON SALES.					95 0 0
	Kingston.....	9	4	11	306 14 8½
	Belleville.....	4	1	0½	
	Port Hope.....	1	19	9	
	Toronto.....	279	18	6	
	Sandwich.....	11	10	6	
	Whole Collection.....	£			401 14 8½
	Allowance to Collectors.....	£			20 1 8½
	Nett Revenue.....	£			381 13 0

INSPECTOR GENERAL'S OFFICE, }  
27th February, 1839. }

JAMES NATION,  
ACTING INSPECTOR GENERAL.

(No. XV.)

UPPER CANADA.

ACCOUNT OF REVENUE arising from Duties on Tonnage of British Vessels on the Lakes, for the year 1838.

PORTS.	DUTY CURRENCY.			PORTS.	DUTY CURRENCY.		
	£	s.	d.		£	s.	d.
				<i>Brought forward</i> ,.....			175 14 2
Prescott.....	29	17	0	Oakville.....	29	17	0
Kingston.....	26	15	0	Burlington Bay.....	8	4	0
Windsor.....	1	10	0	Sandwich.....	5	0	0
Toronto.....	117	12	2	Stanley.....	6	10	0
<i>Carried forward</i> ,.....				<i>Nett Revenue</i> ,.....			225 5 2
	£	175	14 2		£	225	5 2

INSPECTOR GENERAL'S OFFICE, }  
27th February, 1839. }

JAMES NATION,  
Acting Inspector General.

(No. XVI.)

## UPPER CANADA.

STATEMENT OF MONIES *outstanding in the hands of Collectors and Inspectors on account of Provincial Duties, on the 1st January, 1839.*

COLLECTORS.	CURRENCY.	COLLECTORS.	CURRENCY.
	£ s. d.		£ s. d.
		<i>Brought forward</i> ,.....	£ 7682 17 10½
George S. Jarvis.....	43 7 10½	Thomas G. Anderson.....	197 8 8½
Alpheus Jones.....	40 9 10½	John Chisholm, on account of Canal Toll.....	452 13 6
Richard D. Fraser.....	181 15 5½	John Bostwick, do. Kettle Creek Harbo.....	
Ephraim Webster.....	36 12 5	ditto.....	377 16 8
Thomas Kirkpatrick.....	914 19 4½	Walter B. Sheehan.....	65 7 9½
Colin MacKenzie.....	32 11 2½	William Cosgrave.....	22 1 5½
Bernard McMahon.....	147 7 4		
Henry Baldwin.....	130 13 10½	INSPECTORS.	8798 5 11½
William Kingsmill.....	140 8 8		£ s. d.
Henry Boys.....	40 14 4	Honorable Alexander Mc-	
Thomas Carfrae.....	3352 1 11	Donell.....	384 6 9
William Chisholm.....	162 9 11½	John Jordan.....	361 13 10
John Chisholm.....	731 3 4½	William G. Hall.....	54 15 6
John Clark.....	134 19 0½	Henry W. Jones.....	*749 18 4½
Thomas McCormick.....	261 5 3	James Sampson.....	291 2 6
G. McMicken.....	22 16 7½	John Weatherhead.....	29 9 7
James Secord.....	23 6 10½	Honorable Philip Vankough-	
Honorable James Kerby.....	293 16 8	net.....	42 8 0½
George J. Ryerse.....	105 10 4½	Honorable John Willson.....	494 14 0
Donald Fisher.....	8 1 11	Anthony Leslie.....	26 11 10
Francis Caldwell.....	226 3 0½	Richard P. Hotham.....	10 5 0
William Anderson.....	282 6 5	Adam Hubbs.....	16 12 3½
John Bostwick.....	251 11 0½	Edward P. Ryerse.....	98 11 6
John Burwell.....	118 4 11½		
<i>Carried forward</i> ,.....	£ 7682 17 10½	<i>Total Currency</i> ,.....	£ 11358 15 2½

\* Less £83 19 1½.

JAMES NATION,  
Acting Inspector General.INSPECTOR GENERAL'S OFFICE, }  
27th February, 1839. }

(No. XVII.)

## UPPER CANADA.

STATEMENT OF MONIES *due by late Collectors and Inspectors, on account of Provincial Duties, on the 1st January, 1839.*

LATE COLLECTORS.	CURRENCY.	LATE COLLECTORS.	CURRENCY.
	£ s. d.		£ s. d.
A. McMillan.....	34 4 5½	*John Cameron.....	0 0 0
Robert Smith.....	6 11 5½	*Edward Beeston.....	0 0 0
John Wilson.....	158 18 10½		
Andrew Deacon.....	677 12 9½	LATE INSPECTORS.	
George Savage.....	313 3 10	Isaac Swayze.....	250 2 4
John Warren.....	105 15 2	John Cumming.....	545 10 0
Dugald Campbell.....	344 11 11½	Alexander McDonell.....	141 6 0
William M. Bullock.....	337 3 3½	John Cleus.....	608 3 0½
Walter H. Denant.....	53 9 1	Donald McDonald.....	232 10 0
Felix Hands.....	23 6 8½	Oliver Everts.....	88 2 5½
John Webster.....	20 14 11½	*James Mitchell.....	0 0 0

\* The balance due by these persons cannot be stated for want of Returns.

JAMES NATION,  
Acting Inspector General.INSPECTOR GENERAL'S OFFICE, }  
27th February, 1839. }

(No. XVIII.)

UPPER CANADA.

ESTIMATE of the Civil Expenditure of the Province for the year 1839, exclusive of the appropriations by Statutes 1 Wm. 4, chapter 14, and 7 Wm. 4, chapters 1 & 109.

Government Office.	£	s.	d.	£	s.	d.	Brought forward... £	£	s.	d.	£	s.	d.
							605 0 0						
Civil Secretary, .....	208	0	0				Contingent Expenses of 1838	215	0	0			820 0 0
Four Clerks, .....	850	0	0				To make up the Salary of the Attorney General to £1200 Currency, .....						866 13 4
Contingent Expenses, .....	2000	0	0				To make up the Salary of the Solicitor General to £600 Currency, .....						377 15 8
.. Do. .. Excess of 1833, ..	1310	0	0	4368	0	0	Fees to Queen's Counsel, .....						600 0 0
<i>Executive Council Office.</i>							Printing the Statutes, .....						1000 0 0
Four Clerks, .....	840	0	0				Government Printing, .....						750 0 0
Contingent Expenses, .....	150	0	0	990	0	0	.. Do. .. Excess of 1833, ..						382 0 0
<i>Receiver General's Office.</i>							Repairs of the Government House, .....						100 0 0
Three Clerks, .....	670	0	0				Contingencies of the Public Offices, .....						800 0 0
Contingent Expenses, .....	200	0	0	970	0	0	Usher and Keeper of the Court of King's Bench, ..						40 0 0
<i>Secretary and Registrar's Office.</i>							Casual and Extraordinary Expenses, .....						1000 0 0
Deputy Secretary & Registrar, .....	300	0	0				To defray the charges for Reward and Expenses in the arrest, subsistence, & trial, of state prisoners, & for the payment of other charges consequent thereon, .....						3000 0 0
One Clerk, .....	200	0	0	500	0	0	Amount advanced from the Crown Revenues for the same services for the year 1833, .....						4512 4 9
<i>Inspector General's Office.</i>							Estimated amount yet due for the same service in the year 1833, .....						5000 0 0
Two Clerks, .....	500	0	0				Amount advanced from the Crown Revenues for secret services for the year 1838, .....						1390 3 11
Contingent Expenses, .....	150	0	0	650	0	0	Amount due for the same service, .....						103 5 0
<i>Surveyor General's Office.</i>													
Senior Surveyor and Draftsman, .....	300	0	0										
Five Clerks, .....	1010	0	0										
Contingent Expenses, .....	150	0	0	1460	0	0							
<i>Office of the Adjutant General of Militia.</i>													
Two Clerks, .....	340	0	0										
Contingent Expenses, .....	265	0	0										
Carried forward... £	605	0	0				Total Currency, .....	£	29580	2	8		

JAMES NATION,  
Acting Inspector General.

INSPECTOR GENERAL'S OFFICE, }  
27th February, 1839.

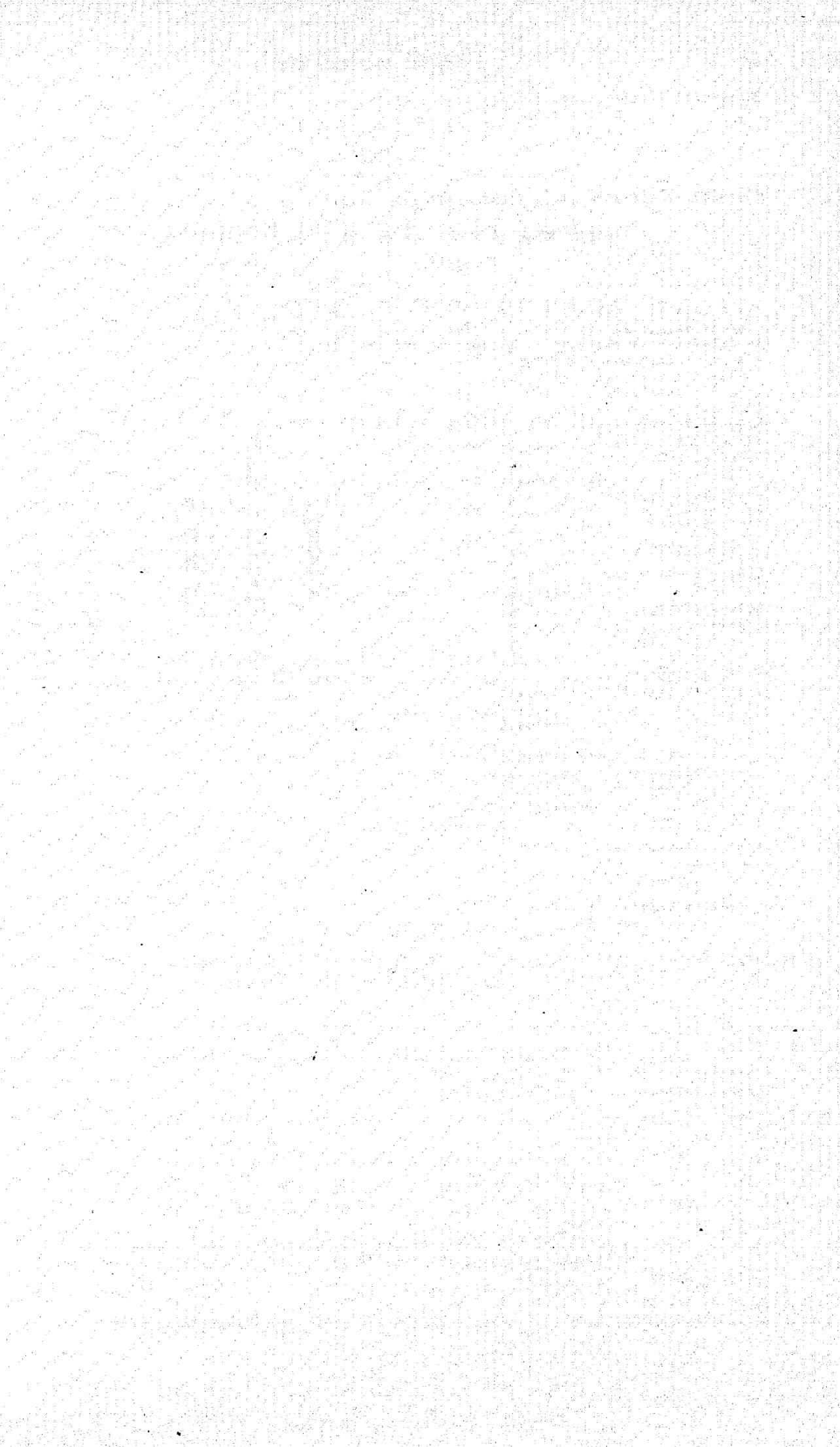
(No. XIX.)

## GENERAL ESTIMATE of the Expenditure and Resources of the Province for the Year 1839.

EXPENDITURE.	CURRENCY.			RESOURCES.	CURRENCY.		
	£	s.	d.		£	s.	d.
Amount required to complete the Service of the year 1838.....	11500	0	0	Balance in the Receiver General's hands on the 31st December, 1838..	17954	0	0
Interest, &c. on the Public Debt.....	63000	0	0	Balances in the hands of Collectors and Inspectors .....	11000	0	0
Administration of Justice and support of the Civil Government per Statute 1st Wm. IV. chapter 14.....	7223	0	0	This Province's proportion of the Duties collected at the Port of Quebec..	45000	0	0
Ditto per Estimate (No. 18).....	29580	0	0	Duties on Imports, from the United States .....	13500	0	0
Contingencies of the Legislature.....	12000	0	0	Duties on Licences for the sale of Spirituous Liquors, and for Distilling	7500	0	0
Common Schools.....	3400	0	0	Dividends on Bank Stock.....	2000	0	0
District Schools.....	1300	0	0	Tolls, &c., at the Burlington Canal...	1000	0	0
Militia and other pensions.....	2300	0	0	do. at Kettle Creek Harbour..	400	0	0
Officers of the Legislature.....	890	0	0	Interest on Loans for Public Works...	8000	0	0
Maintenance of Light-houses.....	1600	0	0	Tonnage Duty on British Vessels.....	250	0	0
Adjutant General of Militia and Assistant.....	650	0	0	Harbour Dues at the Port of Toronto..	400	0	0
Inspector General.....	406	0	0	Licences to Hawkers and Pedlars ....	100	0	0
Receiver General.....	778	0	0	do, to Auctioneers and duty on Sales	400	0	0
Clerk of the Crown in Chancery.....	75	0	0				
Agricultural Societies.....	1000	0	0				
Administration of Justice per Statute 7th Wm. IV. ch. 1.....	3000	0	0	[There remains in the hands of Messrs. Thomas Wilson, and Co., the sum of £55,333, Sterling, which, with the Interest thereon, may be available for the service of the year]			
Vice Chancellor.....	1250	0	0				
Provincial Penitentiary.....	5000	0	0				
Improvement of the Navigation, River Trent.....	18722	0	0				
Ditto of the Inland Waters, Newcastle District.....	5000	0	0				
Due Messrs. Glynn, Halifax & Co. and Baring, Brothers & Co. on account of payment of Interest on Debentures negotiated in London, (estimated)..	29000	0	0	Balance to be provided for.....	90170	0	0
	£ 197674	0	0		£ 197674	0	0

JAMES NATION,  
Acting Inspector General.

INSPECTOR GENERAL'S OFFICE, }  
27th February, 1839. }



PUBLIC PROVINCIAL

ACCOUNTS

FOR

**1888,**

WITH ESTIMATE FOR

**1889.**

Printed by Order of the House of Assembly.

PRINTING OFFICE—TORONTO.

# FIRST REPORT

## OF THE

### COMMITTEE ON FINANCE.

TO THE HONOURABLE THE HOUSE OF ASSEMBLY.

The Committee to whom were referred the Public Accounts, &c. having examined the same—

REPORT AS FOLLOWS:

That the amount of the debt of the Province, consisting of Debentures, outstanding and not redeemed, is.....£1,162,187 15 6

Amount granted for the several Public Works, but not yet negotiated, (As shewn by tabular statement A. appended hereto.) .....	£ 723,385 9 2
---	---------------

The annual revenue is estimated at,—(See statement B.) .....	£ 78,550 0 0
--	--------------

And the assets and balances due the Province on the 1st January last, amounted to,—(See statement C.).....	£137,787 0 0
--	--------------

By reference to the general estimate for 1838, it will be seen, the amount required to make up the deficiency was.....	£ 6,977 2 8½
--	--------------

The amount required for the same purpose the present year, is .....	£ 90,170 0 0
---	--------------

The excess expended during the year 1838, over the estimate, was, (See statement D.).....	£ 12,922 13 8
--	---------------

The estimate for the Civil expenditure for 1838, was.....	£ 15,580 15 3
---	---------------

The like estimate for 1839, is.....	29,580 2 8
-------------------------------------	------------

Making a difference of.....	£13,999 7 7
-----------------------------	-------------

(For items, see statement E.)

The estimated annual amount of the ordinary receipts of the Province, and the expenditure necessary for the maintenance of the Civil Government, for the year 1839, are computed as follows:—

Amount of annual Civil expenditure, is.....	£70,452 2 8
---	-------------

Interest on amount of public debt, is estimated at .....	65,000 0 0
--	------------

TOTAL,.....	£135,452 2 8
-------------	--------------

Amount of annual revenue, (as estimated), is.....	78,550 0 0
---	------------

Making a deficit of.....	£56,902 2 8
--------------------------	-------------

There is also required, for the continuance of various Public Works, during the present year, (as per statement G.) .....	197,416 0 0
---	-------------

And to be paid Messrs. Glynn, Halifax, & Co. and Messrs. Baring, Brothers, & Co. on account of payment of Interest on Debentures issued in London, and due, the sum of.....	29,000 0 0
---	------------

To be provided for.....	£282,318 11 7
-------------------------	---------------

Your Committee beg to refer, for general information, to the recommendations contained in the Report of the Committee of last year, where the state of our finances was fully entered into, and from whom Addresses to Her Majesty emanated on the following subjects, viz :

- 1st.—To obtain our due proportion of duties formerly raised at Quebec.
- 2nd.—For the control of the Post Office revenue.
- 3rd.—For the investment of funds arising from sale of Clergy and Indian Lands, in the Debentures of this Province.
- 4th.—For the control of the Casual and Territorial Revenue.
- 5th.—For transferring to us the power of regulating the duties on the Inland Trade.
- 6th.—For levying an additional duty of  $2\frac{1}{2}$  per cent. on imports at Quebec; and—
- 7th.—For a loan of £1,000,000, sterling.

The replies to those various addresses have been unsatisfactory. Your Committee recommend their renewal, with the hope the relief prayed for may be obtained, on those various subjects being fully explained by the Commissioners, in the event of their being appointed by your Honourable House.

They have also taken into their most serious consideration, the situation in which this Province is placed, by the discontinuance of all public works, by which not only much valuable time is lost, but an expenditure is continued, far greater than the difference of the interest of the money, or any loss the country can sustain in the depreciation in the value of the currency. They therefore recommend, as a temporary measure, the issuing of bills of credit, to the amount of £250,000, and have prepared a bill for that purpose.

Bills for the sale of the Bank Stock owned by the Province, and for amending the Act imposing tonnage dues on British vessels, are herewith submitted for the adoption of your Honourable House.

With respect to the following charges in the Estimate Account for the support of the Civil Government, viz :

For trial, &c. of State Prisoners, being an amount advanced from the Crown Revenue for such service, during the year 1838,.....	£4,512 4 9
Estimated amount yet due for same service, for 1838, .....	5,000 0 0
Estimate for same service, for 1839,.....	3,000 0 0
Amount advanced from Crown Revenue, for secret service money, for 1838, .....	1,493 8 11

The finances of the Province are not in a situation to sustain those charges, all of which have grown out of the late Insurrection.

The charge for secret services should not be paid out of Provincial revenue.

Many of the items which compose the other charges, as far as they have been examined by the Committee, appear extravagant and the expenditure generally unsatisfactory.

Your Committee call the attention of your Honourable House to the increased expenditure of our Courts for the last three years, with the hope that some remedy will be provided to ensure greater economy in future.

Your Committee again refer to the Report of last year, in which the Inspector-General is requested to draw up a full Report on the state of every branch of our finances at the opening of each Session.

They further particularly recommend a separate account to be opened with each public work by the Inspector-General, to notify the Directors, Commissioners, or persons in charge of any work on which public money has been expended, and from which the interest of such expenditure is to be paid, to make a return of the same on the 1st of January in each year, or report them as so neglecting or refusing to furnish such return, with a view to have them dismissed;—this your Committee recommend as absolutely necessary to secure the interest, on the various outlays thus made.

All which is respectfully submitted.

*Committee Room, House of Assembly,*  
5th day of April, 1839.

WM. HAMILTON MERRITT,  
CHAIRMAN.

APPENDIX

TO

FIRST REPORT OF FINANCE COMMITTEE.

A.

TABULAR STATEMENT, *shewing the Liabilities of the Province on the 1st January, 1839.*

LIABILITIES:			
Debentures outstanding, in Currency, is .....	£	195,890	0 0
Do. do. in Sterling, is £869,650, add $\frac{1}{4}$ equal....		966,277	15 6
Total outstanding Debentures in Currency, amount to .....		1,162,167	15 6
<i>Grants and Loans authorised by Law, no part of which has been negotiated, viz :</i>			
To Gananoque and Wiltsie navigation, .....		6,000	0 0
Port Burwell Harbour, .....		3,000	0 0
Port Dover Harbour, .....		3,500	0 0
Credit Harbour Company, Loan, .....		1,500	0 0
Louth Harbour Company, Loan, .....		1,000	0 0
London and Gore Rail-road Company, Loan, .....		200,000	0 0
Tay Navigation Company, Loan, .....		750	0 0
Toronto and Lake Huron Rail-road Company, Loan, .....		100,000	0 0
Cobourg Rail-road Company, Loan, .....		10,000	0 0
Welland Canal £240,000, of which has been paid } £79,588 17 10, leaving a balance of }		161,411	2 2
Grand River Navigation Company, Loan, .....		12,500	0 0
Total of Grants and Loans not negotiated, amounts to, ....		499,661	2 2
<i>Debentures for the following Public Works, sold only in part, viz.</i>			
	Amount of Grant.	Amount Paid.	Amount to be provided for.
Roads and Bridges, ... £	50,000 0 0	24,900 0 0	25,100 0 0
Inland Waters, Newcastle District .....	16,000 0 0	11,500 0 0	4,500 0 0
Road from Kingston to Napanee, .....	30,000 0 0	29,111 2 3	888 17 9
Home District Roads, ...	100,000 0 0	41,100 0 0	58,900 0 0
Johnstown District Roads, .....	30,000 0 0	12,222 4 5	17,777 15 7
Road from Queenston to Grimsby, .....	30,000 0 0	19,444 8 10	10,555 11 2
Navigation River Trent, ..	77,507 11 4 $\frac{1}{2}$	31,110 2 2 $\frac{1}{2}$	46,396 9 2
St. Lawrence Navigation improvement, .....	80,000 0 0	33,333 6 8	46,666 13 4
Total unprovided for, ....£		210,785 7 0	210,785 7 0
Unpaid balance of the Civil Expenditure for 1838, pr. Statement D. amounts to,			12,922 13 8
Total of the Liabilities of the Province, Jan. '39, without calculating Int., £			1,885,536 18 4

**B.**

RESOURCES, (annually) of the Province of Upper Canada, for the year 1838, and the Estimate for 1839.

	1838.			1839.		
Proportion of Revenue at the Port of Quebec, . . . . .£	44,134	0	0	45,000	0	0
Revenue from Importations from United States, . . . . .	13,500	3	5 <sup>3</sup> / <sub>4</sub>	13,500	0	0
Duties on Licenses for sale of Spirituous Liquors, . . . . .	6,956	8	6	7,500	0	0
Licenses to Hawkers and Pedlars, . . . . .	90	5	0	100	0	0
Licenses to Auctioneers and duties on sales at Auction, . . . . .	381	13	0	400	0	0
Tonnage duty on British Vessels, . . . . .	225	5	9	250	0	0
Harbour dues at Port of Toronto, . . . . .	223	8	5	400	0	0
Tolls at Burlington Canal, . . . . .	820	16	5 <sup>1</sup> / <sub>4</sub>	1,000	0	0
Tolls at Kettle Creek Harbour, . . . . .	500	0	0	400	0	0
Interest on Loans to public works, . . . . .	8,288	4	8 <sup>1</sup> / <sub>2</sub>	8,000	0	0
Dividends on Bank Stock, . . . . .	2,000	0	0	2,000	0	0
Actual Revenue of 1838, . . . . .£	77,120	5	3 <sup>1</sup> / <sub>2</sub>			
Estimated total Annual Revenue, 1839, . . .£				78,550	0	0

**C.**

STATEMENT, shewing the Assets or Balances due the Province on the 1st January, 1839.

Balance in the Receiver General's hands on 1st January, 1839, . . . . .£	6,454	0	0
Balance of outstanding Debentures (not sold) in the hands of Messrs. Baring, Brothers, & Co., London, estimated at, . . . . .	40,000	0	0
Amount in hands of Messrs. Thomas Wilson & Co. (unappropriated,) . . . . .	55,333	0	0
Balances in hands of Collectors and Inspectors, . . . . .	11,000	0	0
Bank Stock, . . . . .	25,000	0	0
Total, . . . . .£	137,787	0	0

**D.**

STATEMENT shewing the excesses of the year 1838, over the Estimates made for that year.

Contingencies of the Government Office, . . . . .	1,310	0	0
do. Adjutant General's Office, . . . . .	215	0	0
Government Printing, . . . . .	382	0	0
For defraying charges for reward, and expenses in the arrest, subsistence, and trial of State Prisoners, and other charges thereon, . . . . .	11,005	13	8
Total, . . . . .£	12,922	13	8

**E.**

TABLE showing the Increase and Decrease in the following Items of Public Expenditure for support of the Civil Government, between the years 1838 and 1839, as taken from the Estimates for those years, viz.:

ITEMS.	Decrease of 1839 over 1838.	Increase of 1839 over 1838.
Contingencies of Government Office for 1838, ... £1,110 0 0		
do. for 1839, ... 3,310 0 0		2,200 0 0
Executive Council Office,		
Contingencies for 1838, ... £125 0 0		
do. for 1839, ... 150 0 0		25 0 0
Secretary and Register's Office,		
Clerks for 1838, ... £670 0 0		
do. for 1839, ... 500 0 0	170 0 0	
Surveyor General's Office,		
Clerks for 1838, ... £1,180 0 0		
do. for 1839, ... 1,010 0 0	170 0 0	
Adjutant General's Office,		
(No charge for 1838), ... £ 0 0 0		
Two Clerks for 1839, ... 340 0 0		
Contingencies for do. ... 480 0 0		820 0 0
Queen's Counsel, ...		600 0 0
Printing Statutes, additional, ...		300 0 0
Government Printer, ...		230 0 0
Government Printer excess of 1837, ... £1,623 6 3		
do. do. 1838, ... 382 0 0	1,241 6 3	400 0 0
Casual and extraordinary expenses, ...		
Rewards and expenses in capturing State Prisoners, their trial and detention, &c. for 1838, ... £3,000 0 0		
do. for 1839, is ... 12,512 4 9		9,512 4 9
Secret service money in 1838, ... £		
do. do. in 1839, ... 1,493 8 11		1,493 8 11
Total, ... £	1,581 6 3	15,580 13 8
Deduct decrease, ...		1,581 6 3
Leaves the total increase over 1838, ... £		13,999 7 5

**F.**

STATEMENT showing the amount of the different branches of Civil Expenditure of the Province, as estimated for the year 1839; also the ordinary Resources (annually.)

CIVIL LIST.		
Government Office, ...	£3,058 0 0	
Repairs of Government House, ...	100 0 0	
Excess of 1838, ...	1,310 0 0	4,468 0 0
Executive Council Office, ...		990 0 0
Receiver General's Office, ...	£870 0 0	
do. Salary, ...	778 0 0	1,648 0 0
Carried forward, ...	£	7,106 0 0

Brought forward,.....£			7,106	0	0
Secretary and Register's Office, .....			500	0	0
Inspector General's Office, .....	£650	0	0		
do. Salary, .....	406	0	0		
Surveyor General's Office,.....			1,056	0	0
			1,460	0	0
<b>ADMINISTRATION OF JUSTICE.</b>					
By 1st Wm. 4th, ch. 14,.....	£7,223	0	0		
By 7th Wm. 4th, ch. 1, .....	3,000	0	0		
Keeper of Court of K. B. ....	40	0	0		
Vice Chancellor, .....	1,250	0	0		
To make up Attorney General's Salary to £1,200, ....	866	13	4		
To make up Solicitor General's Salary to £600,.....	377	15	8		
			12,757	9	0
<b>PRINTING.</b>					
Printing the Statutes,.....	£1,000	0	0		
Government Printing, .....	750	0	0		
do. excess of 1838, .....	382	0	0		
			2,132	0	0
<b>SCHOOLS.</b>					
Common Schools, .....	£3,400	0	0		
District Schools, .....	1,300	0	0		
			4,700	0	0
<b>ADJUTANT GENERAL'S DEPARTMENT.</b>					
Salary of Adjutant General and Assistant,.....	£650	0	0		
Office of Adjutant General,.....	820	0	0		
			1,470	0	0
<b>CONTINGENCIES.</b>					
Casual and extraordinary expenses, .....	£1,000	0	0		
Contingencies of Public Offices, .....	800	0	0		
			1,800	0	0
<b>LEGISLATURE.</b>					
Officers, .....	£890	0	0		
Clerk of the Crown in Chancery,.....	75	0	0		
Contingencies, .....	12,000	0	0		
			12,965	0	0
Pensions, .....			2,300	0	0
Maintenance of Light Houses,.....			1,600	0	0
Agricultural Societies, .....			1,000	0	0
Provincial Penitentiary, .....			5,000	0	0
Fees to Queen's Counsel, .....			600	0	0
To defray charges for reward and expenses in arrest, subsist- ence, and trial of State Prisoners, &c.....	£3,000	0	0		
To do. do. do. borrowed of Cn. Rev'e for 1838, 4,512 4 9					
To do. do. do. due for 1838,.....	5,000	0	0		
			12,512	4	9
Advanced from Crown Rev'e for secret service money for 1838, £1,390 3 11					
Amount yet due for same service, .....	103	5	0		
			1,493	8	11
Interest on debt in London at 5 per cent., ....	£966,297	=	£48,314	0	0
do. do. in Canada at 6 per cent. ....	195,890	=	11,753	0	0
			60,067	0	0
			130,519	2	8
<b>Total,.....£</b>					

Brought forward, . . . . £	130,519	2	8	Total amount of expenditure, for 1838, . . . . .	130,519	2	8
Deduct amount of items not considered an ordinary annual expenditure, being an excess for 1838, amounting to £15,202 13s. 8d. viz:				Ordinary Resources,—(see Table B.) . . . . .	78,550	0	0
Amount advanced from Cr'n. Revenue, for secret service money, . . . . £	1,493	8	11	Shewing a deficit in the Revenue, . . . . .	51,969	2	8
Charges for rewards, &c. for State Pris'rs. 12,512	4	9		Ordinary expenditure annually, . . . . .	115,316	9	0
Adj't. General's Office Contingencies for 1838, . . . . .	215	0	0	Revenue, . . . . .	78,550	0	0
Queen's Counsel	600	0	0	The actual deficit of the Revenue, . . . . .	36,766	9	0
Gov't. Printer, excess for '38	382	0	0				
	15,202	13	8				
Leaving the ordinary expenditure annually, to be . . . . £	115,316	9	0				

G.

REQUIRED for continuance of Public Works, during the year 1839, the following sums:

Items in General Estimate. } Imp't of Navigation of River Trent, £18,722			
	} Inland Waters of Newcastle District, 5,000		
		23,722	0 0
St. Lawrence improvement, . . . . .		50,000	0 0
Welland Canal, . . . . .		50,000	0 0
Grand River Navigation Company, . . . . .		6,250	0 0
Kingston and Napanee Road, balance due, . . . . . £888 17 9			
To finish same, . . . . . 10,000 0 0			
		10,888	17 9
Home District Roads, . . . . .		20,000	0 0
Johnstown District Roads, . . . . .		6,000	0 0
Queenston and Grimsby Road, . . . . .		10,555	11 2
Dundas and Waterloo Road, . . . . .		10,000	0 0
Brantford and Hamilton Road, . . . . .		10,000	0 0
Required for Public Works, total . . . . £		197,416	8 11

H.

THERE has been expended on the following Public Works in Upper Canada, the following sums:

WELLAND CANAL.	Grant.	Paid.	Due.
Grants to 1837, . . . . .	209,000		
Under Act 7th William 4th . . . . .	245,000	275,000	179,000

	Grant.	Paid.	Due.
Brought forward,.....£	454,000	275,000	179,000
<b>ST. LAWRENCE CANAL.</b>			
1th William 4th and 1st Victoria,.....	430,000	351,860	78,140
<b>BURLINGTON BAY CANAL.</b>			
Under various Acts by Grants and Debentures,	34,648	34,648	
<b>DESJARDIN'S CANAL.</b>			
Under various Acts,.....	17,000	17,000	
GRAND RIVER NAVIGATION COMPANY,.....	12,500		12,500
<b>RIVER TRENT NAVIGATION.</b>			
7th William 4th, .....	77,507	12,389	65,118
<b>INLAND WATERS OF NEWCASTLE DISTRICT.</b>			
3rd Wm. 4th and 6th Wm. 4th,.....	18,000	13,500	4,500
<b>INTERNAL NAVIGATION.</b>			
2nd Wm. 4th,.....	2,000	2,000	
GANANOQUE NAVIGATION, .....	6,000		6,000
<b>COBOURG HARBOUR.</b>			
2nd Wm. 4th £3,000 and 5th Wm. 4th, £1,000,	4,000	4,000	
<b>PORT HOPE HARBOUR.</b>			
2nd Wm. 4th,.....	2,000	2,000	
<b>KETTLE CREEK HARBOUR.</b>			
8th Geo. 4th £3,000, 1st Wm. 4th £3,500,....	6,500	6,500	
<b>YORK HARBOUR.</b>			
3rd Wm. 4th £2,000, 7th Wm. 4th £2,500, ...	4,500	4,500	
CREDIT HARBOUR,.....	1,500		1,500
<b>OAKVILLE HARBOUR.</b>			
1st Wm. 4th,.....	2,500	2,500	
<b>LOUTH HARBOUR.</b>			
7th Wm. 4th, .....	1,000		1,000
PORT DOVER HARBOUR, .....	3,500		3,500
<b>LONG POINT PIERS.</b>			
1th Wm. 4th, .....	3,000		3,000
PORT BURWELL HARBOUR,.....	3,000		3,000
<b>LIGHT HOUSES.</b>			
False Ducks, 9, Geo. 4, £1,000 ; 10 Geo. 4, £750,	1,750	1,750	
Gibraltar Point and York Light House, .....	1,482	1,482	
Gull Island, 5th Wm. 4th, .....	1,000	1,000	
Hartley's Point, 5th Wm. 4th,.....	800	800	
Long Point, 10, Geo. 4, £1,000; 11, Geo. 4, £400,	1,400	1,400	
Between Nicholson's Island and False Ducks,			
2nd Wm. 4th,.....	1,000	1,000	
Nine Mile Point, 3rd Wm. 4th, £750; 7th Wm.			
4th, £250, .....	1,000	1,000	

	Grant.	Paid.	Due.
<b>LIGHT HOUSES—(CONTINUED.)</b>			
Bois Blanc, 4th Wm. 4th, .....	£ 300	300	
Oakville, 7th Wm. 4th, .....	500	500	
Thames, 7th Wm. 4th, .....	1,000	1,000	
General appropriations for Light Houses under various Acts, .....	5,000	5,000	
<b>ANNUAL EXPENDITURES.</b>			
Light House Burlington Bay, .....	600	600	
Point au Pele, 3rd Wm. 4th, .....	750	750	
Presque Isle, 7th Wm. 4th, .....	1,000	1,000	
<b>GRANTS FOR RAIL-ROADS.</b>			
Eric and Ontario, 7th Wm. 4th, .....	5,000	5,000	
London and Gore, .....	200,000		200,000
Toronto and Lake Huron, .....	100,000		100,000
Cobourg Rail-Road, .....	10,000		10,000
<b>MACADAMIZED ROADS.</b>			
Home District—3rd Wm. 4th, .....	10,000	10,000	
6th Wm. 4th, .....	35,000	78,500	56,500
7th Wm. 4th, .....	100,000		
6th Wm. 4th, .....	1,000		
Rouge Hill, 7th Wm. 4th, .....	600	600	
Midland District—Kingston and Napanee, 7th Wm. 4th, .....	30,000	29,100	900
Johnstown District—7th Wm. 4th, .....	30,000	6,555	23,445
Gore District—Dundas to Waterloo, 7, Wm. 4, .....	25,000	22,000	3,000
Hamilton to Brantford, 7, Wm. 4, .....	30,000	29,000	1,000
Niagara District—Queenston to Grimsby, 7th Wm. 4th, .....	30,000	15,389	14,611
<b>BRIDGES.</b>			
Otanabee, .....	8th Geo. 4th, 100	100	
Brantford, .....	3rd Wm. 4th, 1,500	1,500	
Thames, Carradoc (to complete), .....	1st Wm. 4th, 75	75	
Chatham, .....	7th Wm. 4th, 1,500	1,500	
Don and Humber, .....	11th Geo. 4th, 1,183	1,183	
Dunnville, .....	4th Wm. 4th, 1,250	1,500	
do. .....	7th Wm. 4th, 250		
Paris, .....	4th Wm. 4th, 1,500	1,500	
River Trent, .....	4th Geo. 4th, 100	4,625	100
do. .....	3rd Wm. 4th, 4,050		
do. .....	5th Wm. 4th, 575		
Survey of Ottawa, .....	7th Wm. 4th, 3,000	1,500	1,500
Survey of St. Lawrence, .....	400	400	
Survey of Thames, .....	250	250	
Steam Dredge, .....	3,400	3,400	
Gratham Academy, .....	250	250	
Hemp Machine, .....	300	300	
Penitentiary, various Acts, .....	30,600	30,600	
Bank Stock, .....	25,000	25,000	
<b>ROADS AND BRIDGES.</b>			
2nd Geo. 4th, .....	£ 200		
7th Geo. 4th, .....	1,200		
11th Geo. 4th, .....	13,650		
11th Geo. 4th, .....	25		
1st Wm. 4th, .....	20,000		
3rd Wm. 4th, .....	20,000		
4th Wm. 4th, .....	25,000		
7th Wm. 4th, .....	50,000		
	130,075	105,013	25,062
Parliament Buildings (new), .....	11,247	11,247	
c Total, .....	£ 1,792,942	1,130,558	793,276



The object of the above despatch was to prevail on Her Majesty's Government to facilitate the negotiation of a Loan in the British Market for the use of this Province, by extending to its aid the credit of the Mother Country, it states "that although the debt of this Province is large in proportion to its actual revenue, it has been mainly incurred through incidental causes." In adverting to these causes, it is well to refer to the situation of these Provinces prior to 1812. We were at that time in a far more prosperous situation than the adjoining portion of the United States, the trade of which was conveyed through the Montreal outlet of the Saint Lawrence to the Ocean through Canadian waters and Canadian Ports. The command of the trade, by giving employment to our vessels, ensured us the control of both Lakes, a circumstance to which the safety of the Province, in the late American war, may be in a great measure ascribed.

The completion of the Erie and Oswego Canals diverted this trade to the Hudson, and conferred the advantages we possessed on the inhabitants residing on the opposite frontier.— This instantaneous change to our disadvantage produced corresponding depression, and the necessity of regaining what we had lost became apparent.

A general desire prevailed to improve the natural facilities we were known to possess, but it was impossible to overlook the formidable barrier which the occupation and control of our only Seaport, by a Legislature entertaining separate views and feelings, presented.— Many abandoning all hope of inducing the Legislature of Lower Canada to open the communication, turned their attention to the outlet offered by the Port of New York, and had it not been for the restrictions imposed by the General Government of the United States on our commerce, it would ere this have reached the Ocean by this channel.

Happily a laudable spirit of emulation and rivalry prevailed, a Canal around the Falls of Niagara was commenced by a private Company, which has terminated in a system of improvement of our internal communications on a scale commensurate with the magnitude and importance of the trade of this extensive country. These improvements have already led to an expenditure of £1,167,041, as will be seen by reference to a tabular statement appended hereto, marked A. Those works, when completed, will repay the interest on the cost of their construction, and relieve the Provincial Treasury from the annual amount now paid. To ensure this object, it will be necessary to incur an additional expenditure of £1,000,000. The despatch then states, "that as compared with similar public debts incurred by different States of the neighbouring Republic for the promotion of national objects, the debt of this Province is but small, while future resources and the wants of an increasing population, have been here anticipated to a far less extent."

This statement is clearly borne out by the following facts:—In addition to the Erie, Oswego, and Northern Canals—connecting Lakes Erie, Ontario and Champlain with the Hudson—the following lateral Canals have been completed, viz.: the Cayuga and Seneca, Chamong, Crooked Lake, and Chenango. The Black River Canal, and the Genesee valley Canal, are also in course of construction, forming altogether an extent of many thousand miles of inland navigation, and an aggregate of many thousand feet lockage. In addition to those works, the State of New York has undertaken a system of improvement which, by a report of a Committee of ways and means, published March 12th, 1838, makes the following exhibit :

1st. The amount to expend for the enlarging and construction of Canals under existing laws, .....	\$20,000,000
2nd. Estimate for future undertakings, .....	15,000,000
3rd. Amount to be hereafter authorised for extension of present Canals, .....	5,000,000
	\$40,000,000

The State of Pennsylvania only commenced their improvements in 1826, since which they have expended upwards of \$30,000,000. The States of Indiana, Illinois and Michigan, but recently known as such, have undertaken a greater extent of internal improvement than all the Provinces in British North America combined. Their Legislature authorise the negotiation of large sums of money in London for the construction of their improvements; they issue State Stock, and rely on the sales of land (which are ceded to them by their General Government for that purpose) to meet the interest on the capital they require, until the works are completed. After this fund is exhausted, they rely on the progressive increase of the tolls to sustain them.

It then states, "that the prosperity of the Colony must mainly hinge upon the progressive developement of its resources by the united agencies of immigration and British capital."

The Legislature of this Province has never possessed either the power or opportunity to develop its resources, while every exertion is made by our rivals in anticipating a revenue from the improvements hereafter to be constructed to attain that object. By reference to an extract from the report before alluded to, with a view of shewing their ability to repay the interest on the debt of \$40,000,000, which they are about to incur, they state "actual experience has thus familiarized us *with the certain operation of an excess of revenue in extinguishing a debt created for public works—within the last twenty years, the Canals have come down to us free from debt, and worth more than twenty millions.*"

This scheme is based on the estimate of the Canal Commissioners, submitted to the Legislature in which they anticipate, in a few years after the enlargement of the Erie Canal, an annual revenue of THREE MILLIONS OF DOLLARS.

The reason assigned in support of that estimate is, that a million and a half of inhabitants furnish a tonnage of \$50,000,000 in value, to their Canals, they assume a population in the Western States of six millions, to furnish a tonnage \$200,000,000, they admit two-fifths of their exports to descend the Mississippi, and one-fifth of their imports to ascend that stream, leaving:—

Descending Cargoes after above deduction,.....	\$60,000,000
Ascending Cargoes after above deduction,.....	80,000,000
Total Trade,.....	\$140,000,000

At the present rates of Toll, say 4 per cent., which is the average at this time, this trade would yield an annual revenue of \$5,600,000.

It also states, "that the resources of this Province have not hitherto been increased by taxation levied on the trade of the country. Were the imports increased even to one-half the amount, in proportion to those raised on property throughout the American Union, the Provincial Revenues (provided that tranquillity and confidence were restored,) would be in a flourishing condition, and the interest on the public debt could be met with facility; but unfortunately, the want of a Sea-Port places it beyond the power of the Local Government and Legislature to make any addition to the import duties; and even if this could be effected, the want of confidence that is at present felt, would prevent the measure from being attended with an immediate beneficial effect upon the public credit.

Your Committee feel confident no additional duty on imports will be necessary, but that they may safely rely upon the Revenue to be derived from Tolls, when these public works are completed.

In support of which, they again refer to the origin, progress and final success of the improvements undertaken by the State of New York.

The most sanguine anticipations of their most enthusiastic supporters, fell far short of the actual results, particularly their pecuniary value.

In 1817, the Legislature appeared wholly unconscious of their ability to complete the Erie and Ontario Canal, when they applied for aid to the General Government and all States interested in their success.

In 1821, four years after they had commenced, the Comptroller of the State, in obedience to a resolution of the Legislature, estimated their Revenue for the ten years next succeeding their completion, at \$150,000 annually. The amount actually received, during that period, exceeded ten millions of dollars.

In the memorial of Governor Morris, before the commencement of the work, he predicted that within 20 years 250,000 tons, would be annually borne to tide water. In 1836, 697,347 tons reached tide water, by that conveyance, and the total tonnage that year, ascending and descending, exceeded 1,300,000.

The Tolls in 1824, were.....	\$340,000.
1825, .....	566,000.
1826, .....	762,695.
1833, .....	1,542,695.

This result affords strong evidence that reliance may be placed on the *prospective increase of tolls*, on Canals situated in a young and rising country.

They proceed to state, that the unexpected results of the past ten years, enable them to look forward with increased confidence to the succeeding ten years. In adverting to this prospect, they call attention to the magnitude and importance of the country bordering on the inland waters connected with Lake Erie, around which *five powerful States*, containing 280,000 square miles (twice as large as the Kingdom of France, and six times as extensive as the whole of England) are rapidly rising in importance.—That country contains 180,000,000 of acres of arable land, a large portion of which is of surpassing fertility, and has little short of three millions of Inhabitants; and if the same rate of progress shall be maintained for the eleven years to come, by the year 1850 *it will exceed six millions*.

Those inland States are making the most energetic efforts to open their communications: three great Canals are to connect the Ohio with Lake Erie, while another, excavated for nearly thirty miles through solid rock, unites the navigable waters of Illinois with Lake Michigan. The aggregate length of these improvements is more than 2,500 miles; constructed at an expense exceeding forty-eight millions of dollars, and all leading to Lake Erie.

The commerce of the interior of this Continent, is destined to be borne to and from the Ocean, by the Rivers St. Lawrence and Mississippi or the Erie Canal. Lake Erie is admitted to be the common centre to which all the internal communications lead. The Legislature of the State of New York is now enlarging their Erie Canal, at an expense of \$15,000,000 to divert this trade to the Hudson; the magnitude of the object is worthy of exertion, and any expenditure would be justified to secure it: but we maintain that Nature has favoured us with a less distance and less elevation to connect Lake Erie with the Ocean, than any other route or communication whatever. A Canal of only 28 miles in length with 340 feet lockage, connects Lake Erie with Ontario. Another of the same length, of 160 feet lockage, connects Lake Ontario with tide water, consequently, when completed, this communication will restore the Canadas to the same advantage they possessed, previous to the construction of the Erie Canal, and will secure the greatest part of the transit, on which they so confidently rely for an increase of Revenue.

The price of conveying a ton of merchandize, at present, from London to Montreal, 3200 miles, is One Pound from Montreal; to Prescott, 130 miles, £2 10s. The charge, when the improvements are made, will average from London to Lake Erie £2 to £2 10s., which is less than the present cost from Albany to Buffalo.

The Despatch proceeds to state, that many thousands of Her Majesty's Subjects have merely passed through this Province, and crossed into the United States because *English Capital*, which was to afford them the means of profitable employment, was to be found *there* instead of *here*: while such is the case, it is unjust to eulogise the United States as being so excellent a market for British Manufactures, for, were the facts reversed, in proportion as we had British Capital, so should we employ it profitably to ourselves and to the advantage of those investing it. By means such as these, the country would rapidly increase in value and importance to England, and perhaps, at some future period, prevent the loss of the American trade from being felt, when by the employment of British Capital and British Artizans, the United States shall have been enabled to establish rival Manufactories within her own territory.

The discontinuance of all our Public Works, and the want of employment in this country, at the same time that a contrary state of things prevails on the opposite side, would lead emigration from this Province, if no other cause existed; but when we take into consideration the advantages the Agricultural portion of their population have, for the last few years possessed, in consequence of the unjust operation of the Canada Trade Act, it is but reasonable to suppose Emigrants will avail themselves of these advantages.

By a judicious reduction of duty on certain articles, we will not venture to limit the amount of British manufactures which will be introduced through Canada for the consumption of the inhabitants referred to on the opposite frontier; it must increase in proportion to the cheapness of transportation, and the increase of population.

It appears by the returns from the Port of Quebec, the amount of revenue collected in 1820 was £95,086 11 0; that it increased in 1825, the year the Erie Canal was finished, to £127,854 12 0, since which it has fluctuated from year to year, but up to 1838, in place of increasing in a progressive ratio, it has actually decreased to £115,956.

We also show, by tabular statement *B*, that for the ten years preceding the period when we lost this trade, property in the State of New York had actually decreased. By comparing this decrease with the rapid increase of property for the ten years succeeding the construction of the New York Canals, we may realize the wealth we may anticipate, on completing our Canals throughout.

2nd. We have shewn the result of the New York Canals; the extent of the trade and country on and above Lake Erie; and the moral certainty of diverting that trade to the Ocean by the St. Lawrence, on the completion of our improvements on their present dimensions.

3rd. We have shewn the amount already expended; the interest we are annually paying therefor, and which we must continue to pay until the entire line is completed, when we have every confidence, those works will repay the interest on the outlay incurred.

4th. We have shewn what rapid strides, *aided by British Capital*, the different States on the opposite side have been enabled to make, and the exertions they are still making to maintain the trade, we have allowed them to divert from our waters.

It may be well to examine the description and extent of the security they offer British Capitalists, and then compare it with the description and extent of the security the Canadians can offer, for similar investments.

The old States, New York, Pennsylvania, &c., rely—1st, on an internal revenue collected on articles within the State, to pay the interest from the capital borrowed, during the construction of their various improvements, and after those works are in operation, to the progressive increase of Tolls.

The State of Indiana, Illinois, and those recently forced into existence, rely on the sale of lands ceded by the General Government, to pay the interest, during their construction,—when those lands are sold, and this fund exhausted, they have the Canals or Improvements in their place.

If this description of security can be relied on with them, it is doubly secure with us.

1st. We will have under a United Legislature for the Canadas, the same power to create an internal revenue, now possessed by the old States, with the additional source of revenue derived from the lands now possessed by the new.

2nd. From the cheapness of transportation which our communications possess, if the Tolls with them will repay an interest, no doubt can be entertained of the result with us.

3rd. In addition to all those sources, we have the Revenue from Foreign Commerce, an advantage which no single State in the Union can possess. Although one-half the entire revenue of the United States is collected at the Port of New York, that State has never had the controul of any part of it, the whole going into the Treasury of the General Government; whereas, this entire revenue will be appropriated wholly with us, for the benefit of the Canadas. The extent of the revenue anticipated, is shewn in Table *C*.

Your Committee have long since been in possession of every necessary information, to decide on the necessity of completing those improvements in the shortest possible period, as they can expect no income from them, until that is effected.

Your Committee places every reliance on the estimates heretofore made, and entertain no doubt, that by judicious management, the entire line may be completed within two years from its commencement. Under those favourable circumstances, they rely with confidence on Her Majesty's Government recommending to Her Imperial Parliament, to grant them aid for a limited period, to enable them to complete those works, and Your Committee have prepared a Bill, giving ample security for the payment of the Interest and Principal of the same, together with an Address to Her Majesty.

All which is respectfully submitted.

WM. HAMILTON MERRITT,  
CHAIRMAN.

Committee Room, Commons House of Assembly,  
9th April, 1839.

**A.**

THERE has been expended on the following Works, on which a Return is expected:

* Welland Canal,.....	£ 525,000
St. Lawrence Canal, .....	351,860
Burlington Bay Canal, Desjardin's Canal, and River Trent Navigation, .....	64,037
* Grand River Navigation, .....	30,000
Macadamized Roads,.....	196,144
	£ 1,167,041

\* A part of the Welland Canal, and Grand River Navigation, is from private sources.

From this, all grants for Harbours, Light Houses, Roads, and every description of expenditure from which a return may not be expected, — amounting to £232,278.

**B.**

SHEWING the official valuation of the Real and Personal Property of the City of New-York, for the years 1815, 1825, and 1835.

YEAR.	Real Property.	Personal Property.	TOTAL.
1815, .....	\$ 57,000,000	\$ 24,636,042	\$ 81,636,042
1825, .....	58,425,895	42,734,151	101,160,046
1835, .....	143,732,425	74,991,278	218,723,703
Increase in the valuation of the real and personal Estate of the City, in the ten years preceding 1825, .....			\$ 19,524,004
Increase from 1825 to 1835, inclusive, .....			\$ 117,563,663

The official valuation of the Real and Personal Estate of the State of New-York, from 1815 to 1835, inclusive.

YEAR.	Real Property.	Personal Property.	TOTAL.
1815, .....	\$ 239,667,218	\$ 41,587,905	\$ 281,255,123
1825, .....	199,533,471	63,893,875	263,427,346
1835, .....	403,517,585	125,058,794	528,576,379
Decrease in the valuation of the real and personal Property of the State, in the ten years next preceding 1825, .....			\$ 17,827,777
Increase in the ten years next subsequent, .....			\$ 265,149,033

**C.**

Amount of revenue collected at the Port of Quebec in 1830, was.....	£142,526	1	3
Supposed from United States,.....	17,473	18	9
Say Casual and Territorial Revenue,.....	25,000	0	0
Revenue in Upper Canada from United States, .....	15,000	0	0
Casual and Territorial Revenue, .....	25,000	0	0
	£225,000	0	0

We may safely assume, if we collect a revenue equal to £225,000 during a period when the trade has been diverted through other channels, when regained, and our approaches to the ocean opened, the tolls alone may be calculated at £125,000; and if a comparison was

safely made with the result on the Erie Canal, it would double the amount. But suppose, without increasing the duty, we confine the revenue only to £250,000 per year, it, would enable the Legislature to pay the Civil expenditure, and pay the interest on a debt of at least over £3,000,000, for internal improvements.

FIRST AND SECOND REPORT

OF THE

COMMITTEE ON FINANCE.

PRINTED BY ORDER OF THE HOUSE OF ASSEMBLY.

R. Stanton, Printer to the Queen's Most Excellent Majesty.

# REPORT OF COMMISSIONERS,

ON THE

## IMPROVEMENT OF THE RIVER SAINT LAWRENCE.

*To His Excellency SIR GEORGE ARTHUR, K. C. H. Major General Commanding,  
Lieutenant Governor of Upper Canada, &c. &c. &c.*

The Commissioners for improving the Navigation of the River Saint Lawrence—

### RESPECTFULLY REPORT :

That finding themselves, at the opening of the past season, likely to be involved in much difficulty with the Contractors, in consequence of the want of money, they took every step in their power to remedy this inconvenience, which was at length in a great measure obviated by an order from Your Excellency, for an issue of Debentures to the amount of £32,222 4s. 5d. Currency.

That this sum, though it has not been sufficient to push on the work with vigour, has enabled the Board to carry on the most important part of the Canal, and also to prevent any serious loss by breaking the Contracts for those sections which were nearly completed, and which, if left unfinished, would have cost far more than the Contract prices to complete them hereafter.

That from the Report of the resident Engineer, which is enclosed herewith, it appears that the Canal may yet be made navigable for the sum of £51,297 16s. 8½d. being the balance between the sum stated by his detailed estimate of last year, and the amount which has been since expended ; and the resident Engineer feels satisfied that this sum will be found sufficient for this purpose, provided the necessary funds are procured without delay. The object to be obtained by doing this is so important to the best interests of the Province, that the Board cannot allow themselves to doubt that Your Excellency will, with the assistance of the other branches of the Legislature, now assembled in Parliament, be able to devise means for supplying this sum immediately. For besides the very great extra expense that will necessarily be incurred on account of the damage which this work must sustain, if now left in its present unfinished state, and from a change of Contractors, incidental to a protracted suspension of the work, bearing no proportion to the comparatively small quantity of work to be performed, the large sum which has already been expended on this magnificent undertaking, whereby it has been brought so near completion, will, for the present, be in a great measure useless, and the Province will be deprived of any return for this great outlay. Another, and not unimportant consideration, is the loss which must accrue to the Contractors who are engaged in this great work, and who have, by their zeal in prosecuting it, rendered themselves deserving of the most favourable consideration and protection from all unavoidable injury.

That the Board have sustained a very serious loss in the resignation of their late President, the Honourable Jonas Jones, who, since his elevation to the Bench, has found it incompatible with his judicial duties to devote that attention to this Canal which he had previously bestowed upon it from its commencement, with so much credit to himself and so much advantage to the interests of the Province.

That with reference to claims for damages to property on the line of the Canal, the Board have met with great embarrassments, arising from the very exorbitant demands made by some of the parties concerned ; and as there has been found much difficulty in procuring disinterested Arbitrators to act, and the proper decision of this question is one of very great importance, the Board would therefore beg leave to recommend that the Legislature should pass an Act during the present Session, appointing Special Commissioners for this purpose.

With this Report, the Board beg leave to submit the Report of the Resident Engineer, which will be found to contain a very full and satisfactory detail of the work performed, and that remaining to be done ; the minutes of their proceedings for the past season, with a detail-

ed account of the Receipts and Expenditures of the year, and the accompanying vouchers ; and also, an abstract account of the total Receipts and Expenditures, from the commencement of the Works to the 31st December, 1838;—to which documents, they solicit the attention of the Legislature and which they trust will be found sufficiently explanatory and satisfactory.

(Signed,)

JOHN McDONALD,

PRESIDENT.

*Office of the Commissioners for improving  
the Navigation of the River Saint Lawrence,* }  
Cornwall, 1st January, 1839.

## REPORT OF RESIDENT ENGINEER.

(Copy.)

ST. LAWRENCE CANAL OFFICE,  
Cornwall, 31st Dec., 1838.

SIR,

I am much disappointed in having, at the close of another year, to draw up an annual Report of this Canal, without being able to announce its completion. The cause is well known to the Board, to have originated in a want of money ; but, although much inconvenience and some additional expense will necessarily be the consequence of this delay, I am still of opinion, that it may yet be made navigable for the sum mentioned in my Report, of 30th December last, of which £34,722 4 5 H. C., having been already raised by Debenture, only £51,297 16 8½ H. C., will now be required to be raised to attain this desirable object. But unless this sum be immediately procured for this purpose, and the work be pushed on with vigour, I cannot undertake to say what additional expense may be necessary, in consequence of the very great and serious injury, which the works must unavoidably sustain, if left in their present unfinished state; for, although the money which was granted during the past year has been expended with the understanding that the work would probably be suspended, and therefore with a view of securing it as much as possible, it is quite impracticable in a work of this kind, and of such magnitude, to preserve it altogether from injury, if left without being completed.

I am happy to have it in my power to inform you, that the Work on Section No. One, at the Long Sault, is now so far completed as to prove, most satisfactorily, that there is no reason whatever to doubt its stability. For a long distance, the Canal has been excavated to the full depth, which, in some parts, is nine feet below the surface of the River, and the Bank between it and the River stands as securely as that of any part of the Canal; it also effectually keeps out the water of the River, and therefore I see no reason to doubt its keeping in the water, when the Canal is filled.

In some places, where strata of sand occur, the water was found to filter a little through; but whenever this sand has been removed and replaced by puddle, (which has been effected without difficulty,) the water of the River appears to be kept out altogether.

On this Section 1,357,657 cubic yards have been excavated, and not more than 218,000 yards now remain to be done. The Contractors for the Sub-sections have all completed their work, and this part of the Canal is now in a very forward state. A strong Pier of stones will be required to be formed at the entrance of the Canal, and a coffer dam will also be required to enable the men to complete the excavation.

The present state of the other parts of the Canal is shewn at large in the following detail of work, now required to be performed to each Section, &c. before the Canal can be used.

On Section No. 2, the excavation is completed; a little embankment is required at the bottom, and the Berm requires to be cut out.

On Section No. 3, the excavation is completed; a portion of the embankment, which was formed in very soft ground across Brownell's Bay has settled, and it will require to be made level, which can be done without difficulty. The Berm also requires to be cut out.

On Section No. 4, the Berm requires to be cut out; a small portion of the embankment of this Section has slipped outwards, and it will require an expenditure of about £200 to secure it; some more stones also are required on the outside, in order to give additional security to this part of the work.

On Section No. 5, 123,127 cubic yards have been excavated, and only about 9,400 cubic yards are required to complete it. The Berm requires to be cut out and some puddling to be done.

On Section No. 6, 195,991 cubic yards have been excavated, and only 8,000 yards are now required to be done. The greatest part of the puddling has been completed.

The Board is aware that this is one of the most troublesome Sections on the whole line; but I hope the difficulties have been overcome.

On Section No. 7, the excavation is completed; the Berm requires to be cut out.

On Section No. 8, a small portion of the embankment, which was built across the mouth of a Creek, has settled, and it will require to be made level, which can easily be done. The Berm requires to be cut out, and some French drains are wanted.

On Sections No. 9 and 10, the excavation is completed, and very little is required to the embankment.

On Section No. 11, 104,436 cubic yards have been excavated, and not more than 1,300 yards require to be done; some French drains are also required here.

On Section No. 12, which was a very heavy Section, nothing is required. The embankment here, which is the highest and consequently the heaviest on the whole line of Canal, stands very well.

On Section No. 13, the excavation is completed, and a very small portion of embankment is required.

On Section No. 14, 42,122 cubic yards have been excavated, and not more than 2,300 yards require to be done.

On Section No. 15, a small portion of puddling is required.

On Section No. 16, 25,272 cubic yards have been excavated, and not more than 6,800 yards require to be done.

On Sections Nos. 17, 18 and 19, the excavation is completed, and little or nothing is required to be done.

On Section No. 20, 28,410 cubic yards have been excavated, and not more than 8,800 cubic yards require to be done.

On Section No. 21, 76,849 cubic yards have been excavated, and not more than 12,800 cubic yards require to be done.

On Section No. 22, the excavation is completed, and little or nothing is required to be done.

On Section No. 23, 64,226 cubic yards have been excavated, and not more than 3,800 yards are required to be done, and the Berm to be cut out.

On Section No. 24, 27,708 yards have been excavated, and not more than 350 yards are required to be done, and part of the Berm to be cut out.

On Section No. 25, 36,064 yards have been excavated, and not more than 1,800 yards are required to be done.

On Section No. 26, 22,962 yards have been excavated, and not more than 11,700 yards are required to be done.

On Section No. 27, 42,233 yards have been excavated, and not more than 900 yards are required to be done, besides 11,392 yards to be excavated below Lock No. 6, under water.

The Guard Lock has been kept more backward than any of the others, in consequence of the difficulty in keeping out the water before the excavation below was finished. About 2,300 yards of masonry are required to complete it, and some embankment in rear of the walls also passing at the foot of the Lock.

The Masonry of Lock No. 1 is completed, and the Gates are put up: a small portion of the embankment is required, and some paving will be necessary at the foot of the Lock to prevent the washing away of the bottom.

The Masonry of Lock No. 2 is completed; the anchors are let into the coping to receive the Gates. The Iron work for the Gates is nearly completed; the Wood work is not yet commenced. A small portion of the embankment is required, and paving at the foot of the Lock.

The Masonry of Lock No. 3 is completed; about 2,000 yards of embankment are required, and the paving at the foot of the Lock. The Iron work for the Gates is nearly ready; but the Wood work is not yet commenced.

The Masonry of Lock No. 4 is completed, and the Gates are put up: a very little embankment is required, and some paving at the foot of the Lock.

At Lock No. 5, 3,148 yards of Masonry have been built, and not more than 1,700 are required to complete it. The embankment also requires to be completed in rear of the walls, and the dam below the Lock to be removed. The Iron work for the Gates is nearly completed—the Wood work is not commenced.

At Lock No. 6, only ten yards of Masonry are required to complete it. The Iron work for the Gates is nearly finished; the Wood work is not commenced. Some expense will be required in pumping out this Lock before the Gates are put up.

The Road Culverts at Moulinette, Mill Roches, and Robinson's Creek are completed; the Road leading to the latter requires to be made, which can soon be effected at a small expense.

The Road Culvert at Cornwall is completed, but the Road leading to it is not yet made—some puddling also is required.

A small waste Weir will be required at Mill Roches.

To complete the above Works and render the Canal navigable and fit for use, the above-mentioned sum of £51,297 16s. 8½d. will, in my opinion, be sufficient, provided the work be done immediately. But, this, like all work of this kind, if left in its present very unfinished state, must suffer very materially by exposure to the changes of seasons in this climate, in a very short time; I cannot, therefore, too earnestly impress upon you the very great importance of its being finished as soon as possible. Upwards of £300,000 having been already expended upon this Canal, it can no longer be a matter of doubt whether this comparatively small sum shall now be laid out, in order to secure to the trade of these Provinces the very great advantage which this magnificent work is calculated to confer. It is true that, in order to give it a finished appearance, a further outlay, to a small extent, will, at some future period, be desirable; but this may be left until the Canal is in full operation, as it is not essential to its utility, though it cannot be said that the work will be permanently completed without it.

I have, &c.

(Signed,)

GEORGE PHILLPOTTS,

*Major Royal Engineers.*

P. S.—Besides the reasons above alluded to for proceeding immediately with the Canal, I may mention another, which is of much importance:

The Contractors for making the Lock Gates having nearly finished those for Locks Nos. 1 and 4, are at present prepared to go on with the others, and indeed they are most anxious to complete their contract as soon as possible; but if this work be now suspended, they will probably not return to it, in which case a very great extra expense will unavoidably be incurred in finishing them.

(Signed,)

G. P.

(COPY.)

MINUTES,

Of the Meeting of the Board of Commissioners for Improving the Navigation of the River Saint Lawrence, 1838.

At a Meeting of the Commissioners, held at Cornwall on Wednesday the 21st March, 1838,

PRESENT :

HONOURABLE P. VANKOUGHNET, CHAIRMAN.

GEORGE LONGLEY,  
PETER SHAVER,  
JOHN McDONALD,  
HIRAM NORTON, } ESQUIRES.

The Chairman submitted a copy of a letter, addressed to the Honourable Jonas Jones, by Mr. Secretary Joseph, intimating His Excellency's acceptance of the resignation of Mr. Jones of his Commissionership, and of the Presidency of that Board, which was read as follows:—

GOVERNMENT HOUSE,  
Toronto, 29th January, 1838.

SIR,

Having laid before His Excellency the Lieutenant Governor your letter of the 26th instant, resigning the Office of Commissioner for Superintending the Improvement of the Saint Lawrence, on the ground of your finding it impossible, consistently with the correct discharge of your judicial duties, longer to continue in that Office, I have the honour to acquaint you that, for the reasons you assign, His Excellency is pleased, though with extreme regret, to accept your resignation of that Office, and in doing so, he feels it his duty to bear testimony to the important services you have rendered to the Province during the period in which you have so ably and zealously superintended the progress of that undertaking.

I have the honour to be, Sir,

Your most obedient humble servant,

(Signed,)

J. JOSEPH,

Secretary.

Honourable JONAS JONES,

&c. &c. &c. Toronto.

*Resolved unanimously*—That having learned through the Chairman that the Honourable Mr. Justice Jones feeling it incompatible with the correct discharge of his judicial duties to devote, as heretofore, that attention to the interests of the Saint Lawrence improvements, which, as President of the Board, devolved upon him, had tendered his resignation to His Excellency the Lieutenant Governor, which His Excellency, for the reasons assigned by Mr. Jones, was induced with extreme reluctance to accept,—that the Board cannot permit this first opportunity afforded since the period of his resignation to pass, without recording their testimony to the importance of the services which Mr. Jones has rendered to the Works since their commencement, and their regret at the loss of his able assistance in the prosecution of them.

The Members of the Board individually acknowledge with pleasure their lively sense of the very able and efficient services of Mr. Jones as President, and his study to promote a kindly feeling among them; and they are confident there is no individual connected with the Canal who does not participate in the feeling of regret which his resignation has occasioned.

It now but remains for the Board to express their earnest desire that the future life of Mr. Jones, while devoted, as it doubtless will be, to the best interests of his country, may be blessed with that peace and satisfaction which spring from the consciousness of having done his duty.

*Ordered*—That the Secretary be directed to forward to Mr. Jones a copy of the foregoing Resolution.

The Chairman having been requested to address a letter to the Honourable John Hamilton, urging the necessity of his attendance at the stated meetings of that Board, the following letter was submitted by him and approved:—

*Office of the Commissioners for Improving the  
Navigation of the St. Lawrence,  
CORNWALL, 21st March, 1838.*

SIR,

Your absence from the stated Meetings of the Board, for the last two years, (with one exception,) has elicited from the attending Members the expression of their regret at being deprived of your useful co-operation, and the heavy responsibility and importance of the business coming before the Board, from time to time, having rendered it essential that the attendance of Members be as complete as possible, I have been requested, as Chairman, to urge upon you the importance of a regular attendance, and to express a hope that nothing will prevent your doing so in future.

The next Meeting of the Board will take place on the 24th of April, at which business of very great importance will be brought before it, and it is therefore desirable that every Member of the Board should give his attendance.

I have the honour to be, Sir,

Your most obedient humble servant,

P. VANKOUGHNET,

CHAIRMAN.

Honourable JOHN HAMILTON,

*&c. &c. &c., Queenston.*

*Ordered*—That the Chairman be requested to take the necessary steps forthwith for procuring funds requisite for carrying on the Works on the Canal.

*Ordered*—That in consequence of the resignation of the Honourable Jonas Jones, the Chairman be requested, in the name of the Board, to recommend to His Excellency the appointment of Alexander McMartin, Esquire, to fill the vacancy.

The resident Engineer submitted a Report on the state and progress of the Works, which was read as follows:—

ST. LAWRENCE CANAL OFFICE,

*Cornwall, 21st March, 1838.*

GENTLEMEN:

I have the honour to report that since your last meeting every thing has gone on satisfactorily, and considering the season of the year, more work has been done on Section No. one than I could have expected, the Bank having been formed across Stewart's Bay and secured with stone; a good deal of excavation has also been performed on this Section and Sub-Section C.

The Contractors for Locks No. 3 and 5 and the Grand Lock, also for the Cornwall Culvert and Sewer appear to have made good use of the winter roads for bringing in stone. The bridge and embankment across Brownell's Bay are nearly completed.

At Section No. 6, that part of the Bank in which I proposed last year to place stone drains has shewn indications of slipping, and therefore those drains have been commenced.— In excavating for them, it has been found necessary to open more of the Bank than I expected, which make this a more tedious work than was anticipated.

I have the honour to be,

GENTLEMEN,

Your most obedient,

Humble Servant,

GEORGE PHILLPOTTS, C. R. E.

THE COMMISSIONERS,

*For Improving the Navigation  
of the St. Lawrence.*

The Secretary submitted the opinion of the Solicitor to the Board upon the claim of Mr. Solomon Chesley, which was read as follows:—

CORNWALL, 23rd December, 1837.

SIR,

In the case submitted by you to me in behalf of the Commissioners for the improvement of the Saint Lawrence, I am of opinion that the Commissioners are not liable at law to Mr. Chesley for any damages he may have sustained in consequence of the erection of the Canal Office on his premises in Cornwall.

1st. The Commissioners are not the assignees of the lease, they have merely purchased the building from Mr. Mills, who was an under lessee, and they had no privity of contract by that purchase from Mr. Mills.

2ndly. Admitting that the Commissioners held part of the demised premises by a sub-lease from the original lessee (Mirriam), they are not liable at law for any breach of covenant, inasmuch as they do not hold the *whole* of the lessee's interest. I have no doubt but that Mirriam, the original lessee, is liable to Mr. Chesley for damages, as the putting up of the building there (if done without his consent) is clearly a breach of the implied covenant contained in the lease, that the lessor, Mr. Chesley, and those claiming under him, should have free egress, &c. from the street to the well, by the way or passage as it was used at the time of the execution of the lease.

An action of Trespass could not be maintained by Mr. Chesley against any of the parties, nor could Mirriam maintain such a suit, as he authorised the erection of the building.

I have the honor to be, Sir,

Your obedient servant,

GEORGE S. JARVIS.

*Ordered*—That the Secretary intimate to Mr. Chesley that the claim for damages to his premises in the Town of Cornwall cannot be admitted.

Mr. James Groves submitted a claim for damages to his land occupied as a stone yard for Lock No. 2.

*Ordered*—That the claim of Mr. Groves be referred to the resident Engineer to report upon.

Elijah Burpee, and other inhabitants of the Village of Mille Roches, submitted claims for damages to their property, in consequence of the construction of the Saint Lawrence Canal.

*Ordered*—That the claim of Elijah Burpee, &c. remain for future consideration.

Mr. William Stewart submitted a claim of £100 for a house erected on Lot No. 7, at the head of Section No. 1.

*Ordered*—That the claim of Mr. Stewart remain for future consideration.

Messrs. D. and J. L. Wilkinson, contractor for the Lock Gates, submitted a claim for damages sustained by them, in consequence of detention by order of the resident Engineer.

*Ordered*—That the claim of Messrs. D. and J. L. Wilkinson be referred to the resident Engineer, to report thereon.

Messrs. Reid and Shepherd, contractors for Section No. 17, submitted sundry documents in reference to their claim for extra work, &c. on that Section.

*Ordered*—That the documents, submitted by Messrs. Reid and Shepherd, be handed to the resident Engineer for his report thereon.

At a Meeting of the Commissioners, held at Cornwall on the 30th April, and 1st and 2nd May. 1838:

PRESENT.

HONOURABLE P. VANKOUGHNET, CHAIRMAN.

“ JOHN HAMILTON,

GEORGE LONGLEY,  
HIRAM NORTON,  
PETER SHAVER,  
JOHN McDONALD, } ESQUIRES.

The Minutes of the preceding Meeting were read.

The Accounts, Vouchers, &c. of the Secretary were examined and approved.

The Chairman submitted copies of correspondence in reference to funds for the prosecution of the works on the Canal, which were read as follows:—

*Office of the Commissioners for Improving the Navigation  
of the River Saint Lawrence,*

CORNWALL, 3rd April, 1838.

SIR,

Having been made acquainted by the Receiver General of Upper Canada, by letter, bearing date 24th ultimo, that he had been advised by the last arrival from London, by Messrs. Baring, Brothers & Co. that our Debentures are unsalable, and that those belonging to the Province, sent there for various public works, could not be realized, and consequently that the money which the Board had requested him to forward for the immediate purposes of the Canal could not be furnished by him, I have to request that you will acquaint me at your earliest convenience whether the Commercial Bank at Kingston would be willing to take any of the Debentures, which the Legislature at its last Session has authorised the Receiver General to negotiate for the completion of the Saint Lawrence Canal.

It is not to be wondered at, that Canada Stock should at the date of the Receiver General's letter of advice have been unsalable, when it is taken into consideration, the great alarm which the news of the Rebellion must have created on its first announcement in London; but from recent accounts sent home and the present sound and wholesome state of the country, there can be no doubt of Canada Stock being in a very short time sought after with very great anxiety.

Colonel Phillpotts, Resident and Superintending Engineer upon the Canal, will proceed in a few days to Toronto, for the purpose of laying the thing before the Governor in Council, in order that means may be devised to raise funds to prosecute the works upon the Canal, and on his way up he will make a point of calling upon the President of your Bank.

I have the honour to be,

Sir, &c.

P. VANKOUGHNET,

CHAIRMAN.

F. A. HARPER, Esq.,  
Cashier Commercial Bank,  
Kingston.

COMMERCIAL BANK, M. D.,  
Kingston, 9th April, 1838.

SIR,

Your letter of the 3rd instant did not reach me in time to lay before the Board at its meeting on the 5th instant, but the subject was submitted this day, and I am directed to inform you that this Bank will advance the sum of Eight Thousand Pounds in our notes, on the Commissioners giving their promissory notes at ninety days date for the above sum, from which the discount will be taken as usual—the note to be renewed until the Government Debentures, to be placed in our hands for sale in London, are disposed of at the best rate to be obtained—the proceeds to be placed to the credit of the Commissioners at the current rate of exchange on the day when sold—less expenses of collection, &c.

It is to be understood that the amount of Debentures to be given to the Bank are for Ten Thousand Pounds sterling, payable in London.

Colonel Phillpotts is advised of this arrangement, and expect he will send or bring the Debentures by the William Fourth, on Monday, when all will be arranged, provided the Executive give their assent.

I remain, Sir,

Your most, &c.

F. A. HARPER,

CASHIER.

Honourable P. VANKOUGHNET,  
Chairman of the Commissioners, &c.  
Cornwall.

Office of the Commissioners for Improving the  
Navigation of the River Saint Lawrence,  
CORNWALL, 2nd April, 1838.

SIR,

The Secretary of the Board, James Hume, Esquire, having put into my hands a letter from the Honourable John H. Dunn, Receiver General of Upper Canada, bearing date the 24th ult., in which he says, "the Legislature, at its last Session, passed a Law granting for the works of the Saint Lawrence the sum of Eighty Thousand Pounds, to be raised by Debenture, at the rate of five per cent. payable in London. By the last arrival from London, I am advised by Messrs. Baring, Brothers & Co., and from other sources, that our Debentures are unsalable, and those in their House belonging to the Province, sent there for various public works, could not be realized,—I therefore consider it quite impossible that by sending any more it would be productive of any good, on the contrary, evil. The Legislature have made no other provision. It is, therefore, with regret that I have to inform you that the money you have requested cannot be furnished to you." I have to request that you will, at your earliest convenience, proceed to Toronto, to lay the case before His Excellency the Lieutenant Governor in Council, in order that steps may be taken, with as little delay as possible, to devise means to raise funds to meet the debts at present due the contractors by the Commissioners, as well as to carry on the works to completion; for should their future progress be suspended for the want of funds, the losses which the Province would sustain by the natural decay of the Canal left in an unfinished state, together with the damages which contractors would be entitled to receive from being unable to prosecute their contracts, would be enormous; therefore, in my opinion, every exertion should be made to prevent an occurrence which would be so serious in its consequences.

I have, &c.

P. VANKOUGHNET,

CHAIRMAN.

Captain PHILLPOTTS,  
Royal Engineers, &c. &c.

The Secretary submitted a letter received by him from the Honourable Mr. Justice Jones, which was read as follows:—

Toronto, 17th April, 1838.

MY DEAR SIR:

On my return from New York, I received your letter of the 24th ultimo, enclosing the unanimous Resolution of the Board of Commissioners for the improvement of the navigation of the Saint Lawrence, upon the subject of my resignation of the Office of President and a Commissioner of the Board.

Like the other Members of the Board, I endeavoured to discharge the Office I had assumed with zeal, and it gives me great satisfaction to learn that my conduct has met the approval of my fellow Commissioners.

For the kind terms in which you communicated the Resolution, accept my cordial thanks.

I am, my dear Sir, &c.

JONAS JONES.

JAMES HUME, Esquire.

The Board having proceeded to the election of a President in room of the Honourable Jonas Jones, Mr. Longley proposed that Mr. John McDonald be appointed to fill the vacancy, which was seconded by the Honourable John Hamilton, and carried unanimously.

The Honourable P. Vankoughnet having vacated the Chair, it was taken by Mr. McDonald, as President of the Board.

*Resolved*, That in the present state of the financial affairs of this Province, the necessary funds cannot be procured to proceed with the works upon the Canal, and that the Secretary be directed to give the notice required in the contracts, in order that the contractors may, for the present, suspend their operations.

A communication from the Contractors on the subject of the suspension of the works on the Canal, and the injurious consequences that would result therefrom, was submitted and read as follows:—

*To the Commissioners for Improving the Navigation of the Saint Lawrence.*

GENTLEMEN:

We, the undersigned, Contractors for the construction of the Saint Lawrence Canal, have learned with deep concern, that, in consequence of the financial difficulties which the late Rebellion has entailed upon the Province, a suspension of the works is deemed unavoidable.

Convinced as we are of the great desire which individually and collectively you entertain to promote the best interests of the Province, we feel that it is hardly necessary, on the present occasion, to intrude ourselves upon you, but the emergency of the case impel us to entreat that you will pause and deliberately consider before you resort to a measure fraught with such ruinous consequences to individual interests, and, what is of paramount importance, to the interest of the Province and its trade.

Our situation may be briefly described, but its consequences will be long felt by our families, and although we doubt not that the spirit of justice and liberality which dictates the decision of our Provincial Legislature, and feel an assurance that what will seem a fair remuneration for the losses we sustain will be afforded to us, yet we but too well know that no pecuniary return that we could, with a semblance of propriety, demand from the Province, can compensate us for the injuries we shall sustain, if the work be suspended in its present state.

The indefinite period to which a suspension may extend, precludes the possibility of any arrangement being made, with a reasonable hope of advantage, short of a total abandonment of our contracts, and now, with the necessary and very costly expense of preparation for the Spring work completed, we will be thrown (with our provisions, buildings, horses, implements,

&c. &c. on our hands) out of employment and forced to seek, in a foreign country and at a vast distance from where our interests and our affections are centered, the means of supporting our families in the pursuit of that calling which existing circumstances reluctantly bind us to.

Can this not be avoided? Must we resort to the western part of the United States to find a field for our industry, and take along with us those poor but faithful subjects of Our Queen, whose labour is the *gold of Canada*, and whose hearts are as true to the Constitution as their arms are able to defend it? And how must we go?—our means exhausted in the necessary preparations for a work, the magnitude of which will now prove our greatest evil. The expense of transportation would equal (or nearly so) the value of the materials, should we ever be able to retain them and defray that cost; but this is impossible, and if compelled to resort to the United States for work, we must do so with every disadvantage that poverty entails.

One other consideration (though perhaps it may be deemed of minor importance) we desire to urge. It is the painful, we may say mortifying reflection, that the difficulty of providing a few thousand pounds to carry on the works, has robbed us of those prideful feelings which we should have handed down to our posterity as the Contractors of a Canal, vieing with the world for its magnitude, its splendid workmanship, its unbounded utility, and its connexion with the noble Saint Lawrence.

Should any arrangement suggest itself to your deliberations, which might lead to the removal of the existing difficulties, were it even attended with loss and inconvenience to us, we are prepared cordially to meet your views, and, as far as practicable, co-operate with you in the accomplishment of an object in which the interest of all is so deeply concerned.

Confidently relying on your just appreciation of the facts we have stated, we beg leave respectfully to subscribe ourselves,

Your most obedient

Humble servants,

(Signed by the Contractors.)

CORNWALL, 1st May, 1838.

*Resolved*—That in compliance with the desire expressed by the Contractors in the foregoing address, to co-operate with the Board in the adoption of such measures as may be deemed advisable to counteract existing difficulties, and in view of the loss that will, in all probability, accrue to the Province from the discharge of the present and highly respectable and efficient Engineers, Contractors, &c. now employed, and the re-organization of the same at a future period, that promissory notes, not under three, nor over nine months date, signed by the President, and countersigned by the Secretary, bearing interest at six per cent., be issued for such sums as shall become due for work performed on the Canal, under the direction of the Resident Engineer.

YEAS—MESSIEURS,

McDONELL,  
VANKOUGHNET,  
SHAVER,

LONGLEY,  
NORTON.

NAY—MR. HAMILTON.

Several claims for damages, &c., in consequence of the construction of the Canal, having been submitted, it was—

*Resolved*—That the Engineer be requested to cause a survey of the land taken for the use of the Canal, to be made forthwith, and that Messrs. Norton and Shaver be a Committee to investigate said claims, and report thereon to the Board.

*Resolved*—That the claims for damages, submitted by the inhabitants of Mille Roches, cannot legally be entertained until after the completion of the Canal.

*Ordered*—That the claims submitted by Messrs. Caleb Truax, R. and P. McKay, Reid and Shepherd, and Isaac Hardy, be referred to the Resident Engineer to report thereon.

The Resident Engineer submitted a Report upon the documents laid before the Board, at its last session, by Messrs. Reid and Shepherd, in reference to Section No. 17, which was read as follows:—

ST. LAWRENCE CANAL OFFICE,  
Cornwall, 4th April, 1838.

SIR,

With reference to Mr. Fleming's Report on Section No. 17, to Messrs. Reid and Shepherd, which, though dated on the 24th October last, was not laid before the Board until your last meeting in March, I have the honour to state that before he commenced the measurement and calculations of this Section, I caused the plans, &c. of this part of the Canal, together with the book of levels upon which our calculations were based, to be shewn to him, and permitted him to take such copies of them as he thought proper. The plan he has alluded to as being defective 140 feet in length of the Section, was not made for any purpose of calculation, but merely to shew the alteration of Canal, on this Section, from a curve to a straight line. He was distinctly told that all the calculations were made from the book of levels in the office, where the distances are all accurately laid down, and he was also told that he might proceed with his survey and calculations below station 455 without difficulty; but that above this station he could not go without an explanation on the ground, which was promised to him whenever he requested it. Notwithstanding this caution, he began above station 455, without further application to this office, and having done so, he had no reason whatever to complain as he has done, that he could not proceed without explanation, which was immediately afforded to him when he applied for it; the Section having been measured in his presence, on the original line, which was laid out for this purpose, when all the distances were found to correspond with the book, within about three feet in a length of 2,616 feet, on which he expressed his surprise that it should have agreed so nearly with the original measurement; for, owing to the difficulty of laying out the old line, which was a curve, it would not have been at all extraordinary if the difference had been greater now that the Canal has been executed on the new line.

With respect to the distances expressed as multipliers of the respective Cross Sections, on which he says he found a difference of 50 feet, it appears from reference to the book of levels, from which he was informed that the calculations were made that there was no such error.

The Cross Section at No. 454 is the one here alluded to, and it is one of those on which he was requested not to commence working without further explanation. Since the alteration of this line, all the distances have been actually noted in the book of levels, and therefore they have not been corrected in the Cross Sections, which were all drawn when the Canal was first laid out; but the moment Mr. Fleming pointed out the discrepancy he has alluded to, in the Cross Section, he was referred to the distances in the book of levels, and expressed himself satisfied with their correctness. For the alleged error, therefore, of 50 feet on this old plan of Cross Sections, there was no cause whatever for the remark he has made. It was not given as his sole guide for forming an estimate of this Section, which could only be correctly done by referring to the book of levels, and this has always been kept with great care and accuracy. From this book it was quite possible for him to have proceeded without making any survey whatever, and therefore my object, in proposing a mutual survey of the ground, was not (as might be inferred from Mr. Fleming's Report) to remedy any incorrectness in those plans, but merely to afford him an opportunity of seeing whether our levels (the correctness of which has been repeatedly called in question by the Contractors) had been accurately taken, and I subsequently understood from Mr. Fleming that the result of this survey was such as to satisfy him completely on this head.

It will, no doubt, be remembered by the Board, that in order to try the correctness of our levels, the Contractors sunk several shafts last year in different parts of this Section, and that all of those which we were permitted to investigate fairly (at some of which you were present) proved that our levels were correct. The Board will also remember that when the Contractors proposed to send for Mr. Fleming, it was chiefly with reference to the alleged incorrectness of these levels,—it was fully understood by all parties that all new shafts were to be submitted to my inspection, and that in fact every examination of the Section by Mr. Fleming was to be made openly, with a view to my having an opportunity of reporting fully on the subject. Shortly after his arrival, one shaft was sunk at station 457, in order to prove that

the levels there were incorrect, as constantly stated by Mr. Bowron, the Sub-Contractor; I had an opportunity of attending this shaft with Mr. Fleming, and the result was such as to convince me fully that the original levels were quite correct, and I understood that he was quite satisfied on that head. No further attempt was made, as far as I know, to try these levels, but a number of shafts were afterwards sunk by Mr. Fleming, without my having any opportunity of knowing the result.

When he had informed me that he had made up his calculations of the quantity of work in the Sections, I proposed that he should bring them to this office, in order that we might see whether they differed in any way from ours; he did so; and on comparing his quantities of excavation and embankment, and indeed of the work done on the whole Section with ours, he admitted that the amount, which he made to be due the Contractors, did not vary more than £58 from that which we had allowed them in our estimate; but although this was a very trifling difference in so large a work, I felt so confident of the correctness of our estimate, that I refused to allow any alteration in it, unless he could point out an error in our calculations, and I proposed that we should go through the whole with him if he were not satisfied. This, however, he thought proper to decline, saying that he should advise the Contractors to give it up, as the difference was trifling that he did not think it worth any further trouble. He accordingly went to them from the office to say so, and he certainly gave us to understand that he had no fault whatever to find with our estimate. As you happened fortunately to be present on that occasion by my request, I appeal to you, whether you did not so understand him. And this is further corroborated by the fact of Mr. Reid, one of the Contractors, having afterwards accompanied Mr. Fleming to the office, where the case was stated to him by Mr. Fleming, who asked Mr. Reid if he would send him to examine the calculations, but he answered that £58, in so large a sum, was not worth saying more about, and added that they had been misled by the Sub-Contractor, Mr. Bowron, into all this unnecessary expense and trouble, he having made them believe that a great mistake had been made on this Section to their disadvantage, and concluded by saying that he was himself quite satisfied on the subject, and that if Mr. Shepherd, his partner, was of the same opinion they would give it up.

I have therefore been much astonished, after all this, to see by his Report, that Mr. Fleming has made out an estimate of the work done on this Section, shewing an amount due to these Contractors of £673 8s. 8½d. more than ours.

This has been done by setting up a number of claims, not one of which was urged on that occasion, and all of which are unavoidable; but before I report upon them separately, I feel it proper to call your attention to this very unfair mode of proceeding, because if he had mentioned these several grounds of claim when he was here, I should have had an opportunity of discussing them with him on the spot, and of shewing that some of them are altogether erroneous, and that the others have already been allowed, as will appear when I come to remark upon them.

Mr. Fleming states that the difference between our results and his, in regard to the quantities, seems to have arisen from our having adopted the distances upon a curved line instead of a straight one, which is not correct. The part of the Section to which he alludes, was originally a continued curve from station 443 to 456, and therefore the excavation on the old line was, of course, measured and paid for as on a curve; but the line having been thrown back, this part is now nearly all of it straight, and therefore the distances between the stations have been shortened in consequence, for which Mr. Fleming seems, by his own admission, to have made no allowance, for I understood him to say that he has taken the distances as they were originally measured on the curve, while we, in order to calculate the work on the new line, have measured them on the chord of that curve.

Although the quantities he has given in his report are all that he could make out of the Section by calculation, he says that he does not consider that these quantities compose all that is due to the Contractors, but that allowances should be made for *shrinkage*, *sinkage*, and a *want of sufficient dimensions* given to ascertain the true quantity at present contained in the embankment.

With regard to the first of these, *shrinkage*, which Mr. Fleming has justly said takes place in a greater or less degree in different soils, the exact proportion cannot be easily ascertained, and therefore it becomes, in most cases, a matter of opinion merely as to how much ought to be allowed on this account. Mr. Fleming assumes that ten per cent. is an equitable allowance

on this Section. I differ from him, because we have found from a measurement and calculation of the excavation and embankment of this Section, that an allowance of a little more than seven per cent. will cover all loss sustained by the Contractors on this head as well as any others: we have allowed eight per cent. in their estimate, which therefore is, in my opinion, an ample remuneration. It is true that, in the latter part of his report, Mr. Fleming has found it convenient to object to the principle on which that calculation has been made, though he said nothing about it when he was here, when it was in his power to have examined it minutely, or he might have made a measurement of the whole Section himself, if he had thought proper, which would have enabled him to ascertain correctly how much should be allowed for these contingencies instead of having recourse to suppositions.

With regard to the *sinkage* which he assumes to be due the Contractors, because the bank was, as he alleges, built on a soft bottom, Mr. Fleming very properly says that when this is not provided for in the first levels, a proper allowance becomes due; or he, however, admits in his report that the difficulty arising from the frequent rains prevented him "from making a regular mode of estimation of this allowance," and then without enquiring whether it was provided for when the first levels were taken, he assumes a mere conjecture "that four inches depth for compression of surface would be a moderate allowance."

Now, on referring to this part of his report to Mr. Samuel Keefer, who took these first levels, I find that a proper allowance was made originally on this account, and therefore I cannot admit the justice of this claim. Had Mr. Fleming given me the slightest notice that he intended to bring it forward, which he ought in common candour to have done, I could have proved to him by two or three persons now here, who assisted in taking these levels, that the rod used on this occasion, the bottom of which is shod with iron, was always forced down into the soft ground before the level was marked in the field book, and I feel quite satisfied therefore that the bank has not sunk lower than these levels, and consequently that no allowance for sinkage is due the Contractors. I am confirmed in this opinion by the examination of the shafts above alluded to, from which it appears that the bank has not settled below our levels. I enclose herewith an extract from Mr. Samuel Keefer's report on this subject, which shews plainly that every care was taken to do justice to the Contractors when the levels were taken.

Mr. Fleming next takes into consideration the effects of the River Saint Lawrence, and also the loss from ice and rains, which have caused many slips, the amount of which, under the head of *wastage*, he estimates at 3,000 cubic yards. Here, again, I should be disposed to agree with Mr. Fleming, that an allowance was due on account of the slips which have taken place on this Section; but, as I have already observed, that in the calculation of the whole excavation and embankment,  $7\frac{1}{6}\%$  per cent. was found to cover the difference, the allowance of 8 per cent., which we have made on the whole for *shrinkage* and *wastage* is, in my opinion, quite sufficient.

The want of sufficient dimensions is the next item for which Mr. Fleming claims an allowance, which he says arises from the Cross Sections having been taken at too great a distance from each other. In remarking upon this subject he has thought proper to charge the persons who made the original surveys of "very culpable neglect or inadvertency," on this account.

Now, as I did not happen to be here when the levels were taken, I am of course no way responsible for any omissions which may have been made in this respect; but when I look at the very great care and accuracy with which that important duty appears, in all cases, to have been performed, (for I think the book of levels, &c. in this office will bear a comparison with that of any other public work on this continent,) I feel it my duty to step forward in defence of those whom Mr. Fleming has thus unfairly attacked, and to shew that his remarks are altogether undeserved. In the case given by him as an illustration of this want of sufficient dimensions, Mr. Fleming has acted most unfairly; for if, as he states, he found this to be the fact, why did he not point it out in your presence, when he admitted our estimate to be within £58 of his own?—or why did he not give us an opportunity of being present when he took the soundings? which he must have taken before he could have drawn the Section he has given in his report, which Section, according to the survey of this part of the River, made by Mr. George Keefer and Mr. McDonald, is not at all correct.

The cavity or hollow which he alludes to at station 458, is that formed by the old bed of the creek, which passes by Colonel Anderson's house, and, like all other cavities of the kind, it increases in breadth rather than diminishes as it advances into the River. In taking the measurement last summer, for the purpose of making the calculations of this Section, Mr.

George Keefer and Mr. McDonald measured this cavity with great care, by taking soundings as near to the bank as possible, and they found it less than eighty feet wide at the top; they found also that the bed of the River, both above and below this cavity, was nearly uniform. The deepest soundings found by Mr. George Keefer was 16,76 feet at station 459, and from the mode in which the calculations have been made, this depth has been allowed to the Contractors to the distance of 50 feet above and below this station, which is, in point of fact, 10 feet each way farther than they were entitled to. This extra quantity I have shewn in the annexed sketch, by a blue shade, by which you will perceive that the Contractors have been the gainers in this instance.

Mr. Fleming is not correct in saying that our cross sections have been taken almost uniformly at 100 feet distance, without regard to the form or surface of the ground. It is true, that this has been generally assumed along the whole line of the Canal, at the distance between the several stations, but intermediate cross sections have invariably been taken, wherever the nature of the ground seemed to require them, and on referring to No. 17, on which 28 cross sections have been taken, I find that 10 of them are at much shorter distances than 100 feet, some of them being within 36 feet of each other, and none of them more than 66 feet apart.

It is very easy for Mr. Fleming to make a general charge of this nature, in his report, but when I see throughout the whole length of the Canal, that every possible care appears to have been taken to do justice to all parties in making these measurements and cross sections, I cannot for one moment admit that there is the slightest ground for this claim, which Mr. Fleming took care not to mention to me when he was on the spot, and when it might have been in some measure investigated; I am therefore of opinion that his observations on this head are not entitled to any further consideration.

Mr. Fleming adds that he is obliged to make another remark on the mode of measurement practised on this Canal, "which," he says, "is a defect in principle"; as far as I can understand his meaning in what he has advanced on this subject, I believe him to assert that when the centre line of the Canal is in a curve, the cross sections should be taken in a direction parallel to each other, and perpendicular to a line joining the extremities of that curve, or in other words, (as all our curves are circular arcs,) that the cross sections, instead of being taken in the direction of the radius of the circle, or perpendicular to the arch, should be all perpendicular to the chord of that arch. This, he truly says, is a subject of very elementary consideration in geometry, a very slight knowledge of which branch of science will shew the absurdity of this assertion. By inspecting the annexed figure, it will be clearly seen that if the sections are taken on a curve, and the cross sections laid off parallel to each other, the perpendicular distances between them, which is of course the only distance that can be taken into account in the calculation, will vary at every station, according as the sections become more and more oblique to the curve, and for the same reasons the cross sections will be prolonged and distorted to such a degree as to render it difficult to make even an approximation to the correct quantity, while the plan which we have adopted of taking the cross sections perpendicular to the curve is mathematically correct, as it gives a series of regular figures which are easily calculated by the common rules of mensuration.

In his remarks on this subject, Mr. Fleming observes that this mode of taking "the cross sections perpendicularly to a curved line, produces a series of solid figures, the measurement or given dimensions of which are inapplicable to find a correct result, as neither affording a mean measure nor compensation in the calculation, and therefore quite inadmissible as an approximating rule, and in which multiplicity of dimensions would not amend." I infer from this remark that he is not aware of what is commonly called the *Guldin property of the centre of gravity*, which is particularly described in Wherwell's *Mechanics*, vol 1. page 111 and 112, who says, that its application is also sometimes called the *Centrobaryc method*, and that it answers the purpose of measuring figures of revolution of a similar nature to those formed by the circular parts of this Canal. It is contained in the following theorem:—

"If any figure in a plane revolve about any axis in the plane, the contents of the solid generated by this figure in its revolution is equal to a prism whose base is the revolving plane figure, and its height the length of the path described by the centre of gravity of the plane figure." He adds that the figure may either be composed of straight lines or of curves, or of a combination of the two, and that the revolution may be either through a whole circumference or any part of it. Hence we may find the contents of these solid figures of revolution whenever we find the area of the revolving figure or cross section and its centre of gravity.

Now this is precisely the system on which the curved parts of this Canal are measured, the area of the cross sections or revolving figures being accurately calculated and multiplied by the length of the path described by the centre of gravity of the plane formed by the cross sections, and it is generally admitted that this mode of measuring solids of this description, will give a result more nearly approximating to truth than any other that can be adopted.

With reference, therefore, to the claims set up for shrinkage, sinkage, wastage, and a want of sufficient dimensions, I cannot allow that Mr. Fleming has established any of them, and therefore the addition of 18,438 yards to the estimate, which he has assumed to be due to the Contractors on this head, cannot be admitted.

The next subject of remark in his report, refers to the quantity of embankment from excavation due to the Contractors, which he makes to amount to 7,533 yards more than we have allowed in our estimate, the greater part of which is on account of a portion of the excavation of lock-pit, No. 2, amounting to 6,096 yards, which was allowed to be carried to the embankment of section No. 17, but as the Contractors received 9d. a yard for this embankment over and above the contract price of 11d. for excavating the lock pit, it was considered last year, when the claim was before preferred, that they have been amply paid for it. Had Mr. Fleming spoke to me on the subject as he ought to have done before he admitted it into his report, I should have been able to convince him that it has already been paid for.

With reference to the quantity of embankment from excavation in this section, Mr. Fleming says, "that in order to make this estimate perfectly intelligible as a matter of calculation," he has annexed a comparative statement or table by which the quantity of embankment, under or above excavation, is seen on each section by inspection, and also what part of the excavation has been carried over 350 feet, which he has returned as embankment from excavation. In examining this table, which he professes to have made in order to shew the accuracy of his calculations, I have been surprised to find that Mr. Fleming has fallen into an extraordinary error, which, for a person who has thought proper to charge the Engineers who made the original survey of the Canal, without any cause, "of culpable neglect or inadvertency," is inexcusable.

It appears clearly that, in taking the difference between the quantity of excavation and the quantity of embankment, in order to ascertain how much is due to the Contractors for embankment from excavation, he has omitted to deduct from the excavation ten per cent., which he asserts to be the difference between the earth when excavated and when it has been placed in the banks, in consequence of which he has given 18,844 yards as the quantity due to the Contractors instead of 12,892, as it ought to have been, if he had calculated it correctly. I subjoin a copy of his table, in which I have shewn his errors by alteration in red ink, for your information.

I cannot suppose for one moment, that Mr. Fleming has done this intentionally, for the purpose of substantiating the charge which the Contractors have made against the correctness of our estimates; but I must say that before he had led them to expect that he had discovered errors in our calculations, he ought to have been particularly careful not to fall into such an egregious mistake as this. If he had calculated correctly, Mr. Fleming would have made the quantity of embankment for excavation, 12,892 yards: we have allowed 17,207 in our estimate—because we have calculated the shrinkage at 8 per cent. instead of 10 per cent. which he has assumed as the proper deduction or allowance for shrinkage.

On a review of the whole subject therefore, I feel fully justified in stating that, in my opinion, Mr. Fleming has failed altogether in proving any error in our estimate; and that the Contractors have no reason whatever for complaint respecting it.

In concluding his report, Mr. Fleming makes some remarks on a plan in this Office, which was made in July last, and which he says "appears as made purposely to show the dimensions of extra cutting on the north side of the Canal, which was taken to complete the embankment." He says that "on examining this plan, he found it entirely exceptional to this purpose, as far as ascertaining the content of excavation." Here again I am obliged to remark the want of candour, in not making any remarks of this kind to you or to me, when he told us that he found an estimate to correspond so nearly with his own; had he done so, I could have proved to him that this part of the excavation, like all the rest, was calculated from the Book of Levels, and the cross sections taken originally, which were extended northerly, as required: and that

the plan in question, though quite correct, was not used for the purpose, it having been drawn merely to show the manner in which those cross sections had been taken, and the manner in which the calculation of the excavation has been made from them.

I have the honour to be,

Sir,

Your most obedient Servant,

GEORGE PHILLPOTTS, C. R. E.

Honourable P. VANKOUGHNET,  
Chairman, &c.

*Ordered*—That Messrs. Reid & Shepherd, Contractors for Section No. 17, be permitted to take a copy of the foregoing report.

The claim submitted by Messrs. D. and J. L. Wilkinson, Contractors for the Lock Gates, for damage sustained by detention, by order of the Resident Engineer, &c. being reconsidered, it was

*Resolved*, That the principal of the claim of Messrs. D. and J. L. Wilkinson, for damages sustained by them as superintendents, in consequence of detention, is admitted as equitable and will be adjusted by the Board accordingly, and that their claim for damages in consequence of the advance on Iron, be deferred for future consideration.

*Resolved*, That the sum of one thousand pounds be advanced to Messrs. D. and J. L. Wilkinson on account of work to be performed on their contract, and of the claim submitted for damages in consequence of detention, said claim to be finally adjusted after the completion of the work.

MR. VANKOUGHNET moved that it be *Resolved*, That a deputation be appointed to proceed forthwith to Lower Canada, to wait upon His Excellency the Administrator of that Province in Special Council assembled, for the purpose of calling the attention of His Excellency to the importance of immediately taking steps towards commencing the improvement of the St. Lawrence, in Lower Canada, upon a scale corresponding with that in this Province; representing that the large sum already expended thereupon; the advanced state of the work, and the probability of its being carried to completion next season; that the work was commenced by the Legislature of this Province, in full confidence that the Legislature in the Lower would, as frequently declared by many of its leading members, co-operate in this grand undertaking; that unless provision is made for proceeding with the improvement in that Province, the heavy expenditure incurred in this, will in a great measure be lost, and the advantages which were anticipated by both Provinces never realized.

MR. NORTON moved, in amendment, that the words, "a deputation be appointed to proceed forthwith to Lower Canada to wait upon His Excellency, &c." be expunged, and the following inserted, viz.:—a memorial of the Board be transmitted forthwith to His Excellency, &c., be inserted in place thereof, which was carried.

YEAS—MESSIEURS,

SHAVER,  
LONGLEY,

NORTON,  
McDONALD.

NAY—MR. VANKOUGHNET.

The original motion being put was lost.

YEAS—MR. VANKOUGHNET.

NAYS—MESSIEURS,

NORTON.  
SHAVER,

LONGLEY,  
McDONALD,

Mr. VANKOUGHNET moved that it be *Resolved*, that the Honourable John Hamilton, one of the members of this Board, having attended in his place but twice, including the present meeting, within the last year; and that at the present meeting matters of great and weighty importance have been brought before it, which had been laying over for several Boards for consideration and decision, for the want of a full attendance of members; and although the Board had been in session two days, much of the most important business has not yet received consideration and decision, it was therefore all important that all the members in session should have continued until an adjournment of the Board would be agreed upon; but Mr. Hamilton having withdrawn before such adjournment, leaving a great part of the important business for the decision of only five members—the President be directed to acquaint Mr. Hamilton that, unless he can make it convenient to give a more regular attendance than he has done, that he will resign his situation, in order that some person may be appointed to fill his place, who will be more punctual in attending to the duties which the Legislature require of him, and share the responsibility with the attending Commissioners.—Which was lost.

YEAS—MR. VANKOUGHNET.

NAYS—MESSIEURS,

McDONALD,  
SHAVER,

LONGLEY,  
NORTON.

*Resolved*—That the President be requested forthwith to communicate with the President and Directors of the Chartered Banks in Upper Canada, on the subject of funds for the use of the Canal, and to offer to those Institutions for discount, the joint notes of the Commissioners, at three months date, for £10,000, with an understanding that such notes shall be renewed when due, if necessary, for a like period.

The Resident Engineer submitted a report on the subject of his mission to Toronto, by desire of the Chairman, which was read as follows:—

ST. LAWRENCE CANAL OFFICE,  
Cornwall, 30th April, 1838.

SIR,

In compliance with the directions contained in your letter of the 3rd instant, I proceeded by the first steam boat to Toronto, where I immediately waited on the Honourable Jonas Jones, who accompanied me to His Excellency the Lieutenant Governor, who lost no time in laying the matter before the Executive Council, and after minutely examining the Reports and Estimates of last year, they came to a decision which has been made known to you by their minutes of 17th instant, to order the Receiver General to offer debentures to the amount of £10,000, to the different Banks, for the service of this Canal, which sum is directed to be expended in paying off all debts, and in putting every thing in as good a state as possible preparatory to a suspension of the work.

With reference to this minute of Council, I have the honour to inform you, that the sum of £5,000 will be necessary in order to pay off all debts to the end of this month, and that the sum of £4,000 is imperatively required for performing the services mentioned in the enclosed statement, which I consider indispensable to the security and well being of the work, under present circumstances, as the expenditure of this sum, during this year, will save the work from material injury, and put it in a state for resuming it next year, without much additional expense, as far as regards any damage which the work is likely to sustain; but if no more work be performed to the Canal this year, the Contractors, who have made large preparations for going on with their contracts, will sustain very heavy losses, and if they should consequently go away and leave their contracts to be completed by other persons, a very serious additional expense will be incurred, as it will not be possible for strangers to undertake their work, without incurring a large extra expense in making preparations, &c. which the present Contractors have already done.

It will be very desirable to take the opportunity, if the work be suspended, of trying the banks of the Canal, by letting water into those parts which are excavated, and of thus finding out any imperfections that may exist in them.

This will be indispensably necessary before the Canal can, with safety, be filled for use, and therefore I have drawn up a statement, shewing the amount required for this purpose, which will be above £2,500, as some parts of the banks must necessarily be completed before this trial can be made; but I feel it my duty to urge its being done on every account, as the security of the banks hereafter will very much depend upon their being properly and carefully tried in the first instance.

I have the honour to be,

SIR,

Your most obedient

Humble Servant,

GEORGE PHILLPOTTS, C. R. E.

Honourable P. VANKOUGHNET,  
Chairman, &c.

**STATEMENT,**

*Of sums required to be expended during the present year, on the Saint Lawrence Canal, for the security and well-being of the work already performed.*

Lock No. 1, Raising and securing Dam, .....	£	15	0	0
2, Uncovering upper recess, raising and securing Dam, .....		50	0	0
3, do. do. do. do. ....		50	0	0
Levelling up the work, .....		150	0	0
4, Securing Dam, .....		35	0	0
5, Placing trusses in upper recess, .....		200	0	0
Guard Lock, preparing and laying foundation, .....		1,200	0	0
Cornwall Sewer, completing to Augusta Street, .....		150	0	0
Do. Culvert, raising water and covering the sewer and drain to river, ..		200	0	0
Sec. No. 1 to 12, Catchwater drains on surface to save banks from injury, ..		150	0	0
Drain or carriers down the slopes of No. 1, .....		350	0	0
Sec. No. 12 to 27, Catchwater drains on surface, .....		50	0	0
6, Embankment, &c. to prevent slipping, .....		500	0	0
Puddling, .....		100	0	0
11, Do. ....		300	0	0
Moulinette Culvert, securing from injury, and forming road, .....		35	0	0
Robinson's Creek Culvert, do. do. do. ....		29	10	8
Miscellaneous contingencies, for unforeseen cases of necessity, .....		500	0	0
		£4,064 10 8		

STATEMENT,

*Of work required to be performed, in order to try the banks of the Canal, by letting in water.*

Section No. 2,	Making dam at the upper end, .....	£	35	0	0
3,	Closing banks, &c. ....		200	0	0
4,	Do. do. ....		30	0	0
5,	Do. do. ....		75	0	0
9,	Waste weir, &c. ....		100	0	0
11,	Closing banks, &c. ....		15	0	0
12,	Do. do. ....		25	0	0
13,	Do. do. ....		20	0	0
15 & 16,	Do. do. ....		120	0	0
17,	Do. do. ....		100	0	0
19,	Do. do. ....		20	0	0
20,	Making drains, .....		60	0	0
21 & 23,	Do. and closing banks, .....		137	10	0
24,	Do. drains, &c. ....		52	10	0
25,	Do. do. ....		80	0	0
Contingencies, .....			230	0	0
Stop-logs at Locks, &c. ....			200	0	0
			£1,500	0	0
Add hanging and completing one set of gates, .....			1000	0	0
			£2,500	0	0

*St. Lawrence Canal Office,  
Cornwall, 30th April, 1838.*

At a meeting of the Commissioners, held at Cornwall, on the 10th, 11th, 12th, and 13th July, 1838.

PRESENT:

JOHN McDONALD, ESQUIRE, *President.*

HONOURABLE JOHN HAMILTON,

“ P. VANKOUGHNET.

HIRAM NORTON, }  
PETER SHAVER, } ESQUIRES.

The accounts and vouchers, &c. of the Secretary, were examined and approved.

IN COUNCIL, April 17th, 1838.

*It is Ordered*, by His Excellency the Lieutenant Governor in Council, that the Receiver General be authorised to offer for sale, in this Province, Debentures to the amount of £10,000, payable in London, for the service of the St. Lawrence Canal.

*And it is further Ordered*, that the Commissioners of the St. Lawrence Canal be informed, that in the present state of the London money market, and of the Provincial finance, the Government cannot hold out to the Commissioners a prospect of their being enabled, during this season, to continue expenditure to a greater extent than the sum above-mentioned.

*And it is further Ordered*, that the Commissioners be instructed so to manage the expenditure of the said sum of £10,000, as to pay, in the first place, all arrears due to Contractors and workmen; and, secondly, to place the work in such a state as to admit of the suspension of operations thereupon, with the least possible damage or public disadvantage, but it is to be distinctly understood that no further advances of money can be made.

*And it is further Ordered*, that the offer of the President of the Commercial Bank, which the Council understand to be a proposition to advance £8,000, on a pledge or deposit of debentures to be sold by the Bank on account of the Provincial Treasury, be declined, as the law does not authorise the hypothecation of the Provincial securities, on the sale of debentures, except by the Receiver General, with the assent of the Lieutenant Governor in Council.

(Signed) JOHN BEIKIE,  
Clerk, Executive Council.

The Honourable  
P. VANKOUGHNET,  
Chairman to the Commissioners of  
the Saint Lawrence Canal.

The President submitted a communication from the Civil Secretary, enclosing a Copy of a Minute in Council, on the subject of further advances for the use of the Saint Lawrence Canal improvement, which was read as follows:—

“COPY of a Report of the Executive Council, approved by His Excellency the Lieutenant Governor, on the application of the Directors of the Saint Lawrence Canal, for further advances.

“IN COUNCIL, 27th June, 1838.

“The Executive Council having had under consideration the application, on the part of the Directors of the Saint Lawrence Canal, for further advances, and their statements of loss and damage which would accrue were the work stopped at this time.

“The Executive Council considering the state of the Provincial finances, and the disadvantageous terms upon which only money can be raised, as well as the probable difficulty which may be found in meeting the payment of interest, most reluctantly consent to advise Your Excellency, that the Receiver General be authorised to negotiate Provincial debentures to the amount of Twenty Thousand Pounds, for this service, payable in London at the best rate, not however under par in this Province.

“The Executive Council humbly recommend to Your Excellency, to enjoin strictly that this money shall be expended with a view of placing the affairs of the Canal in a state for the suspension of the work, at least until a more favourable period, and so as to prevent a recurrence of any further demand, under the present circumstances:

“The Council beg respectfully to refer to the Minutes of the 17th April last upon this subject, in which the following passage occurs, which was duly forwarded to the Commissioners.

“*And it is further Ordered*, that the Commissioners be instructed so to manage the expenditure of the said sum of £10,000 as to pay, in the first place, all arrears due to Contractors and workmen; and, secondly, to place the work in such a state as to admit of the suspension of operations thereupon, with the least possible damage or public disadvantage, but it is decidedly to be understood that no further advances of money can be made.

“The Council are by no means of opinion that it was wise or judicious to press the continuance of this work, so far as it has gone, under unfavourable temporary circumstances occurring during its prosecution, and nothing would induce them to recommend any further advances, at this time, but the positive assurances of ruinous losses which would accrue to the Government from the withholding the means of continuing the work some time longer.”

(Signed,) JOHN BEIKIE,  
Clerk, Executive Council.

The Resident Engineer submitted a Report (in reference to the foregoing Minute of Council) on the state of the works, with a detailed statement of extra work required to be performed to effect the security of the Canal, which was read as follows:—



STATEMENT,

*Of work to be performed, in order to try the banks of the Canal, by letting in water.*

Section No. 2, Making a dam at upper end, .....	£ 35 0 0
3, Closing banks, .....	200 0 0
5, Do. do. ....	275 0 0
11, Closing banks and puddling, .....	215 0 0
12, Do. ....	25 0 0
16, Closing banks and puddling, .....	120 0 0
20, Making drains, .....	60 0 0
21 & 23, Do. do. and closing banks, .....	137 10 0
24, Making drains, &c. ....	52 10 0
25, Do. do. ....	80 0 0
Contingencies, .....	100 0 0
Stop-logs and locks, &c. ....	200 0 0
	£1,500 0 0

GEORGE PHILLPOTTS, C. R. E.

Canal Office,  
10th July, 1838.

The President submitted a copy of the address which was forwarded to His Excellency the Administrator of the Government of Lower Canada, on the subject of the improvement of the Saint Lawrence, in that Province, in conformity with the resolution of the Board at its last session, and the reply thereto, which was read as follows:—

*To His Excellency SIR JOHN COLBORNE, Baronet, &c. &c. &c., Administrator of the Government, of Lower Canadian Council.*

The Commissioners for improving the navigation of the River Saint Lawrence, desire—

RESPECTFULLY TO PRESENT:

That in full confidence in the assurances frequently obtained from the leading Members of the House of Assembly of Lower Canada, that the improvement of the Saint Lawrence, on a commensurate scale with that contemplated in Upper Canada, would be undertaken and carried to completion, so as to perfect the object desired, the Legislature of this Province was induced to authorise the appropriation of £430,000 for the improvement of the River within the limits of the Province, and a Canal of the requisite dimensions for opening a ship communication between the Atlantic and Lake Huron has been undertaken, and is now in a state of forwardness approaching nearly to completion.

That the chief object for which this improvement has been undertaken upon so large a scale, embrace advantages which must result to both Provinces, and as respects their agriculture and commerce, as well as facilities to emigrants in affording the means of access to their destinations from Quebec, exempted from the fatigue and expense of trans-shipment, but unless carried through on a similar scale in Lower Canada, those objects will, in a great measure, be sacrificed, and a vast expense will have been unnecessarily incurred.

That not only does the magnitude of the sum expended, render it important that a speedy application of the Canal to its intended purposes shall afford a remuneration for the outlay, but what is of much greater importance, the increasing population and extending trade of the Provinces, call for the utmost facilities that can be afforded to those paramount objects, and of these facilities none can take precedence of a communication which throws open a channel of access from the seaports to the shores of Lake Huron, and invites the industry, the capital, and the commercial spirit of Europeans, to the ample field which our Provinces afford for their exercise.

It is evident, that so long as the improvement of the Saint Lawrence in Lower Canada, upon a scale assimilated to that in progress in this Province, is incomplete, so long must those advantages be withheld, and the return for the heavy expenditure incurred be materially diminished.

Under all these circumstances, and in view of the important change in the political aspect of the Provinces, and the more confirmed assurances of a perpetuation to the connexion with Great Britain, the Commissioners feel assured that Your Excellency and the Honourable Council, will appreciate the necessity of an immediate attention to this important subject, and that measures will be taken to perfect, with as little delay as possible, an improvement so replete with advantages to both Upper and Lower Canada.

JOHN McDONALD,  
PRESIDENT, &c.

CORNWALL, 3rd May, 1838.

GOVERNMENT HOUSE,  
Montreal, 8th May, 1838.

GENTLEMEN:

Having submitted to the Administrator of the Government, the memorial which accompanied your Secretary's letter of the 5th instant, on the subject of the improvement of the navigation of the River Saint Lawrence, I have been directed by His Excellency to acquaint you, in reply, that the Session of the Special Council having terminated, your representation will be reserved for the consideration of the Earl of Durham.

I have the honour to be,  
GENTLEMEN,  
Your most obedient  
Humble Servant,

WILLIAM ROWAN,  
CIVIL SECRETARY.

TO THE COMMISSIONERS,  
&c. &c. &c.

Messrs. Norton and Shaver (a Committee appointed by the Board at its last session to investigate claims for damages to property, &c. on the line of the Canal) submitted their report, which was read as follows:—

CORNWALL, 10th July, 1838.

GENTLEMEN:

Your Committee, appointed to investigate and report upon certain claims referred to them by a resolution of the Board at its last session, beg leave to report:—

That in pursuing their investigations, they have met with embarrassments, arising from the very exorbitant demands made by individuals claiming damages, the great difficulty of getting disinterested arbitrators to act, the numerous cases which must, in all probability, be decided by arbitration, and the great importance of some of the claims.

Your Committee beg to recommend, therefore, that your Board should adopt a Report, recommending to the Legislature, at its next session, the passing of an Act appointing special Commissioners to settle all claims on the line of Canal for damages done to land and buildings.

(Signed,)

HIRAM NORTON,  
PETER SHAVER.

*Resolved*—That the recommendation, contained in the foregoing report, be embodied in an application to the Legislature at its next session.

The Resident Engineer submitted a report upon the claim of Messrs. R. and N. McKay, Contractors for lock No. 4, referred to him.

SAINT LAWRENCE CANAL OFFICE,  
Cornwall, 26th May, 1838.

SIR,

With reference to Messrs. R. and N. McKay's claim for extra work on lock No. 4, I have the honour to report as follows:—

The moving of the site and all the expenses connected therewith, appears to have been fully reported on by Mr. Mills, in his report of 28th May, 1836, to which I beg leave to refer you. The Contractors received £235 16s. 8d. at that time as a settlement of this claim.

The claim of £45 for a pile engine, might possible have been taken into consideration, if Messrs. McKays had procured one and delivered it here in good order. The alleged purchase of Mr. Hardy's, after he had done with it, and the circumstance of its being still at lock No. 1, and in a very bad state of repair, does not, in my opinion, constitute a fair ground of claim.

For wastage on planks, an allowance has already been made in the estimate by Mr. Mills.

Five of the extra items of the masonry were included in the payment of 17s. 6d. a yard, as allowed by a resolution of the Board, dated 12th September last.

The extra work in sinking the coping was caused by their own mistake.

The Carpenter work, in spiking the foundation of the recess, was a part of their contract.

Nothing more has been required to the hollow quoins than to make them fit for the gates.

The extension of the wing walls has already been settled agreeably to the Board's resolution of 12th September last, which was declared to be a final settlement of their claim.

I have the honour to be, &c.

GEORGE PHILLPOTTS, C. R. E.

JOHN McDONALD, Esq.,

President, &c.

*Ordered*—That the sum of £25 be paid to Messrs. McKay, on account of the pile driving machine, and that they be allowed to retain it, and that they be paid £25 on account of the alteration of the coping stone.

The Resident Engineer submitted a report on the claim of C. Truax, Contractor for Section No. 4, referred to him.

ST. LAWRENCE CANAL OFFICE,  
Cornwall, 13th June, 1838.

SIR,

With reference to Mr. Truax's claim for work not paid for on Section No. 12, I have the honour to report as follows:

The estimate for October, 1836, gives him credit for 54,475 cubic yards of embankment, and 2,600 cubic yards additional for sinkage, or settlement of the base below the original surface of the ground—in all 57,075 yards. In the estimate for June following, the quantity of embankment returned was 5,300 yards—in all 57,177 yards. By comparing the two estimates, there appears to be a reduction of 1,468 yards of embankment, and an increase of 1,570 yards of sinkage, so that on the whole he gained 102 yards by the last estimate.

From the limited time, which is necessarily allowed for preparing the monthly progress estimate, it is not possible to take them with that accuracy which is required in making the final estimate of a section, and consequently the October estimate of 1836 was not likely to be so correct as that taken in June, which was taken with great care.

A part of the difference in the quantity of embankment may possibly have been caused by some inaccuracy in the former measurement, and a part by shrinkage or consolidation, as well as by sinkage. The Contractor would not, of course, have any claim in either case, because he was responsible for all shrinkage until he gave up the section which he held, until the spring of 1837, at his own particular request, in order that he might endeavour to resume it, and therefore all the loss caused by shrinkage or consolidation during that period, necessarily fell upon him, as he could have no just claim for any more embankment than was found by measurement, when the section passed from his hands into those of the present Contractor, and if any additional sinkage took place during that time, it has been made up to him by the additional quantity given in the last estimate, the amount of which was ascertained by shafts sunk at the expense of the Commissioners.

Mr. Truax is altogether in error in supposing that 817 yards of embankment was deducted from him to replace the mucking taken from under the bank. This quantity of mucking was taken out at the lower end of the section where the excavation is paid for, and therefore it did not enter into the calculation of the embankment.

I have the honour to be, &c.

(Signed,) GEORGE PHILLPOTTS, C. R. E.

JOHN McDONLAD, Esq.,  
President, &c.

*Resolved*—That the claim of McC. Truax, for work on section No. 12, is inadmissible.

The Resident Engineer submitted a report upon the claim of Messrs. C. Kerr and Co., for extra expense incurred on sub-section E., referred to him.

SAINT LAWRENCE CANAL,  
Cornwall, 28th May, 1838.

SIR,

With reference to the claim of Messrs. C. Kerr and Co. for remuneration for extra expenses incurred in a part of their work on sub-section E., I beg leave to refer you to my letter of 13th October last, in which I have stated, on the report of Mr. Bellyard, the Assistant Engineer, at that time in charge of this part of the Canal, that they would have been obliged to excavate the lower part of their work in the manner they have done if we had not required any drain at all.

Mr. Kerr, himself, was absent when I made that report, and Mr. Stuart, his partner, to whom I applied at the time, to point out how the extra expense, here claimed, had been incurred, was unable to say anything on the subject.

Mr. Kerr has since returned, and he still insists that his charge for extra labour on 1,450 yards of excavation, at 8d. a yard, is not more than the extra expense actually incurred by the manner in which he was obliged to work this part of his section; but he admits that if this work had been so far advanced as to have been completed on 1st August, (the period at which he engaged by his contract to finish it,) this extra expense would not have been necessary. It will, therefore, remain with the Board to decide whether, under these circumstances, any thing ought to be allowed. I think that 6d. a yard for 1,415 yards, or £35 7s. 6d., would, at any rate, be quite sufficient.

I have the honour, &c.

(Signed,) GEORGE PHILLPOTTS, C. R. E.

JOHN McDONALD, Esq.,  
President, &c.

*Resolved*—That the claim of Messrs. C. Kerr and Co., for extra expense on sub-section E., is inadmissible.

The Resident Engineer submitted a report upon the claim of Messrs. Reid and Shepherd, for sundry extras on lock No. 2, as follows:—

SAINT LAWRENCE CANAL,  
Cornwall, 25th May, 1838.

SIR,

With reference to Messrs. Reid and Shepherd's claim for sundry extras on lock No. 2. I have the honour to report as follows:—

No. 1. For waste of plank in laying. For this item an allowance was made long ago by Mr. Mills.

No. 2. Cutting off stop gate checks. This has been paid for by day work in the estimate.

No. 3. Placing large stones in the breast of the lock for the bolts. Nothing, in my opinion, has been here required to justify any extra charge. They were good backing stones, but not better than required by the specification and contract.

No. 4. All extra cut stone will be included in the estimate, and paid for according to my report of 24th June last.

No. 5. The embankment of lock No. 2, has been allowed according to the agreement.—The Contractors were frequently told not to go on with it, if they were not satisfied with the price.

No. 6. The moving of the site of lock No. 3, was done when Mr. Mills was here. I have twice submitted this claim to him, and he says, in answer to one of my letters, "I think it might be very clearly shewn that the change in the location of lock No. 3, is decidedly in favour of the Contractors; that a claim is set up on this account is certainly very surprising to me. I should not allow it." In another letter, he says, "This lock was certainly moved, and just about the width of Mr. Smith's farm, consequently making the difference of distance of hauling the *face stones* that much further, and that upon the King's highway. This, which I think not a serious matter, is more than compensated by the circumstance, that as all their timber and plank, and the most of the backing, comes by water, and as they could not have landed on the bank of the River opposite the first location, the nearest point to that location where they could have landed being precisely where it is now located, the change in the location of the lock No. 3, has therefore saved them the hauling all these last named materials by land, a distance equal to the increased hauling of the *face stones*. N. B. Not on the King's highway. Independently the location would not have effected the proposition originally.

No. 7. Heading of piles and tree-nailing of timbers at lock No. 3. No extra charge is due on this account.

No. 8. The estimate of wing walls. This has been paid according to the Board's resolution of 12th September last, which was declared to be a final settlement of this claim.

The Contractors have never been obliged to return to the quarry, in consequence of the extra work, as they have stated. The quantity of work has not been increased since the summer of 1836, and in the winter of that year, as well as during the past winter, they had to go to the quarry for stone to complete the lock according to the original plan.

I have, &c.

(Signed,)

GEORGE PHILLPOTTS, C. R. E.

JOHN McDONALD, Esq.,

President, &c.

Ordered—That the foregoing report on the claim of Messrs. Reid and Shepherd, for sundry extras on lock No. 2, &c. be adopted.

The Resident Engineer reported on the claim of Mr. Isaac Hardy, to be reimbursed money paid by him to Truax and Co., original Contractors on section No. 12, for a portion of that contract, as follows:—

SAINT LAWRENCE CANAL,  
Cornwall, 28th May, 1838.

SIR,

With reference to Mr. Hardy's claim for remuneration, in consequence of a sum of money paid by him to Messrs. Truax and Waters, for a certain portion of their contract on section No. 12, I have the honour to report that Messrs. Truax and Waters having failed in performing their work according to agreement, their contract was declared null and void in the autumn of 1836, and given out to Messrs. Reid and Shepherd in the spring of 1837, at which time Mr. Hardy, who was well aware that it was advertised, ought to have requested permission to retain this portion alluded to, which might have been arranged without difficulty, by excepting it from the portion of the work given to Messrs. Reid and Shepherd, if the Board had thought proper; but Mr. Hardy could not, legally speaking, have claimed this indulgence at that time, as the period when this work was agreed to be performed by Messrs. Truax and Co. had expired, and Mr. Hardy, being a sub-contractor under them, could not have been entitled to any further time than was given by their contracts, and consequently he can have no claim whatever for remuneration on this head.

I have the honour to be,

SIR,

Your most obedient Servant,

(Signed.) GEORGE PHILLPOTTS, C. R. E.

JOHN McDONALD, Esq.,  
President, &c.

The Resident Engineer reported on the claim of Mr. Isaac Hardy for damages, in consequence of the alteration of the line at section No 4, as follows:—

SAINT LAWRENCE CANAL OFFICE,  
Cornwall, May 30th 1838.

SIR,

With reference to Mr. Hardy's claim for damages sustained, in consequence of the alteration of the line of the Canal on section No. 4, I have the honour to acquaint you, that I am informed by Mr. S. Keefer, who has been on the Canal from its commencement, that the alteration of the line on section No. 3 only extended 500 feet on the upper end of section No. 4, which caused an increase of 4,290 yards of excavation, and a reduction of 2,560 yards of embankment beyond the original plan. The contract price for the former is 6d. per cubic yard, and for the latter 8d.; but in consequence of an allowance of 10 per cent. being made here for shrinkage, the relative prices will be reduced to 6d. and 7<sup>2</sup>/<sub>7</sub>, and therefore the Contractor may be considered as entitled to the following allowance, viz.:

On 4,290 yards excavation 1 <sup>1</sup> / <sub>2</sub> .....	£21	9	0
Add 30 per cent .....	6	8	8
	<hr/>		
	£27	17	8
	<hr/>		

Which sum of £27 17s. 8d. may be granted to him on this account after this section has been completed, if the Board think proper.

I have the honour to be,

SIR,

Your most obedient

Humble Servant,

(Signed.) GEORGE PHILLPOTTS, C. R. E.

JOHN McDONALD, Esq.,  
&c. &c. &c.

The Resident Engineer reported on the claim of Mr. Isaac Hardy, for extra work on lock No. 1, as follows:—

SAINT LAWRENCE CANAL OFFICE,  
Cornwall, 31st May, 1838.

SIR,

With reference to Mr. Hardy's claim, embracing forty different items for extra work performed at lock No. 1, amounting to £2,226 12s. 7d., I have the honour to report as follows:—

- No. 1. Squaring of piles. This is included in the tender for "laying foundation timber," and therefore no extra charge is due on this account.
- No. 2. An additional price of one half-penny per yard on this lock pit has been paid.
- 3, 4, 5. Allowance for wastage on timber and plank laid. 10 per cent. may be allowed, as here requested on this account.
- No. 6. Extra plank laid under foundation. Mr. Mills allowed 42s. 6d. for this before I came to the Canal, and I think it quite sufficient, as the plank were laid rough, without jointing, and neither bored nor pined down.
- No. 7. This has already been paid in the estimate, 170s. on this account being included in 29,924 square feet, and 70s. extra on this account itself.
- No. 8. This was not omitted, but it is included in 101,144 square feet of plank delivered and paid in the estimate.
- No. 9. This may be allowed, amounting to £4 12s. 6d.
- Nos. 10 and 12. These items are included in the alteration of the plan of the lock, for which 17s. 6d. a yard was paid last year, in conformity with Mr. Mill's report, quoted in my report of 24th June last.
- 11, 14. The cut stone in the lower breast was an alteration of Mr. Mill's, and it was also included by him in the 17s. 6d. per yard. The stop gate checks were in the plan originally given to Mr. Harvey by Mr. Mills.
- No. 13. I have already caused 3s. a foot to be paid for this, which I think quite sufficient.
- No. 15. This is also covered by the 17s. 6d. a yard alluded to in the remark on No. 10, &c.
- 16, 17, 18. I consider that the Contractor was bound to do all these items without any extra charge by virtue of his contract.
- No. 19. May be allowed, according to my report of 24th June, as requested.
- No. 20. May also be allowed, amounting to £4 10s.
- No. 21. Nothing can be allowed for this, no more having been required than was necessary to make the mason-work fit to receive the gates.
- Nos. 22, 23. The extra trouble or expense incurred in procuring the stone here alluded to, has been so trifling that I do not think the Contractor is entitled to any extra allowance on this account.
- Nos. 24, 25. Nothing can be allowed on these, as no work was performed on them which the
- " 26. contract did not require.
- No. 27. In consideration of the circumstance stated, 1s. a day (instead of 3s. 5d. as here demanded for 126 days,) amounting to £6 6s. may be allowed on this.
- No. 28. Nothing can be allowed on these more than the quantity stated in my report of 12th
- " 30. October last, which will be paid for, as there stated when delivered, as required.
- " 31. The Island stone was refused, because there were plenty of the blue stone on the ground, and therefore they were not required. The contractor was desired to use the stone of the same colour as far as he had them.
- No. 29. No additional stop gate checks were ever ordered beyond those shewn in the plan originally given to Mr. Hardy by Mr. Mills.
- No. 32. Nothing can be allowed on this; it was not included in the original contract. The contractor, or his foreman, was told that 8d. a yard only would be paid for it, which was quite as much as the work was worth; and he was also told that if he did not wish to do it he might leave it, notwithstanding which he persisted in going on with it.

Nos. 33 and 34. Have been included in the measurement of the masonry and paid in the estimate.

No. 35. It appears, by the returns given in by Mr. Poitra, who was at that time foreman in charge of the lock, that one stone cutter, only for one day, was employed in cutting or rounding off the corners, during the month of October, which has been included in the estimate. There were five days work done at the chain holes, during the same month, which have also been included in the estimate and paid for.

No. 36. This has been paid for as extra cut stone.

" 37, 38. The number of days returned in the estimate and paid for, corresponds with the number returned by Mr. Poitra, the Master Mason, who has now left the work. Mr. Hardy should have brought this forward while Mr. Poitra was here, if he was not satisfied with his return.

No. 39. I can see no reason for paying this. The Board paid for a quarry in the neighbourhood, and if the contractor choose to go to Kingston for stone, he ought to pay for it himself.

No. 40. It must rest with the Board to decide whether they will allow any part of this claim. As far as I can understand the circumstances, the contractor is not entitled to it.

The above-mentioned items Nos. 3, 4, 5, 9, 19, 20, 27, may be allowed in the next estimate, if the Board approve of them.

I have the honour to be,

SIR,

Your most obedient

Humble Servant,

(Signed) GEORGE PHILLPOTTS, C. R. E.

JOHN McDONALD, Esq.,  
President, &c.

The foregoing reports, on the several claims of Mr. Hardy, having been read to him, and he being heard in reply thereto:—

*Resolved.*—That on the claim to be reimbursed the amount paid to the original contractors, for section No. 12, the report of the resident Engineer be adopted.

*Resolved.*—That on the claim for alteration of the line of canal at section No. 4, the sum of £27 17s. 8d. be paid to Mr. Hardy, as recommended in the report thereon.

*Resolved.*—That on the claim for sundry extras on lock No. 1—  
Item 8 be measured again, and the difference, if any, allowed.

" 14 be enquired into by the resident Engineer, and settled by him as he may consider equitable.

" 13, 1s. per foot to be allowed, in addition to 3s. already paid.

" 17, £25 be allowed.

" 22 and 23. If the stone were drawn in summer, by order of the Engineer, a suitable allowance for extra expenses to be made.

" 27. To be allowed 1s. per day on 126 days, £6 6s.

" 28, 30 and 31. The surplus stone to be taken from the contractor, and £75 to be paid in lieu.

" 29. The stop gate checks to be paid for at the Engineer's valuation.

" 37. If the statement of the claimant be found correct, the time not returned by the overseer to be paid for.

" 40. To be allowed £50 for extra expense incurred at Mille Roche's quarry, by Engineer's orders.

" 3, 4, 5, 9, 19, 20, to be included in next estimate.

The Resident Engineer reported on the claim of James Grooves, for damage to his land by stone being cut thereon for lock No. 2, as follows:—

SAINT LAWRENCE CANAL OFFICE,  
Cornwall, 24th May, 1838.

SIR.

With reference to Mr. Grooves' claim, for damage to his field, by the stone cutters, in preparing stone for lock No. 2, I have the honour to report, that I think £3 15s. will be a fair remuneration.

I have the honour, &c.

(Signed,)

GEORGE PHILLPOTTS.

JOHN McDONALD.

*Ordered.*—That £3 15 0, be paid to Mr. Grooves, in full for his claim.

Messrs. Thomas Scott, & Co. submitted a claim for detention, by order of the resident Engineer, as Sub-contractors under the late Contractor, for constructing the Cornwall culvert.

Referred to the resident Engineer.

Mr. Hiram Southworth, submitted a claim for damages to his cellar, in consequence of the water from the canal drain filling it up.

Referred to the resident Engineer.

Mr. James Byrnes, submitted a claim for damages done to his cellar, by the influx of water from the canal drain, at Long Sault.

Referred to the resident Engineer.

Mr. Robert Johnson, Contractor for the Cornwall dock, submitted a communication in reference to extra labour alleged to be performed on that contract, not included in the specification and tender.

On reference to the specification, and to the Foreman on the Cornwall dock;

*Resolved.*—That the claim of Mr. Johnson is inadmissible.

John Archibald, Esq. as representative of the estate of the late Adam Dixon, Esq., Contractor for section No. 5, submitted a statement in reference to a portion of the work on that section having been transferred by the resident Engineer to other persons.

The resident Engineer having explained the circumstances connected with Mr. Archibald's statement, and the necessity for the vigorous prosecution of the work on section 5, which by the terms of the contract he is empowered to facilitate, by the employment of extra labour when a sufficient force is not provided by the Contractor:

*Resolved.*—That the complaint cannot be entertained.

The claim of John McGilvray, Esq., on behalf of Lady McKenzie, for land, &c. taken for the use of the Canal, having been some time since adjusted, but not having been paid in consequence of the want of funds;

*Resolved.*—That an acknowledgment for the amount, being £155, be given to Mr. McGilvray, bearing interest at six per cent per annum, from 23d March, 1838, until paid.

Messrs. Reid and Shepherd submitted a report addressed to them by Mr. Peter Fleming, Civil Engineer, in reply to the report of the resident Engineer, upon their claim for extra allowance, &c. on Section No. 17, and Mr. Fleming having also submitted a communication on the same subject, the claimants with Mr. Peter Fleming their Engineer, were heard at considerable length in support of their claim, when it was

*Resolved.*—That upon a re-consideration and after a patient investigation of Messrs. Reid and Shepherd's claim for work done and damages sustained on Section No. 17, and having heard Peter Fleming, Esq. Civil Engineer, on their behalf,—The Board see no cause to change their views relative to those claims, and do therefore fully concur in the report of the resident Engineer thereon.

The arrival at Cornwall of His Excellency the Governor General being expected in the course of this evening, and it being deemed expedient that an address be presented to him, on

the subject of the improvement of the St. Lawrence in Lower Canada, as well as of the financial difficulties which threaten the suspension of the work in progress on this Canal; the President submitted the following address, which was unanimously adopted, viz.—

*To His Excellency the Right Honourable JOHN GEORGE EARL OF DURHAM, VISCOUNT LAMBTON, &c. &c. Knight Grand Cross of the most Honourable Military Order of the Bath, one of Her Majesty's most Honourable Privy Council, and Governor General, Vice-Admiral and Captain General of all Her Majesty's Provinces within and adjacent to the Continent of North America, &c. &c. &c.*

The Commissioners for improving the Navigation of the River St. Lawrence, in this Province, have learned with much satisfaction, that the subject of the necessary internal improvements in both Provinces will at an early period obtain the attention of Your Lordship, with a view to the attainment of the advantages to be derived from them; and they hail Your Lordship's visit to this part of the Province, on the day of their monthly meeting, as a most auspicious circumstance, inasmuch as it enables them to take this opportunity of addressing Your Lordship, and pointing out on the spot the very great importance of using every exertion for the speedy improvement of this noble River to Montreal.

It may be unnecessary to trouble Your Lordship now with a detail of the many obvious advantages that must result to these Provinces from the proposed improvement of the St. Lawrence, some of which are noticed in an address which the Commissioners have had the honour to lay before the late Administrator of the Government of Lower Canada, and which has been submitted to your Lordship.

In that address it is stated that £430,000 had been voted by the Legislature of this Province to accomplish this great undertaking.

Of this sum £350,000 will have been expended at the end of this season, and between £10,000 and £50,000 only of the remainder will be required to render this Canal navigable.

Your Lordship will learn with much regret, that in consequence of the present state of the finances of this Province, it is not judged expedient to issue the Debentures required for this purpose, and therefore it is to be feared that this work will now be stopped, unless some means can be devised for supplying the money required for its completion next year.

We therefore presume to hope that Your Lordship will feel yourself authorised to cause this sum to be lent to us from the resources of the Lower Province, until the finances of this Province are in a state to re-pay it, as the inhabitants of that Province are quite as much interested in the completion of this important undertaking as those of Upper Canada, and the money so lent will undoubtedly be re-paid by the time it is wanted for the completion of the Canal between the Cascades and Coteau du Lac, which we trust Your Lordship will cause to be commenced as soon as possible.

Should Your Lordship be pleased to devote a short portion of your valuable time, to a personal inspection of the work under our direction, we feel confident that the result will be satisfactory to Your Lordship, and will tend to strengthen the propriety of our claim upon your attention to the object which we desire to attain.

(Signed,)

JOHN McDONALD,  
PRESIDENT.

CORNWALL, 10th July, 1838.

*Resolved.*—That the assertions made by Mr. Vankoughnet, in a letter written by him on the 4th May last to the Secretary, Mr. Hume, as to the motives that induced Mr. Hamilton to attend the last meeting of the Board of Commissioners, are, in our opinion, utterly unfounded, and that the conduct of Mr. Vankoughnet, in thus destroying the good feeling and unanimity that ought to prevail among the Commissioners, is reprehensible and much disapproved of by us.

YEAS—MESSIEURS,

SHAVER,  
NORTON,

McDONALD.



The petition of Messrs. Brouse to His Excellency the Lieutenant Governor, having been taken into consideration, the following report thereon, for the information of the Lieutenant Governor, was read and adopted:—

“The Commissioners for improving the navigation of the River Saint Lawrence, in reply to your communication, which enclosed a memorial addressed to His Excellency, from Messrs. George and William Brouse, report for the information of His Excellency:—

“That on the occasion of an application from Messrs. Brouse to the Commissioners, relative to the erection of buildings for milling purposes at the Gallopps Rapid, they were informed that such buildings would interfere with the contemplated improvement of the navigation of the River, and that the water privileges, in front of the property in question, being the property of the Government, any damage that might result to them from the construction of the canal, could not be recognised as establishing a claim against the Province.

“That the present financial difficulties render it impossible to decide upon the plan most advisable to be adopted, in carrying on the improvement from the Long Sault to Prescott, and that therefore they are not prepared to take possession of the portion of land that may be required from the property of Messrs. Brouse for the intended improvement.

“The purchase of the property in question was made by Messrs. Brouse subsequently to the survey of the line of contemplated improvement.”

(Signed,)

JOHN McDONALD,  
PRESIDENT, &c.

Honourable JOHN MACAULAY,  
Civil Secretary,  
&c. &c. &c.

*Ordered*—That the foregoing report be forwarded by the Secretary to the Honourable John Macaulay, Civil Secretary.

The Resident Engineer submitted a report upon the claim of Robert Howisson and Co., contractors for sub-section D., which was read as follows:—

ST. LAWRENCE CANAL OFFICE,  
Cornwall, 7th August, 1838.

SIR,

With reference to my report of the 13th October, 1837, on the claim of Messrs. Howisson and Co., contractors for sub-section D., I have the honour to inform you that they have represented to me that the allowance which I then recommended to be made to them of £13 10s. for the addition of 30 yards to their platform, has proved quite insufficient to cover the extra expense incurred by them on the occasion alluded to, and that instead of an addition of 30 yards to their platform, it would have been necessary to add 100 yards, which, at 9s. a yard, would amount to £45, instead of £13 10s.

Under all the circumstances of the case, I am disposed to recommend this claim to the favourable consideration of the Board, as I believe, on consideration of the inconvenience and extra expenses to which the Contractors were exposed, by being compelled to prepare for the drain through the section, that this sum is not more than a fair remuneration.

I have the honour, &c.

(Signed,)

GEORGE PHILLPOTTS, C. R. E.  
AND MAJOR.

*Ordered*—That the sum of forty-five pounds, as recommended in the foregoing report, be paid to Messrs. Howisson and Co.

Reid and Shepherd, contractors for section No. 17, submitted a claim to be reimbursed £263 over paid (as stated by them) to their sub-contractor, in consequence of an alteration in the Engineer's estimate.

*Resolved*.—That the claim of Reid and Shepherd cannot be entertained.

Robert Shepherd, one of the contractors for lock No. 2, submitted an application on the subject of the measurement of that lock.

*Ordered*—That the Assistant Engineer, in charge of lock No. 2, be directed to re-measure the mason work on that lock jointly with the contractor.

Messrs. Howisson and Co. submitted a claim to be paid for extra work on sub-section D., in consequence of the rise of the River.

*Resolved*.—That the claim of Messrs. Howisson and Co. is inadmissible.

At a meeting of the Commissioners, held at Cornwall on Tuesday, 11th September, 1838:—

PRESENT:

JOHN McDONALD, Esq., PRESIDENT.

HONOURABLE JOHN HAMILTON,  
" PHILIP VANKOUGHNET,  
GEORGE LONGLEY, Esq.

PETER SHAVER, Esq.  
JAMES SAMPSON, M. D.

Dr. Sampson having reported his appointment as Commissioner in the room of the Honourable Mr. Jones, took his seat at the Board.

The minutes of the preceding meeting were read.

The accounts, vouchers, &c. were examined and approved.

The Resident Engineer referred the Board to a report submitted by him at the meeting in July, urging the importance of obtaining a further sum of £3000, to complete the preparations necessary for suspending the works on the canal.

*Resolved*.—That the application for a further sum of £3000 be deferred, until the decision of the Governor in Council, respecting the suspension of the work, be more definitely understood.

Mr. George Steel submitted an application to be reimbursed a sum awarded against him as damages to Messrs. Reid & Shepherd, in consequence of detention, the cement supplied by Mr. Steel having been rejected by the Engineer, but afterwards approved and used in the works.

*Resolved*.—That the Commissioners having no connection with the contracts for cement used on the Canal, cannot entertain the claim of Mr. Steel.

The Secretary submitted a report (as directed by the President) upon the facts connected with the contracts for water cement, in reference to Mr. Norton's interest therein, which was read as follows:

*Office of the Commissioners for  
Improving the Navigation of the St. Lawrence,  
Cornwall, 10th September, 1838.*

SIR,

In compliance with your desire, to prepare a statement of all the facts connected with the subject of water cement used in the construction of the Canal, to be laid before the Board, preparatory to affording the information required by His Excellency the Lieutenant Governor, as far as respects the participation of one of the Commissioners in the contract for supplying that material, I beg leave to state, that it having been suspected in July 1836, by the Commissioners, that Mr. Norton, a member of the Board, was interested in the contracts for supplying cement to the canal Contractors, the subject was brought forward, and the decided disapproval of the members was expressed, as well as their desire that Mr. Norton would at once divest himself of all interest in the contract.

At the next meeting of the Board, Mr. Norton produced a bond, purporting to convey the cement contract to Mr. Owis, of Massena.

A suit having been instituted in the United States against Reid & Shepherd, contractors for a part of the mason work, in consequence of a misunderstanding respecting the cement contract, it appeared in the course of evidence that Mr. Norton was still an interested party,

and this fact having come to the knowledge of the Board, the subject was again brought forward in July last, when Mr. Norton admitted, that in consequence of having found it impossible to effect any arrangement for the transfer of his interest, he was reluctantly compelled to adopt the course he had taken, and by cancelling the bonds entered into with Mr. Owis, deceived the Board as respected his interest in the contracts. In consequence of the admission made by Mr. Norton, the following resolution was proposed and adopted, viz.:

“That in consequence of the acknowledgment made at the present meeting, by Hiram Norton, Esq., that he was the Contractor for furnishing cement to the Contractors engaged in building the locks, &c. on the line of Canal; and whereas Mr. Norton had assured the Commissioners, at their meeting in the month of July, 1836, that he had entirely divested himself of all connection or interest with said contract, that Mr. Norton is thereby extremely culpable and blameable for having deceived the Commissioners, and that having so acted, the Commissioners consider it inconsistent for him to retain his situation as one of the Board.”

In explanation of the causes which led to Mr. Norton's interest in the contract, he stated to the Board, that having found that a combination was formed by the manufacturers of cement, at Syracuse, (the only place from whence a suitable material had, at that time, been furnished,) and an exorbitant price having been demanded, he was induced to undertake the manufacture of cement at Kingston, and to enter into contract in the name of Mr. Bacon, of Ogdensburgh, with the canal Contractors, and that in the construction of the necessary works at Kingston, he expended about £750. The permission to use the stone at Kingston having been subsequently withdrawn, he was obliged to erect works at Massena, where he necessarily incurred a considerable further expense. He further stated that he had used every possible exertion to dispose, even at a pecuniary sacrifice, of his interest in the contracts, but without effect; and that, under these circumstances, originating in a desire to assist the contractors, and facilitate the progress of the work, he became involved in difficulties, from which he found it impossible to extricate himself.

I have the honour to be, &c.

(Signed)

JAMES HUME,  
*Secretary.*

JOHN McDONALD, Esq.,  
*President, &c.*

At a meeting of the Commissioners, held at Cornwall on Tuesday, 9th October, 1838.

PRESENT.

JOHN McDONALD, ESQUIRE, PRESIDENT.

HONOURABLE JOHN HAMILTON,

PETER SHAVER, Esq.

“ PHILIP VANKOUGHNET,

JAMES MORRIS, Esq.

GEORGE LONGLEY, Esq.

James Morris, Esquire, having notified his appointment as Commissioner, in room of Hiram Norton, Esquire, resigned, took his seat at the Board.

The minutes of the preceding meeting were read.

The accounts, vouchers, &c. were submitted, and approved.

The Engineer submitted a report upon the claim of Nathaniel Tait, for a re-measurement of the work performed by him on section No. 9, the amount allowed for excavation being, as he states, short of the work performed, which was read as follows:

SAINT LAWRENCE CANAL OFFICE,  
*Cornwall, 8th October, 1838.*

SIR.

With reference to Mr. Tait's claim for work on section No. 9, I have the honour to report as follows:—

The measurement which he has given as a basis for the first item of his claim, 7,129 yards of excavation, is altogether a fallacy.

Had he submitted the measurement of all the excavation which has been taken to form the banks on this section, a comparison might then have been made with our estimates, from

which it would have been quite evident that he is paid for all the bank made on the section, at the contract price for embankment, after deducting the quantity of earth supplied from the excavation of the prism of the canal, from which a deduction of 10 per cent. has been made for shrinkage, in addition to 2,863 yards for the space occupied by the stones taken from the excavation.

The fact is, that in order to supply a sufficient quantity of earth for the bank on this section, the canal was laid out from 10 to 15 feet wider than in other places, and now Mr. Tait, after having been paid the full price of embankment for this work, demands payment for this excavation out of the limits of the canal, from which the earth required to form the bank was supplied, which is quite unreasonable.

With regard to the second item of his claim, on which he demands payment for the mucking and loose stone, which he states to be 4,506 yards, we have already allowed for mucking replaced by embankment..... 850 yards.

Loose stone..... 2,863 "  


---

3,713 yards.  


---

Which makes only 793 yards less than he demands.

The difference is easily accounted for, by reducing the loose stones to the space which they originally occupied in the excavation, and by a part of the mucking having been allowed to be placed in the outside of the slope, and therefore I conceive that he has been allowed every thing he is entitled to in our last estimate for this section.

I have the honour, &c.

(Signed,)

GEORGE PHILLPOTTS, C. R. E.

AND MAJOR.

JOHN McDONALD, Esq.,

President, &c.

*Resolved.*—That the report of the Engineer upon the claim of Nathaniel Tait, for work done on section No. 9, be adopted.

Simon Frazer submitted a claim to be allowed for extra work on sub-section C., by raising the bank higher than originally contemplated.

*Resolved.*—That on reference to the contract for constructing sub-section C. to the claim of Mr. Frazer, is inadmissible.

Reid and Shepherd, contractors for section No. 17, submitted a renewed claim to be reimbursed £266, stated to be over paid by them to their sub-contractor, in consequence of error in the estimates for work on that section.

*Resolved.*—That the claim of Reid and Shepherd is inadmissible.

Reid and Shepherd, and R. and P. McKay, contractors for locks Nos. 2, 3 and 4, submitted a communication, in reference to the prices allowed for extra mason work on the locks, and to the alteration of the plans as originally exhibited, &c.

The claims of the lock contractors for the extension of the wing walls having been re-considered, it was—

*Resolved.*—That an amendment of the resolution passed at the meeting of the Board, on the 12th and 13th September, 1837, the Contractors be paid their original contract prices, as follows, viz.—Lock No. 1, 25s. 10d. per yard; Nos. 2 and 3, 28s. 9d. per yard; No. 4, 30s. and Nos. 5 and 6, 31s. per yard; with the additional per centage allowed on the work generally, while in progress, for such number of yards as shall contain a quantity of cut stone equal in proportion to that of the original plan of the locks, for the remainder a deduction to be made of 3s. per foot, superficial measure, for the quantity of cut stone that would be required to make each yard equal to the other.

YEAS—MESSIEURS,

McDONALD,  
LONGLEY,

VANKOUGHNET,  
MORRIS.

NAY—MR. HAMILTON.

At a meeting of the Commissioners, held at Cornwall, on Saturday, the 20th December, 1838.

PRESENT.

JOHN McDONALD, ESQUIRE, PRESIDENT.

HONOURABLE P. VANKOUGHNET,                      PETER SHAVER, Esq.  
 GEORGE LONGLEY, Esq.                      JAMES MORRIS, Esq.

The accounts and vouchers were examined and approved.

The President submitted a communication from the Lieutenant Governor, on the subject of erecting Block Houses for the defence of the frontier, with copy of his instructions to the resident Engineer on the subject, which were read as follows:—

GOVERNMENT HOUSE,  
 Toronto, 27th October, 1838.

SIR,

I am directed by the Lieutenant Governor to request that you will be pleased to give instructions to the resident Engineer on the Saint Lawrence Canal, to erect, as speedily as possible, a stone Block House, near the locks at Cornwall, on a plan which will be furnished to you by the Commanding Royal Engineer at Kingston.

His Excellency's object in making this communication, is to save time in carrying this work into execution at this late season of the year; and understanding that the Engineer, established on the Saint Lawrence Canal, will be able to carry his wishes into effect, His Excellency has thought it most expedient for the good of Her Majesty's service, in this emergency, to apply to you for this assistance.

The funds for the performance of this work will be furnished by the Commissariat Department, on your application, supported by proper vouchers, certified by the resident Engineer on the Saint Lawrence Canal, receipted, &c. in the usual manner.

I have the honour, &c.

(Signed,)

JOHN MACAULAY.

GANANOQUE, 29th October, 1838.

SIR,

I request you will be pleased to carry into effect, with as little delay as possible, the order conveyed by the Lieutenant Governor in the enclosed letter, dated 27th October, from the Private Secretary, and I request that you will apply to the Commanding Royal Engineer, at Kingston, for the plans, &c. to carry it into effect immediately.

I have the honour, &c.

(Signed,)

JOHN McDONALD,

PRESIDENT.

Colonel PHILLPOTTS,

Resident Engineer,

Cornwall.

*Resolved.*—That as it appears the Military authorities have given directions that the part of the frontier, on the line of the Saint Lawrence Canal, shall be placed in as good a state of defence as possible, and as building will eventually be required at each of the locks, for the persons employed to attend them when finished, the Board will have much pleasure in affording every facility in their power towards their construction, and if any buildings are erected at the locks which can hereafter be available for the lock keepers and their attendants, the Board will also be happy to assume them, and to pay a fair rent for them, or whatever value it may be considered equitable that the Commissioners should pay for them, when they are in funds to do so.

The President submitted a communication from the Honourable John Macaulay, enclosing letters from the Quarter Master General's Department, on the subject of Barracks, and other houses, for the accommodation of the troops in Cornwall, which were read as follows:—

GOVERNMENT HOUSE,  
Toronto, 3rd December, 1838.

GENTLEMEN:

By the direction of His Excellency the Lieutenant Governor, I beg to enclose you copies of two letters, written by Captain Hurd, Quarter Master General Militia, and Colonel Gore, Deputy Quarter Master General, relative to the Barrack accommodation of the Militia at Cornwall, and at the same time to intimate to you His Excellency's desire, that if there be any unoccupied buildings at your disposal, suitable for Barrack accommodation, or if there be any other way in which, consistently with the powers under which you act, you can assist Colonel Phillpotts, you will do so to the fullest extent.

I have the honour, &c.

(Signed,)

JOHN MACAULAY.

THE COMMISSIONERS,

*Saint Lawrence Canal.*

(COPY.)

ASSIS'T. Q. M. GENERAL'S OFFICE,  
Toronto, 1st December, 1838.

SIR,

I have the honour, by desire of Colonel Fraser, Assistant Quarter Master General, to transmit to you the copy of a letter from the Honourable Colonel Charles Gore, Deputy Quarter Master General, having reference to Barrack accommodation for the Militia at Cornwall, and stating that it would materially facilitate Colonel Phillpott's proceedings, if His Excellency would be pleased to authorise the Commissioners of the Saint Lawrence Canal, to render all the assistance in their power to the Colonel in making his arrangements, and I am further instructed to request that you will be good enough to move His Excellency the Major General Commanding, to authorise accommodation to that effect to the Commissioners of the Canal Company in question, with as little delay as may be possible.

I have the honour, &c.

(Signed,)

S. P. HURD,  
Deputy Q. M. G., Militia.

Honourable JOHN MACAULAY.

(Copy.)

HEAD QUARTERS,  
Montreal, November 21, 1838.

SIR,

I am directed by His Excellency the Commander of the Forces, to request that you will be pleased to inform His Excellency Sir George Arthur, that Colonel Phillpotts has been directed to make arrangements for Barrack accommodation for the Militia at Cornwall, and that it would facilitate his proceedings, if His Excellency would authorise the Commissioners of the Saint Lawrence Canal Company to render all the assistance in their power to Colonel Phillpotts in making his arrangements.

I have, &c.

(Signed,)

CHARLES GORE,  
D. Q. M. General.

Colonel FRASER,

*Assis't. Q. M. General.*

*Ordered*—That the Barracks, which were constructed from the funds of the Saint Lawrence Canal, be handed over to Colonel Phillpotts, for the use of the troops, and that a statement of the amount expended thereon be rendered to the Quarter Master's Department, in order that the same may be refunded for the use of the Canal.

ABSTRACT,

Of Receipts and Expenditures, on account of the St. Lawrence Canal, from 1st January, to 31st December, 1838.

Paid account, Contingent expenses.....	£ 326 19 2	Balance, 31st December, 1837 .....	£ 2,413 18 4½
" " Engineer expenses.....	2,821 7 5½	Cash from Receiver General.....	34,722 4 5
" " Damages.....	28 15 0	Amount of outstanding Debentures, } charged to the Contractor as Cash, }	1 917 5 0
" " Salaries.....	350 0 0		
" Interest on Commissioners } Debentures, &c..... }	80 4 3		
" Section No. 1 ..	£7,058 5 0		
" " 3 ..	615 4 4		
" " 4 ..	240 1 2		
" " 5 ..	1,297 16 4½		
" " 6 ..	2,066 0 9		
" " 7 ..	0 13 11		
" " 8 ..	6 3 11½		
" " 9 ..	70 9 9½		
" " 10 ..	30 17 4		
" " 11 ..	1,002 6 5¾		
" " 12 ..	558 3 4		
" " 13 ..	83 0 0		
" " 14 ..	10 0 10		
" " 15 ..	35 5 0		
" " 16 ..	0 8 4		
" " 17 ..	302 2 6		
" " 18 ..	22 6 6		
" " 19 ..	59 15 0		
" " 20 ..	354 17 5		
" " 21 ..	266 0 0		
" " 22 ..	77 0 0		
" Lock No. 1 .....	36 13 5½		
" " 2 & 3 .....	1,791 16 9		
" " 4 .....	234 3 9		
" " 5 & 6 .....	2,636 15 0		
" Culverts .....	2,197 6 2¾		
" Lock Gates .....	3,230 0 0		
" Cornwall Dock ..	197 4 10½		
" Cornwall Sewer,	457 5 0		
" Guard Locks ...	2,997 10 1		
" Sub-Section A..	19 10 0		
" " B..	873 7 0		
" " C..	2,192 12 0		
" " D..	849 4 4		
" " E..	81 0 7		
" " F..	159 15 0		
" Retaining Wall } No. 6 .....	136 0 0		
" Brownell's Bridge	241 19 11		
" Robinson's do.	1 9 11		
" Macadamizing } Culvert Road, }	99 15 4½		
	32,590 7 3		
" Debentures credited the Province in account, 1837—since retired .	375 0 0		
" Balance of late Agent's account .....	£80 0 0		
" Do. Henry Sherwood, Esq'r. his account for professional services not yet rendered ....	24 4 0		
	104 4 5		
Balance on hand, 31st December, 1838,	2,376 10 3		
	£39,053 7 9½	Balance, 1st January, 1839 .....	£ 2,376 10 3

(Signed)

JAMES HUME,

Secretary,

St. Lawrence Commissioners.

Province of Upper Canada in Account with the Commissioners of the St. Lawrence Canal.

Cr.

Dr.

1834. Dec. 31,	To amount disbursed, as per Vouchers .....	£ 31,429 18 6	1834. Dec. 31, By Cash from the Receiver General .....		£ 37,000 0 0
1835. Dec. 31,	Do. do. do. ....	85,840 12 8½	Do. do. ....	£ 80,087 3 10	
1836. Oct. 31,	Do. do. do. ....	82,821 13 6	Do. account, Tow-path repaid .....	343 7 6	80,430 10 4
1837. Dec. 31,	Do. do. do. ....	117,424 19 10	Do. from Receiver General .....	86,000 0 0	
1838. Dec. 31,	Do. do. do. ....	36,676 17 6½	Do. on contingent account, repaid for Tools .....	417 11 0	
1839. Jan'y. 1,	Do. do. do. ....	2,376 10 3	Do. repaid advances to Beely & Co. in 1835 .....	250 0 0	86,667 11 0
1837. Dec. 31,	Do. Balance on hand .....		Do. from Receiver General .....	113,000 0 0	
"			Do. repaid by Kerr & Co. advanced in 1836 .....	£950 0 0	
"			Do. R. & W. Hervey, do. ....	500 0 0	
"			Do. J. Hardy, do. ....	200 0 0	
"			Do. Reid & Shepherd, do. ....	350 0 0	
"			Do. account, Tow-path repaid .....	2,000 0 0	
"			Do. on contingent account, repaid for Tools .....	170 14 6	
"			Do. outstanding Debentures, charged to the Contractors as Cash, with interest .....	296 6 1	
"			Do. rest .....	375 0 0	115,842 0 7
1838. Dec. 31,			Do. from Receiver General .....	34,722 4 5	
"			Do. outstanding Debentures, charged to the Contractors as Cash, with interest .....	1,917 5 0	36,639 9 5
1839. Jan'y. 1,		£356,579 12 4	By Balance carried down, .....	£ 2,376 10 3	£356,579 12 4

Balance at Credit of the Province of Upper Canada, amounting to two thousand three hundred and seventy-six pounds, ten shillings and three-pence, Currency.

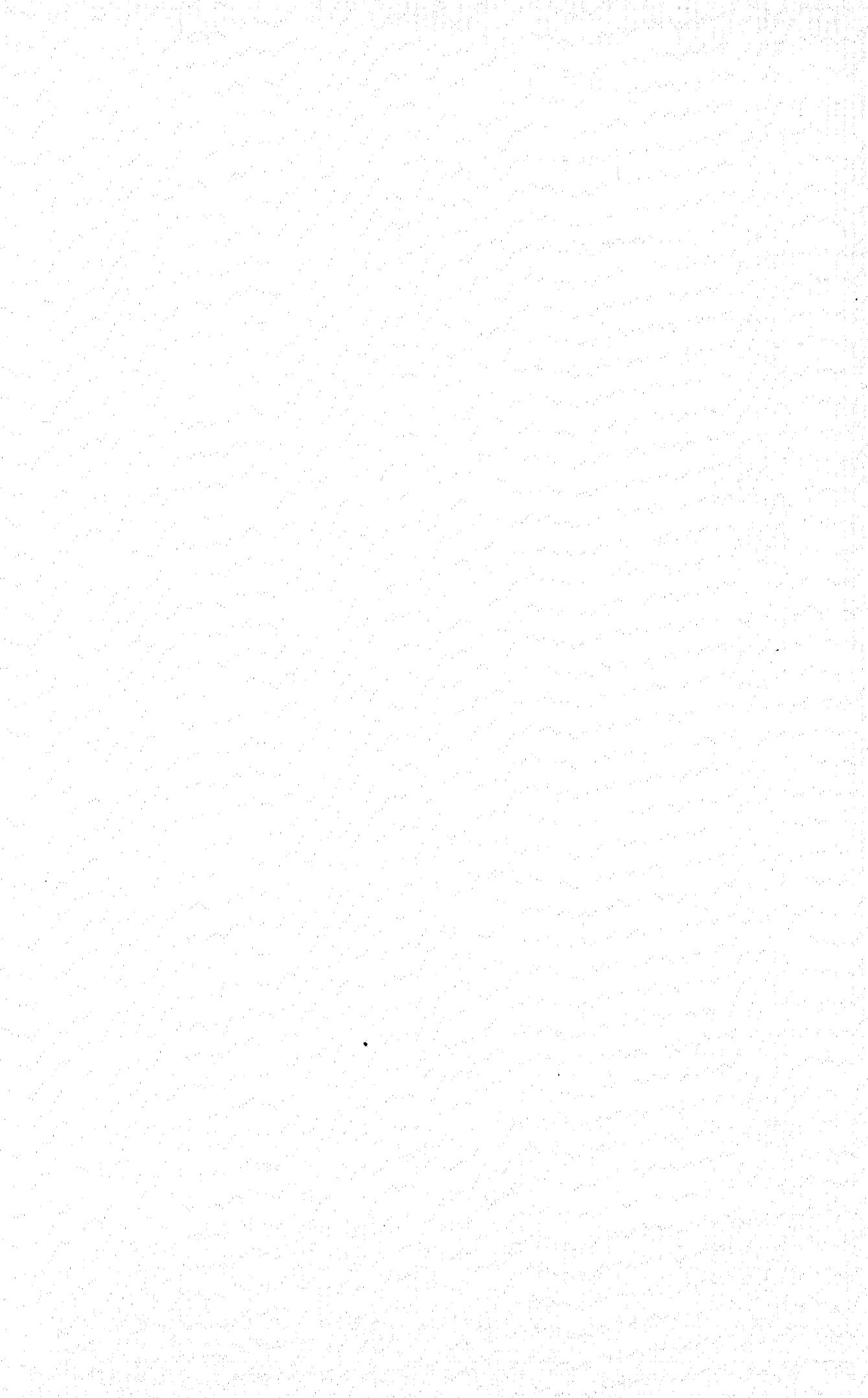
JAMES HUME,  
Secretary,  
St. Lawrence Commissioners.

E. E.  
Cornwall, 1st January, 1839.

ABSTRACT,

(Of the gross amount of the Engineer's estimate, Board's orders, Engineer's orders, and Secretary's payments, for work done upon the St. Lawrence Canal, up to 31st December, 1838.

SECTIONS	Engineer's Estimate.			Board's Orders.			Engineer's Orders.			Total.			Reserve.			Suspense Accounts.			Secretary's Payments.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
No. 1. ....	47,063	15	5½	206	7	10	9	18	1½	47,280	1	5	0	0	0	0	0	0	47,380	1	5
A. ....	4,724	14	1½	0	0	0	0	0	0	4,724	14	1½	1	17	10½	0	0	0	4,723	6	3
B. ....	4,828	17	2	103	12	0	0	0	0	4,932	9	2	0	0	0	0	0	0	4,932	9	2
C. ....	5,601	19	3	12	12	0	0	0	0	5,614	11	3	0	0	0	14	10	9	5,629	2	0
D. ....	6,177	7	8½	45	0	0	0	0	0	6,222	7	8½	0	0	0	0	0	0	6,222	7	8½
E. ....	5,734	11	10½	0	0	0	0	0	0	5,734	11	10½	0	0	0	0	0	0	5,734	11	10½
F. ....	3,555	19	10½	0	0	0	0	0	0	3,555	19	10½	0	0	0	0	0	0	3,555	19	10½
Total. ....	£77,687	5	5	367	11	10	9	18	1½	78,064	15	4½	1	17	10½	14	10	9	78,077	18	3½
Section No. 2. ....	6,744	17	11½	0	0	0	0	0	0	6,744	17	11½	0	0	0	0	0	0	6,744	17	11½
"  3. ....	14,822	13	5½	1,038	8	3	0	0	0	16,115	11	0½	0	0	0	0	0	0	16,115	11	0½
{ Loose Stone charged to sec. 3. ....	254	9	4	0	0	0	0	0	0	254	9	4	0	0	0	0	0	0	254	9	4
{ Section No. 4. ....	7,373	15	8	27	17	8	0	0	0	7,447	6	8	0	0	0	0	0	0	7,447	6	8
{ Loose Stone charged to sec. 4. ....	45	13	4	0	0	0	0	0	0	45	13	4	0	0	0	0	0	0	45	13	4
{ Section 5. ....	6,357	2	10½	0	0	0	0	0	0	6,357	2	10½	0	0	0	0	0	0	6,357	2	10½
{ Clearing Ravine sec. 5. ....	19	16	0	0	0	0	0	0	0	19	16	0	0	0	0	0	0	0	19	16	0
{ Section 6. ....	8,001	15	0	202	3	3	0	0	0	8,215	8	3	0	0	0	36	12	6	8,252	0	9
{ Amiable for brush wood. ....	0	0	0	11	10	0	0	0	0	11	10	0	0	0	0	0	0	0	11	10	0
{ Section 7. ....	2,020	12	9	197	9	9	0	0	0	2,218	2	6	0	0	0	0	0	0	2,218	2	6
"  8. ....	2,994	10	3	0	0	0	0	0	0	2,994	10	3	0	0	0	0	0	0	2,994	10	3
"  9. ....	3,682	16	9½	0	0	0	0	0	0	3,682	16	9½	0	0	0	0	0	0	3,682	16	9½
"  10. ....	2,894	13	3	0	0	0	0	0	0	2,894	13	3	0	0	0	0	0	0	2,894	13	3
"  11. ....	6,325	6	11½	469	15	0	0	0	0	6,797	13	5½	0	0	0	0	0	0	6,797	13	5½
{ Brush wood, section 11. ....	0	0	0	2	12	6	0	0	0	2	12	6	0	0	0	0	0	0	2	12	6
{ Section 12. ....	6,324	13	10½	0	0	0	0	0	0	6,324	13	10½	9	14	2½	0	0	0	6,344	19	8
{ Cleaning Ravine, section 12. ....	30	0	0	0	0	0	0	0	0	30	0	0	0	0	0	0	0	0	30	0	0
{ Section 13. ....	4,047	3	7½	0	0	0	0	0	0	4,047	3	7½	0	0	0	0	0	0	4,047	3	7½
"  14. ....	1,222	15	8½	0	0	0	0	0	0	1,222	15	8½	1	10	4½	0	0	0	1,221	5	4
"  15. ....	1,004	17	7	0	0	0	0	0	0	1,004	17	7	50	16	11½	0	0	0	954	0	7½
"  16. ....	883	3	1½	0	0	0	0	0	0	883	3	1½	0	0	0	0	0	0	883	3	1½
"  17. ....	6,700	14	2	122	6	0	0	0	0	6,823	0	2	1	6	6	0	0	0	6,821	13	8
"  18. ....	932	19	4½	0	0	0	0	0	0	932	19	4½	0	0	0	0	0	0	932	19	4½
"  19. ....	1,457	3	10½	0	0	0	0	0	0	1,457	3	10½	0	0	0	0	0	0	1,457	3	10½
"  20. ....	1,254	17	5	0	0	0	0	0	0	1,254	17	5	0	0	0	0	0	0	1,254	17	5
"  21. ....	3,473	8	1½	0	0	0	0	0	0	3,473	8	1½	0	0	0	0	0	0	3,473	8	1½
"  22. ....	3,960	10	0½	0	0	0	0	0	0	3,960	10	0½	0	0	0	0	0	0	3,960	10	0½
"  23. ....	2,897	9	11½	0	0	0	0	0	0	2,897	9	11½	10	5	11½	0	0	0	2,887	4	0
"  24. ....	1,051	9	5½	0	0	0	0	0	0	1,051	9	5½	6	17	5½	0	0	0	1,045	12	0
"  25. ....	2,683	6	2	0	0	0	0	0	0	2,683	6	2	2	12	9	0	0	0	2,680	13	5
"  26. ....	795	10	2	0	0	0	0	0	0	795	10	2	0	0	0	0	0	0	795	10	2
"  27. and Lock pits 5 and 6. ....	5,085	4	11	1,100	0	0	0	0	0	6,185	4	11	192	15	11½	0	0	0	6,185	4	11
{ Lock Gates. ....	1,953	1	11½	1,000	0	0	0	0	0	20,531	5	11½	0	0	0	0	0	0	20,338	10	0
{ do. No 1. ....	1,158	3	5½	576	0	0	0	0	0	12,133	3	5½	0	0	0	0	0	0	12,133	3	5½
{ do. do. 2 and 3. ....	2,351	14	7½	1	5	0	0	0	0	23,694	14	7½	0	0	0	40	5	11	23,635	0	6½
{ Timber for Locks. ....	51	15	0	0	0	0	0	0	0	51	15	0	0	0	0	0	0	0	51	15	0
{ Lock No. 4. ....	13,687	2	2	283	18	8	0	0	0	13,972	18	10	0	0	0	61	0	11½	14,033	19	9½
{ Do. 5 and 6. ....	23,414	2	0½	0	0	0	0	0	0	23,414	2	0½	0	0	0	30	7	0½	24,276	1	10½
{ Timber for ditto. ....	51	15	0	0	0	0	0	0	0	51	15	0	5	0	8½	0	0	0	3,724	0	1
{ Retaining wall, section 11. ....	3,541	10	9½	187	10	0	0	0	0	3,729	0	9½	0	0	0	0	0	0	3,729	0	9½
{ Culverts. ....	7,277	4	0	25	0	0	0	0	0	7,302	4	0	0	0	0	0	0	0	7,302	4	0
{ Monticette Culvert. ....	2,932	8	5½	8	12	6	0	0	0	2,940	16	11½	0	0	0	0	0	0	2,940	16	11½
{ Robinson's Creek do. ....	581	3	7	0	0	0	0	0	0	581	3	7	0	0	0	0	0	0	581	3	7
{ Cornwall do. ....	3,660	0	2½	0	0	0	0	0	0	3,660	0	2½	0	0	0	0	0	0	3,660	0	2½
{ Robinson's Bridge. ....	258	9	7½	0	0	0	0	0	0	258	9	7½	0	0	0	0	0	0	258	9	7½
{ Culvert Road, Mille Roches. ....	482	0	3½	0	0	0	0	0	0	482	0	3½	0	0	0	0	0	0	482	0	3½
{ Cornwall Eason. ....	210	0	0	79	11	8	0	0	0	289	11	8	0	0	0	0	0	0	289	11	8
{ Do. Dock. ....	465	19	10½	0	0	0	0	0	0	465	19	10½	0	0	0	0	0	0	465	19	10½
{ Do. Sewer. ....	979	10	3½	0	0	0	0	0	0	979	10	3½	0	0	0	0	0	0	979	10	3½
{ Do. do. ....	752	7	2½	21	0	0	0	0	0	1,752	17	6½	36	6	3½	0	0	0	1,716	11	2½
{ Guard Lock. ....	4,673	11	8½	4	9	10	0	0	0	4,677	5	4½	0	0	0	10	16	1½	4,784	1	6½
{ Timber for do. ....	96	3	10½	0	0	0	0	0	0	96	3	10½	0	0	0	0	0	0	96	3	10½
{ Macadamizing the M. R. C. Road. ....	176	10	4½	0	0	0	0	0	0	176	10	4½	0	0	0	0	0	0	176	10	4½
{ Pointing and Paring M. R. C. ....	548	0	0	0	0	0	0	0	0	548	0	0	0	0	0	0	0	0	548	0	0
{ Retaining wall, section 6. ....	1,969	18	0	0	0	0	0	0	0	1,969	18	0	3	0	6½	0	0	0	1,966	17	6
{ Bridge and Ravine, Bl's Bay. ....	282	9	11	0	0	0	0	0	0	282	9	11	0	0	0	0	0	0	282	9	11
Total. ....	£303,753	2	1½	5,727	19	11	821	4	5	310,302	6	5½	332	8							



REPORT OF COMMISSIONERS,

ON THE

IMPROVEMENT OF THE RIVER ST. LAWRENCE,

FOR THE YEAR 1838.

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PRINTED BY ORDER OF THE HOUSE OF ASSEMBLY.

By Stewart, Printer to the Queen's Most Excellent Majesty.

REPORT OF THE COMMISSIONERS,  
ON THE  
SURVEY OF THE OTTAWA RIVER, &c.

To His Excellency SIR GEORGE ARTHUR, K. C. H., *Lieutenant Governor of the Province of Upper Canada, Major General Commanding Her Majesty's Forces therein, &c. &c. &c.*

The Commissioners appointed under the authority of an Act of the Provincial Legislature, entitled "An Act to provide for a survey of the Ottawa River, and the country bordering on it, together with the country and waters lying between that River and Lake Huron," beg leave to report:—

That in order to carry into effect the intention of the Legislature, and to ensure, if possible, every information calculated to ascertain the practicability of making a navigable communication between the Ottawa and Huron, the Commissioners engaged three gentlemen, who were directed to take different routes, with a view of discovering the nature of the country, the facilities of transport, the quality of the soil, and whether adapted for purposes of cultivation, besides the great object "the water communication."

They beg leave to subjoin the reports of David Taylor, Esq., and of Messrs. David Thompson and Hawkins, the gentlemen employed, who appear to have discharged their duty with zeal and ability.

The plans, which are bulky, are deposited in the Surveyor General's Office, as in the opinion of the Commissioners best calculated to ensure their preservation.

An account in detail of the expenses which have already been incurred, could not be prepared in time to be submitted with this report, but will be furnished before the next Session of the Legislature, with such other information as can be procured.

All which is respectfully submitted.

JOHN S. CARTWRIGHT.

TORONTO, 27th March, 1839.

DIARY of Mr. TAYLOR on Survey of Ottawa.

July 12th, 1837.—Received instructions from Captain Baddeley, R. E., one of the Commissioners for directing the party about to explore the country and waters between Lake Huron and the Ottawa River, to procure provisions and proceed to Toronto, with as little delay as possible, and there receive instructions from the Honourable John Macaulay.

Thursday, 19th July.—Arrived in Toronto, having brought up six barrels of pork, and nine of biscuit, one tent, &c.

Friday, 21st July.—I received instructions from the Honourable John Macaulay, who desired me to proceed to Holland Landing, where I should find Mr. David Thompson, Civil Engineer, superintending the building of canoes, one of which I was to have, and to furnish myself a crew and necessaries, and be in readiness to start with the gentlemen composing the party.

Saturday, 22d July.—Proceeded to Holland Landing, found Mr. Thompson, their canoes finished, paint not dry; sent one of Mr. Thompson's men in search of a crew, with their assistance I got my canoe paddles made, and some of my provisions packed.

Sunday, 23d July.—Heavy sultry weather, with thunder.

Monday, 24th July.—Mr. Thompson's man returned, but with one to add to our number, Louis Tupas, who I entered at three pounds fifteen shillings per month, with the promise, if he behaved well, and exerted himself, something was to be added when our exploring should cease, and sent to his home free of expense.

Tuesday, 25th July.—Employed packing provisions.

*Wednesday, 26th July.*—Sent a team to Newmarket to procure peas, axes, and sundry small articles—finished packing, and sent stores to the Landing. The Honourable John Macaulay arrived from Toronto to accompany the party to Penetanguishine, weather clear.

*Thursday, 27th July, at 4, A. M.*—Fine weather; loaded the canoes, at 5. 30 left the Holland Landing, descended the Holland River, crossed the Bay to Roche's point. At noon fresh breezes and fine, wind at north; left the point and crossed over to the west shore.

*Friday, 28th July, A. M.*—Cloudy weather, preparing to cross the portage to the Notawasaga Creek; found much difficulty in procuring teams, only able to obtain two, and required seven. Mr. Thompson crosses the portage to take charge and secure the provisions and baggage. P. M. Heavy rain.

*Saturday, 29th July, at 6, A. M.*—Crossed the portage with baggage and canoes to Notawasaga Creek, at 6, P. M., descended the creek as far as the forks—at 11, P. M. landed and encamped for the night—midnight, strong gales with heavy rains.

*Sunday 30th July, A. M.*—Cloudy, with heavy rain and thunder. At 8 A. M. embarked, descended the Notawasaga. At 11, A. M. landed and pitched tents to receive the provisions from the storm and rain. At 12. 30 embarked, descended the rapids, at 6 P. M. arrived at the mouth of the Notawasaga creek, encamped for the night, moderate and fine.

*Monday, 31st July, at 5, A. M.*—Embark, fresh breezes from the north-west, landed and unloaded canoes—take advantage of the weather to dry our things. 11. 30 embark, continue along the shore towards the Christian Islands. At 2. 30 landed under the lee of a point to wait for a lull. At 4, P. M. embarked, steering for the Christian Islands. At 8, P. M. arrive and take shelter under the eastern point of a large Island, one of the Christian group, unloaded the canoes and hauled them up. At midnight strong breezes with squalls of rain.

*Tuesday, 1st August.*—Heavy gales and squally. At 8. 30 steered along the shore towards Penetanguishine Bay. Mr. Thompson remains in charge of the provisions, unloaded two canoes. The Honourable John Macaulay, Surveyor General; Mr. Hawkins, Deputy Provincial Surveyor, and Mr. Taylor, with two canoes, proceeded to Penetanguishine. At 4, P. M. arrived, purchased a cedar canoe for two pounds fifteen shillings. Our object in coming to Penetanguishine is to procure men, being harvest time find but few men. Midnight warm sultry weather.

*Wednesday, 2d August, at 8, A. M.*—Calm and sultry, with rain at noon, fresh breezes, squally. The Honourable John Macaulay parted company on his way to Toronto. I find men are not to be had. Mr. Hawkins divides his crew with me, and we prepare to start.—Midnight, strong gales and squally.

*Thursday, 3d August, A. M.*—Cloudy strong winds from the north-west, much sea in the bay. P. M. the same weather. Midnight, moderate and cloudy.

*Friday, 4th August, A. M.*—Light winds and fine. Left Penetanguishine and joined Mr. Thompson—strong breezes and cloudy, encamped.

*Saturday, 5th August, A. M.*—Light winds and fine. At 5, A. M. parted with Mr. Thompson, crossed the bay and proceeded to the north, between the Island on the N. E. shore of Lake Huron. At 6, P. M. encamped for the night. The singular archipelago through which I have passed to-day, baffles description. I therefore shall decline making any remark on it, until my return from French River, then I trust to be able to give a general view of the difficulty of its navigation.

*Sunday, 6th August, A. M.*—Fine weather, wind westerly. At 6, A. M. embarked, steering along the north-east shore of Lake Huron, outside the Islands, at 6, P. M. encamp for the night.

*Monday, 7th August, A. M.*—Moderate weather, wind south-west. At 6, A. M. embarked, steering along the north-east shore of Lake Huron. Sunset, calm, encamp for the night.

*Tuesday, 8th August, 5, A. M.*—Moderate and cloudy—parted with Mr. Hawkins, at the mouth of the Shawanaga River. At noon, heavy rain and squally. 4, P. M. encamp, heavy rain, sunset heavy rain and thunder.

*Wednesday, 9th August.*—Fresh breezes from the south-east, daylight embarked, shipped too much water. Loaded and secured provisions, &c. Heavy rain and wind. 4, P. M. wind changed to S. W., cloudy with strong breezes.

*Thursday, 10th August, A. M.*—Moderate and cloudy, wind S. W. Embarked, steering along the N. E. shore of Lake Huron. At 4, P. M. observed the high land in the neigh-

bourhood of the Lalloche Mountains. At 6 cloudy weather, encamped, repaired the canoe, found her very leaky. Midnight, fresh breezes and cloudy weather.

*Friday, 11th August, A. M.*—Light variable winds. At 6 wind S. E., embarked, steering through the Island towards French River. At 7, P. M. encamped on an Island at the eastern entrance of French River. Midnight heavy squalls and rain.

*Saturday, 12th August, A. M.*—Fresh breezes with heavy rain. Paid five shillings to an Indian to point out the entrance of the River, and the post of the Honourable Hudson Bay Company;—the impracticability of a stranger finding the mouth of this River is soon seen. The islands grouped together forming channels deep and intricate, with many reefs, and sunken rocks, varying in their course, without any feature to distinguish one from the other, and extending themselves as far as the eye can see. The Indians are sometimes at a loss to know the best and nearest channel to a required spot, and indeed when it is considered that all those islands have the same appearance, and the greatest elevation does not exceed 30 feet, frequently not more than 15 feet, as there is much difficulty in finding the River in a boat or canoe, to approach with a vessel under sail, would be extremely hazardous; however, I think a channel could be pricked out, and possibly a good harbour found, by erecting land marks and beacons on the sunken rocks, at the entrance of the River, should necessity require it. At 4, P. M. arrived at a post of the Honourable Hudson's Bay Company, received much kindness from the person in charge of the post, who procured me a guide, and took charge of some provisions, which I left as a *depot* for my return, also my cedar canoe, which I found too heavy to cross portages. I agreed to pay my guide 2s. 6d. per day; he was to furnish a small birch canoe, in order to carry all my provisions and stores to Lake Nipissing. Sunset cloudy with rain.

*Sunday, 13th August, A. M.*—Cloudy with rain. Noon, heavy gales and rain occasionally. Midnight, ditto weather.

*Monday, 14th August, A. M.*—Cloudy with rain. At 6, A. M. embarked, proceeded through a narrow stream in a north-easterly direction, at a distance of three miles we arrive at a portage about 300 yards across, the fall is about 10 feet, river narrow, and impeded with rocks and rocky islets. In the bay there appears occasionally a little wild rice.

*No. 1. Geological.*—It is with great uncertainty you know whether you are on the main land or on an island. The surrounding country presents the same appearance as the N. E. shore of Lake Huron; the wood is of a stunted growth, and the rocks are covered with mosses and lichens. We pass the portage and ascend the stream, at the distance of three miles we enter a branch of French River, which I have called east branch, being much deeper, and assuming the appearance of a river of some size, as we proceed it varies in its appearance so much, and so many impediments present themselves, such as narrow passages, shoal water, rocky *debris*, that no true character can be formed of this singular stream, until the whole has been passed. At sunset encamped for the night, four miles from the entrance into east branch.

*Tuesday, 15th August.*—Cloudy drizzling rain. At 6, A. M. embarked and ascended the stream, current sluggish, passed several channels which my guide informed me led to the main river. The islands are numerous, composed of granite, and resembling, in all respects, those of the north-east shore of Lake Huron. There are but few fish in this river, and very little hunting about the surrounding country; the beaver or otter are extremely scarce; the muskrat are taken more plentifully, and deer are not seen except in winter. At a distance of six miles and a half the channel is almost blocked up by islands. After passing the narrows, a considerable bay runs to the S. S. E. "Poplar Bay." We continue to ascend the river in an easterly direction, with a depth of water varying from 10 to 20 feet mid channel, and on either side a bold granite shore rising to the height of 60 or 80 feet undulating. At a distance of fourteen miles we arrive at the falls of Petit Recolet. The river at this fall takes a direction to the north the fall of Recolet is 20 feet.

*Geological No. 2.*—And the portage to pass is 150 yards over a steep granite bank. Immediately above the fall the water is shallow for some distance. Sunset, encamp for the night.

*Wednesday, 16th August, A. M.*—Moderate and fine. At daylight embark;—we ascend the stream running north, for two miles, current sluggish, water shallow, passages between the islands narrow and impeded. We enter the main river running in an easterly direction, the banks are steep, water deep. The width of the river is about half a mile.

*Geological, No. 3.*—At a distance of 10 miles we arrive at a rapid called Petite Foucile. The intermediate country is granite, covered with a small stunted growth of pine, birch, and poplar. At sunset encamp for the night.

*Thursday, 17th August, A. M.*—Moderate and cloudy, wind variable. At 7 A. M. ascended the rapids, made a portage across a small island, ascended the river, crossed four portages to avoid the rapids Brisson, Grand Foucile, Croix and Pine, whole rise equal to 57 feet.

*Geological, No. 4 and 5.*—The banks of the rapids are bold and irregular, mounds of granite rising to the height of 100 feet, undulating, covered with small wood. The channels are filled with sunken rocks and small islands through which the rapids pass.

*Thursday, 17th August.*—At sunset cloudy with showers of rain at intervals.

*Friday, 18th August, A. M.*—Moderate and cloudy.

*Geological No. 5.*—At daylight embarked, ascended the Pine Rapids midst a profusion of small islands. To the right we leave a large island with a channel and four rapids, which lead by a circuitous route to the main river two or three miles above. Also on the north side there is a fall of 25 feet, which fall is the outlet of the waters closed in by an island of considerable extent; and the main land from which some tributary streams unite and disembogue themselves at the fall above named. Continuing eight miles in an easterly direction, we pass two or three small rapids, the river narrow and impeded, and arrive at the falls of Chaudiere; here we cross an island, leaving the falls on the left hand, the portage is a quarter of a mile over a granite rock to the right, and at a distance below there is another fall equally rapid.

*Geological, No. 6.*—The height of the Chaudiere falls above Pine Rapids is equal to 50 feet—the falls are 25 feet. Above these falls the lake commences, the islands numerous, having the same sterile appearance as those below. At 4 strong gale. We proceed six miles in a N. E. direction, and encamp for the night.

*Saturday, 19th August, A. M.*—Calm and cloudy—at 6 moderate breezes and fine, embarked, landed and spoke to some Indians on River Bay. I have called it by this name to distinguish it from the other bays of the lake. It commences immediately above the fall of Chaudiere, and extends 18 miles in a N. E. direction, when the lake expands. At noon moderate breezes and fine, observed the meridian altitude of the sun, lat.  $46^{\circ} 14' 56''$  N. long. by account  $80^{\circ} 01' 20''$  west of the meridian of Greenwich.

*Summary Sketch of Lake Nipissingue.*—Lake Nipissingue is 165 feet above Lake Huron, and is irregular in its shape; in length, from the Chaudiere falls to the north eastern extremity is 28 geographical miles, and its extreme breadth from Turtle River to West River is 28 miles. Several small rivers flow into the lake: the principal ones are, the West, Sturgeon, Turtle, South. The waters are generally shallow, especially in the bays, which are deep and full of rocky islands. The shores are granite, except at the entrance of some of the streams. Alluvial deposit is there met with, forming banks, but too inconsiderable to be worthy of notice in an agricultural point. The fish caught in this lake are few—jack and carp are the principal, in season some sturgeon and white fish, the latter are inferior to those taken in lake Huron. I attribute this scarcity of fish to the extreme sterility of the surrounding country. Game of all kinds are scarce. The grouse and hare appear the most abundant. The animals taken at the fur posts are beaver, otter, mink, and muskrat; but few of either are taken on the shores of the lake, but in the rivers which flow into it. In winter deer are taken on the shores of the lake, rarely moose, last year being an exception 7 moose deer were taken in the neighbourhood of the lake. Encamped at the Honourable Hudson's Bay post.

*Sunday, 20th August, A. M.*—Squally with rain. 6 A. M. leave a portion of my provisions as a depot in charge of Mr. McKenzie, the officer commanding the post. Noon, the weather is too unsettled to attempt crossing the lake, and my guide does not join me until tomorrow. Sunset, cloudy with rain.

*Monday, 21st August.*—Left the Hudson's Bay post, feeling thankful to Mr. McKenzie for the kindness he had shown me, and the trouble he had taken to procure me a guide, whom I agreed to pay three pounds fifteen shillings per month. The morning overcast—wind south-east—thermometer  $64^{\circ}$ . We had not proceeded more than a mile when a storm of wind and rain overtook our canoe, and compelled me to bear away for a small rocky island under our lee—landed every thing safe. At 10, A. M., we had just pitched our tent more secure than generally, a gust of wind tore every thing away around us. Our tent remained on the rock after it blew down. The rain descended in torrents, the lightning vivid, and the day unusually dark. The lake, as far as eye could see, one continued breaker. At noon, finding no hope of the storm moderating, I proceeded to erect my tent, made a fire of the drift wood found on the island, cut down the only tree of any size to prevent its falling, should we be visited with

a second part, as the appearance then indicated. At 2, P. M. all was set when we received another gust more terrific than the former, inasmuch that we could not stand erect. It continued some time. I never experienced such a scene. It brought to my mind the Boreas of the Adriatic, with this difference, the wind changes from point to point on this lake, blowing equally hard, while those of the gulph alluded to blow from one point. My guide informed me such squalls were not uncommon in the neighbourhood of lake Nipissingue; so much were they dreaded by the Indians that none ventured to cross in doubtful weather any of the deep bays. At sunset, the rain has ceased, the wind blows a gale, and distant thunder is heard at intervals.

*Tuesday, 22d August, A. M.*—Heavy gales from the N. W. with rain and hail. 8, thermometer 56°. At noon, the same weather. Sunset, heavy gales.

*Wednesday, 23d August, A. M.*—Heavy gales from the S. E. with rain. At 8, the thermometer 60°. Noon, the same as above. At 4, P. M. more moderate. The sun appears and enable us to dry our wet clothing.

*Thursday, 24th August, A. M.*—Moderate and fine. At 5, A. M. moderate and cloudy, wind N. W., embarked and proceeded to the mouth of Sturgeon river. At 6, A. M. enter Sturgeon river, the approach to which is through a channel of 10 or 12 feet water, with a swamp of rushes on either side. This continues for about one mile, when sand banks commence on both sides, having a small growth of birch, poplar, ash and willow on them. The current is equal to one mile per hour. From the marks on the banks, I am of opinion that it is very strong during the spring and autumn, and 4 or 5 feet higher than at present. Ascend the river to the distance of  $3\frac{1}{2}$  miles from its entrance, we arrive at Sturgeon falls, 35 feet, tumbling through granite and divided by rocky islets. I estimate the rise of the river 15 feet, which, with the rise of the fall, will equal 50 feet. The portage is on the right hand, as you ascend the stream, and about one quarter of a mile across, rocky and uneven. Having crossed the portage, we embark; the river takes a north easterly direction for 3 miles. The banks assume a sandy subsoil, the top being a vegetable mould. The trees are taller and of a more thrifty growth than those below the falls. There are many soft maple and black oak; but remove the trees, and the soil which now supports them would be lost. At noon, heavy showers. The river trends to the north-east for a distance of four miles, when we arrive at the sand falls, 7 miles from Sturgeon falls, the intermediate current more rapid. This fall is about 20 feet perpendicular, and 125 feet above lake Nipissingue, passing through rocks of granite of the description of those at Sturgeon falls. Quantities of white cedar grow in this vicinity and attain a large size. On landing you fancy yourself in a vast cedar swamp. The banks bear marks of inundation in spring. At 6, P. M. encamp for the night.

*Friday, 25th August, A. M.*—Moderate and cloudy. At daylight wind N. W., embark and ascend the stream one mile and three-quarters from Sand Fall. A remarkable hill of granite rises abruptly out of the sunk bank of the river to the height of 150 feet from its base, and nearly perpendicular, stretching away to the south-west, and continuing in a south-westerly direction, until lost to the view. On the opposite side of the river, I observed an evident connection with the hill above-mentioned, diluvial masses of great size lie scattered in every direction, rearing their hard heads out of the sand, are again lost, being so covered with alluvial as to appear to have no link to the gigantic cliffs of the opposite bank.

*Geological, Nos. 13 and 14.*—We arrive at some rapids; distance above the Sand Falls two and a half miles; ascend them, 33 feet fall, and 158 above lake Nipissingue. One mile and a half from the Stone Rapids are Smoke Falls, tumbling over rugged crags 65 feet, and nearly perpendicular. An island of some extent divides the course of the river. At these falls the rocks are granite, many fossil boulders lie on the banks above the falls. The portage is about half a mile over an uneven road or path, which appears but little used. Having crossed the portage we proceed to ascend the river, current sluggish. It may be remarked that the river does not vary in breadth materially, being from one hundred to one hundred and fifty yards from its entrance to the Smoke Falls, widening to a basin as you approach the fall of three hundred yards wide. This is very remarkable in all instances. At 6, P. M. encamp for the night.

*Saturday, 26th August, A. M.*—Moderate and cloudy. At 6, wind south-east—thermometer 56°. We ascend the river to the Forks, a distance of 14 miles, the branch running to the westward, unites itself by a circuitous route to waters connected with White Fish Lake, and the easterly branch with a small lake, and its tributaries to the north-east. The intermediate distance being a sluggish irregular stream from one to two hundred yards wide, in

many places very shallow. The character of the country in the vicinity is principally granite, craggy and broken, the hollows filled with a light yellow sand, rising to a considerable height, and in some places forming the banks of the river alternately with the granite. The timber in the neighbourhood is pine and white cedar, principally ash, beach, birch and larch, of an inferior growth, are also met with; but there is no land that can be appropriated to agriculture. From the forks of the river, one mile in a north-easterly direction, we come to a rapid—the fall, together with the rise of the river, is equal to 80 feet, or 303 feet above Lake Nipissingue, and not more than 15 miles in a direct line to that lake. At sunset moderate and cloudy, encamped for the night.

*Sunday, 27th August, A. M.*—Moderate and cloudy. At 8, dull weather, wind S. E., thermometer 56°. Embarked and ascended the stream at a distance of one mile from rapid 303 feet above Nipissingue, we arrive and enter the nine mile rapid; the current runs at the rate of 6 miles per hour, and more rapid over the shallow places. At 4 miles we cross a portage of half a mile—river 100 feet above the last portage. The banks of the river are granite and fossil rocks, steep and craggy. Woods in the vicinity are birch, poplar and cedar, some pine; the growth of the whole is small, being about four and a half rings to the inch, of these, and less in proportion to the nature of the tree. At sunset, cloudy with rain.

*Monday, 28th August, A. M.*—Moderate and cloudy. At 6, A. M. embarked, ascended the rapids—at 8 the wind variable, thermometer 51°. This day we passed five portages.—Whole fall of the nine mile rapid 150 feet. The portages are of the same character, from one to three-quarters of a mile long, rocky and uneven granite and greenstone, the latter dipping to the north in many places, almost perpendicular.

*Geological, No. 15.*—On the north side the banks are composed of the alluvial sand and boulders of granite, greenstone, slate and porphyry. At the fifth portage we encamp for the night. A pine tree of considerable size fell on my tent, giving me just time to escape; it destroyed my box of sundries and some of my instruments, fortunately those that I had most use for were spared, by being in my haversack. At midnight, rainy weather.

*Tuesday, 29th August, A. M.*—Cloudy, wind variable—at 8, wind south-west, thermometer 56°. Embarked, ascended the river in an easterly direction, banks rocky and uneven, mica, slate and granite principally; stream rapid. At a mile and a half from the portage, the river, (*geological No. 16,*) expands to the width of a mile, to a small rocky lake, three-quarters of a mile wide, with a rocky island in the centre; water deep in some places; banks of the lake steep and rugged. After leaving the lake, we ascend a small rapid, in a north direction, with a fall of 50 feet; the river again trends to the eastward, about 150 yards wide, and very crooked; at one mile, we enter a small lake, called Bass Lake, one mile and three-quarters long, and a mile wide, full of small granite islands, on some of which I found slate of a tolerable good quality, resting on the granite. The intermediate and surrounding country, is a succession of granite hills, covered with a small growth of pine, birch and poplar. At 4 P. M., squally, with heavy rain; wind S. E.; encamp.

*Wednesday, 30th August.*—A. M. squally, with heavy rain. At 8 A. M., wind S. E.; thermometer 52°; detained by stormy weather. At sunset, more moderate.

*Thursday, 31st August.*—A. M. moderate and fine; at 6, embarked; crossed a small portage of 300 yards, to avoid a rapid of 20 feet fall—(*geological No. 17.*) At 8, moderate and fine; wind N. W.; thermometer 47°; ascended a narrow, deep stream; passed some singular perforations in the granite, (*geological No. 18,*) or slate rocks, which form the banks; the principal component of the granite in this section, is mica, which may account for those cavities above named. We cross a (*geological No. 19,*) small lake, called Red Pine, from the surrounding country being covered with that wood, which is of a moderate growth. The land that surrounds this lake, is much higher than I have before met with, rising abruptly to the height of 300 or 350 feet, with a bold, clear outline, and deep ravines. The lake is one mile and a half long, north and south, and a mile wide; deep, and full of small islands. At the end of a lake, we ascend a rapid, with a fall of 10 feet; cross a portage of  $\frac{3}{4}$  of a mile; after ascending the river a half mile, we come to another portage of  $\frac{5}{8}$ ths of a mile, with a fall of 35 feet. The character of the portages is, as above described, rocky and uneven. (*Geological No. 20.*) We cross a small lake, abounding with bass and carp, one mile and a half long, full of small islets; the land in its vicinity bold and undulating, formed by slate hills; timber the same as in the neighbourhood of Bass Lake; ascend a rapid 8 feet fall; encamp for the night; A. M. moderate and cloudy.

*Friday, 1st September.*—Embark; ascend the rapids at 8; wind, north-west; thermometer 44°; crossed Lake Traverse, four miles in north and north-west direction; full of

small islands—(geological No. 21); and thence about a mile and a half, in a south-westerly direction, to a rapid which we passed, by a portage, low and swampy, the whole rise of the river from the 8 feet rapid, equals 40 feet. The falls at the portage, are 20 feet, tumbling through slate rocks. These falls I have called Tamagamingue. We ascend a small rapid, four feet fall, into Lake Tamagamingue, which lake I estimate at 715 feet above Lake Nipissingue. There are nineteen portages, and long and continued rapids, where no convenient crossing could be had; we had recourse to ropes, by which means we dragged our canoe up the shore, that we could not ascend with paddles—(geological No. 22.) There is no soil between Nipissingue and Tamagamingue fit for agriculture; nor do I believe there is any to the north or north-west. The Indians I have met, describe that country to be worse than any I have traversed, and from their description of the country through which I have passed being correct, I am of opinion that there is none. At sunset, landed at a winter post of the Honourable Hudson Bay Company, 7 miles from the entrance of the lake, in a north-east direction: encamped.

*Saturday, 2nd September, A. M.*—Squally, with rain; at 8, fresh gales, and rain; thermometer 44°; detained by stormy weather; noon, fresh gales from the north; sunset, the same weather; midnight, moderate and fine.

*Sunday, 3rd September, A. M.*—Moderate and hazy weather; wind north; at 8, thermometer 35°; heavy frost during the night; embark, and proceed towards the eastward of the lake. Noon, observe the meridian alt'de. of the sun, latitude 46° 54' 24" north longitude, by account 79° 34' west of meridian of Greenwich. P. M.—Strong breezes and squally, from the north-east; encamped, the wind being too strong for our canoes to make headway; sunset, moderate and fine.

*Monday, 4th September, A. M.*—Moderate and cloudy; 8, wind south-west; thermometer 39°; embark at 10; arrive at a portage at the eastern extremity of the lake. Tamagamingue is 20 geographical miles in length—its greatest breadth about 3; in some places it is narrow, and full of islands and islets. The water is deep, and beautifully clear; there are several small streams that fall into it, but very inconsiderable in size. The lake abounds with fish—those taken in the summer months are black bass, carp, jack; in the streams that run into the lake there are plenty of trout: and from about the 20th of September until the setting in of the ice, trout and white fish of a good kind, and in quantities—the usual way of taking them is by a gill-net. The animals taken in the neighbourhood are the beaver, otter, mink, muskrat and deer—sometimes moose. The whole of the surrounding country is slate, the outline of which is bold; the highest land about 400 feet above the lake, timbered with pine, birch, poplar—the latter in larger quantities. The waters of this lake fall into the Ottawa and Lake Nipissingue, and receives its supply from the tributary streams which are emptied into it; to the west its connection with Lake Nipissingue is by a succession of lake and rapid streams, and with the Ottawa by a chain of lakes, nearly on a level, and a rapid stream to Lake Temiscamingue, where it enters at the conflux of the Montreal River with that lake. A. M. at 10, pass the portage, and enter a small lake, which is connected by a narrow, shallow stream with Tamagamingue; pass across the lake to another portage, one-quarter of a mile across—then into a lake the same as above: the surrounding country is high slate, partially covered with wood. From the east end of this lake, which may be called a part of Tamagamingue, cross a portage one-eighth of a mile, to avoid a narrow, shoal stream, with scarce any perceptible current, and enter into a lake called Fire Lake, from the ravages of this element with the woods of the country around it. This lake is about 4 miles long, and 1 mile wide, lying north and south, with a deep bay at the north-east end: the shores are undulating hills of slate, about 100 feet high. At the southern extremity of the lake, we cross a portage of a quarter of a mile, to avoid a fall of 22 feet descending, and enter Lake Wapoose, which is an irregular sheet of water, deep and full of slate islets, deep bays—is 7 miles long, lying north-west and south-east, and about one mile wide; surrounding country slate hills, moderately high: quantities of red pine timber of a tolerable good growth, fill the valleys of this section. Sunset moderate and fine; arrive at a portage 300 yards across slate rock.

*Tuesday, 5th September.*—The fall at this place is equal to 30 feet; immediately below the fall the river is a continued rapid for four miles, running to the north-east. (Geological No. 23.)—Come to a portage 400 yards across; fall 24 feet, running through slate rocks—thence half a mile by a crooked stream, to a fall of 75 feet. The portage to avoid this fall is 2 miles across a slate rock; rocks of slate 200 feet high, and nearly perpendicular, overhanging the river. Half a mile below the fall we encamp for the night.

*Wednesday, 6th September, A. M.*—Moderate and cloudy; at 8, A. M. wind south-east, thermometer 60°, we embark and descend the stream; enter a small lake, 2 miles long: taking a north-east direction, pass a narrow channel, and arrive at a lake one mile in length, at the eastern end of which there is a portage—the river runs off to the north of the portage; this portage is across a mountain of slate, 300 feet high, and is two miles long: difficult to ascend and descend, from its slippery surface, occasioned by the moisture retained in the top slate. The river at this portage forms a half-moon to the north of the mountain: the opposite shore is equally high, but more rugged—and the waters of the river assume a boiling cataract for about  $2\frac{1}{2}$  miles, making a fall equal to 300 feet. My guide could not find a name for the fall I have just passed; we embark and descend the stream—meet with a party of Indians. The name given to the falls by them is “Jashginawasingue,” and the river “Metabegewan.” The river continues rapid until near the mouth, a distance of  $4\frac{1}{2}$  miles from the fall of Jashginawasingue; it empties at the conflux of the Montreal River with Lake Temiscamingue, and is divided from it by a narrow slate mountain. At the conflux of these rivers with Temiscamingue, there are several alluvial islands, composed of sand and boulders of granite and slate; here the slate ends—i. e. its eastern limit, but continues northward up the lake, on the west shore. The shores to the southward of Metabigewan, on both sides, are granite. At 5, P. M. heavy rain; encamped at the Temiscamingue house, 9 miles N. N. E. of Metabigewan.—Sunset squally with rain.

This lake is 50 geographical miles in length: its extreme breadth not more than 3—in some places scarcely 1; it lies between the parallel 46° 45', and 47° 30' north, and in longitude west of the meridian of Greenwich 78° 48'. The shores which surround the lake are mountainous and steep: granite and slate form the principal character of the rocks in the vicinity; the soil is of a coarse, gravelly nature, not fit for cultivation. About the centre of the lake, the Hudson's Bay Company have a post situated on a neck of land, at which place the lake narrows to about a quarter of a mile; the site chosen for the house and stores of the Company commands a view of the lake several miles up and down, and is picturesque in its appearance. Mr. Hardesty, the gentleman in the temporary command of this station, in the absence of Angus Cameron, Esquire, the Superintendent of the District, informed me that Mr. Cameron had been upwards of 20 years at the Temiscamingue station: that it was his opinion, that no place upon the lake could soil so productive be found as at that station.—Here I am left to form my own conclusions. The soil alluded to is a coarse gravel and sand: much has been done in way of manure to nourish it; the hay cut from the swamp prairies in the vicinity, affords the means of keeping some cows and oxen, which assist in producing manure sufficient to enable them to cultivate a few acres of potatoes, and sometimes a little wheat and peas—this year the wheat was a failure, and the peas poor; I therefore conclude, that there is no country in the neighbourhood of this lake fitted for the purpose of agriculture.—Fish there are but few, and those of an inferior kind. The waters of this lake are dark and muddy; the animals principally taken in the neighbourhood are hare, otter, beaver, minx, muskrat.

*Thursday, 7th September, A. M.*—Cloudy, with rain; wind south; at 8 A. M. thermometer 60°; wind south; embark, and proceed down the lake; at 2 P. M. strong breezes, and squally, with rain; encamp at the entrance of Montreal River, 8 miles from the Hudson Bay house. Sunset, heavy gales, with rain.

*Friday, 8th September, A. M.*—Heavy gales; at 8, wind south, thermometer 60°; embark; made a vain attempt to stem the wind—found it impracticable—returned, and encamped. P. M.—Weather continues as above; sunset, heavy squalls of rain.

*Saturday, 9th September, A. M.*—Strong gales and squally; at 8, thermometer 54°; wind south. Noon, heavy squalls—dark, cloudy weather. Sunset, more moderate. Midnight, fine weather.

*Sunday, 10th September, A. M.*—Moderate and fine; at day-light embark, and steer down the lake—wind S. S. E. direction; at 8, A. M. fine, clear weather—wind east, thermometer 47°. South of Metabigewan, the fire has laid bare the forest: where the tall pine once grew, the poplar shews its trembling, pale leaf; here and there are the branchless trunks of the pine—(Geological, No. 25, east side: No. 26, west side, below Metabigewan.) At noon observed the meridian altitude of the sun; latitude 46, 55, 28 north, longitude by account 78° 52' west of Greenwich: variation 7 easterly. P. M.—Fine clear weather; passed the Rivers Otter-tail and Bomagawzebe. One mile S. E. of Bomagawzebe, we arrive at the southern extremity of the lake; enter a small rapid—“La Galore”; descend the rapid, and pass down the river, to a distance of 7 miles—encamp for the night. The intermediate country

between Rapid La Galore and the head of Long Sault Rapid, is generally high: hills of granite, steep to the margin of the river, forming deep ravines, covered with wood—pine, beach, soft maple, poplar, birch and black oak, all are small in their growth.

*Monday, 11th September, A.M.*—Moderate and fine; at day-light embark; 8, fine, clear weather, thermometer 35°; descend the Rapids of the Long Sault; pass 3 portages, from 3 to 500 yards across—whole fall of the river from Lake Temiscamingue, I estimate at 222 feet. The shores of the river from the head of Long Sault is one succession of granite hills, with an occasional alluvial flat—on these flats, which are very limited in extent, grow some good red pine timber. The fire appears to have done much injury to the forest: the hunter is rarely met with—for the woods do not afford cover for the object of his pursuits. Sunset—cloudy weather; encamp for the night.

*Tuesday, 12th September, A.M.*—Cloudy, with frost; at day-light embark and descend the stream; at 8, A.M. wind N.E.—thermometer 31°. Noon, fine weather; arrive at mountain portage; observe the meridian altitude of the sun, latitude 46° 26' N. longitude by account, 78° 34' west of Greenwich; pass the portage and descend the stream—observed several roads made by the lumberers, and much square timber on the shores adrift. The country is extremely rugged; granite is the base—sand fills the ravines and hollows: red pine of a tolerable growth covers the land. This, I think, will be found the north limit of lumbering.

*Tuesday, 12th September, P.M.*—Since clear weather, pass 2 portages; the rocks at the two last rapids are singularly perforated—many of the holes are 6 feet diameter, and 30 feet deep, forming a most extraordinary appearance; and should they be full of water, as they sometimes are, a stranger might be deceived, and get a ducking before he was aware of it. Sunset, arrive at Matawa River; the shores of the river we have passed to-day are granite, rugged and precipitous, partially covered with wood—pine, oak and birch, being the principal. Encamp at the mouth of the Matawa River.

*Wednesday, 13th September, A.M.*—Fine, clear weather; at day-light embark, and enter the River Matawa; ascend in a westerly direction, one mile and a quarter current rapid; pass many rocky islets: bottom flat and shallow, full of large granite boulders; shores rugged and irregular, covered with pine and poplar, and a few scattered trees of small growth, such as oak, maple, larch, birch. At a distance of 2½ miles from the entrance, we arrive at Portage Plein Chant.

*Geological, No. 27.*—The rise of the river at the west side of this portage is equal to 40 feet. Thence in a westerly direction 4½ miles to a Portage de la Rose, in the intermediate distance, the river is free of an obstruction, and from 300 yards to half a mile wide; from 10 to 15 feet deep; current sluggish; shores bold granite, rising abruptly from the level of the river to the height of 150 feet, covered with pine, cedar, poplar, birch; rise above the Ottawa, 55 feet; thence half a mile to Portage de la Compagny. This section of the river is filled with rocks and flats, shallow.

*Geological, No. 28.*—The shores are irregular masses of granite; rise of the river above the Ottawa, 65 feet; thence one mile and a quarter to Rocher's Portage. This section is full of rapids, narrow in places: shoal, and full of small islands; shores irregular and steep; thence to Needle Rapid.

*Geological, No. 29.*—Here the river passes through cliffs of ferruginous clay-stone, not more than 20 feet wide, from Needle Rapid to Matawa, full a distance of three and a half miles; the river is from 300 yards to half a mile wide; banks precipitous, of the same character as those at Needle Rapid. Near Matawa Fall, on the right hand as you ascend, in the bank is a singular cave, 25 feet diameter, and 20 feet high inside: its entrance is on the river side—the interior, as well as the exterior, has the appearance of a mine. The gravity of the substance which forms it is equal to iron: it resembles bog iron. Matawa Fall is 30 feet perpendicular, and 115 feet above the Ottawa. Sunset, cloudy—Encamp.

*Thursday, 14th September, A.M.*—Calm and fine; at day-light embark, and ascend the stream. At a distance of 1 mile from Matawa Fall, we arrive at Portage de la Prairie; the intermediate distance is narrow and impeded: the shores steep or precipitous, covered with wood of a small growth. The river continues rapid, flat, and full of rocks, above this portage for 1 mile; we then pass across 2 shallow lakes, communicating with each other by a channel 20 yards wide.

*Geological, No. 30.*—From the western end of these lakes the river is narrow, shores precipitous, chiefly red granite, until we come to Hang Fall, distant 1 mile: here the water tumbles over 3 flats of granite rock, 20 feet each, and reaches the level below, at a distance of 100 yards from the first drop. The approach to this fall is by a very narrow stream, filled with deluvial masses of granite—thence across a lake in a westerly direction, 8 miles, is impeded by rocky flats, and narrow passages; shores, granite—steep, and covered with wood. At its western end it is joined by another small lake, by a creek passing through a marsh; this creek is narrow, and overhung with swamp willow and fallen timber: therefore we cross over a portage to avoid it. There is little current perceptible in this creek: the water above being nearly on the same level—thence across another small lake, for one mile shallow and impeded; this is joined by a rivulet running through a bog—thence across another small lake, 4 miles long, narrow and impeded, to a rapid, 4 feet fall; the river at this rapid is narrow, and full of rocks—thence to a lake 8 miles long, with a peninsula running from the west end to the east, the whole way through, making two lakes, which are united by a small channel at the eastern end; the shores of these lakes are granite and sand: those of the north rise to a considerable height, and are covered with pine, maple, birch, beech. Several inconsiderable rivulets run into the lake from the north; the peninsula is rugged granite—south shore, granite moderately high and undulating. Noon, fine; observed the meridian altitude of the sun: latitude  $46^{\circ} 26'$ , N. longitude by account  $79^{\circ} 27'$  W. P.M.—Strong gales, and squally; Encamp. Sunset, squally weather.

*Friday, 15th September, A. M.*—Variable winds; at daylight, embark; arrive at the south-western end of the lake; from this a small creek descending, leads to Lake Nipissingue, by a winding circuitous course, tending to the south, too shallow in places to admit a canoe, principally through a marsh, with a granite bottom. On approach to the rapids of this creek, the granite lies some feet above the alluvial. We pass two portages, nearly two miles in length, which makes the distance from the last-named lake 8 miles from the last of these portages; the creek widens from 80 to 120 yards, and is navigable to the lake, 4 or 5 miles, in a south-west direction; the current is sluggish, and alluvial banks form the shore, which appears generally overflowed. At sunset, encamp at the entrance of Turtle River; strong breezes, and squally.

*Saturday, 16th September, A. M.*—Squally, with rain; embark; proceed along the shore westward for two miles; wind strong from the eastward; at noon, strong breezes, and fine; observed the meridian altitude of the sun,  $46^{\circ} 14'$  north longitude, by account  $79^{\circ} 40'$  W. At sunset, land on a small island at the entrance of the south bay, Lake Nipissingue, and encamp; midnight, heavy gales from the eastward, with rain.

*Sunday, 17th September, A. M.*—Strong gales and squally weather; at 8, thermometer  $33^{\circ}$ ; wind at East. Noon, the same weather as above; sunset, heavy gales with squalls.

*Monday, 18th Sept. A. M.*—Strong gales; at 8, thermometer  $42^{\circ}$ ; wind S.E.—Noon heavy gales; sunset moderate; wind changes to the north.

*Tuesday, 19th September, A. M.*—Fresh breezes and squally; at daylight embarked, and proceed from island to island, up South Bay to the entrance of South River; noon, heavy gales; land. This bay is about four miles deep, full of small islands, as you approach the entrance of South River there are a great many flat rocks below the surface of the bay; in every other respect the bay is accessible for vessels drawing 10 feet of water. At noon, heavy gales; land, and wait a lull. P. M. more moderate, embark, and steer round the eastern point of the bay "Point Croix"; thence to an island in a westerly direction 2 miles to camp; sunset, fresh breezes, and cloudy.

*Wednesday, 20th September, A. M.*—Moderate and fine; daylight, embark and proceed across the lake in a westerly direction. At noon, arrive at the Post of the Hudson's Bay Company. I find it impossible to get a guide to pursue my journey by any other route than French River, being so late in the season. The Indians are all engaged by the Traders, and are not inclined to volunteer their services, their favourite occupation, "hunting," absorbing every thought. Sunset, fine weather.

*Thursday, 21st September, A. M.*—Fine clear weather. This day I employed the men airing provisions and cleaning their clothes. At noon, observed the meridian altitude of the sun, Latitude  $46^{\circ} 18' 10''$  N. Longitude, by account  $79^{\circ} 41'$  West of the meridian of Greenwich. P. M.—Proceeded in a N.W. course to Grape Island, near the centre of the lake; the greatest depth of water I have found on this lake is 30 feet; the islands in the centre as well as the shores of the lake are granite; sunset, fine weather.

*Friday, 22nd September, A. M.*—Strong gales, and squally; at daylight discharge my guide (an Indian); received the provisions I had left as a *depot* in charge of McKenzie; took leave of the good people of this station, whose kindness to forward my pursuits, and give me other aid, I shall long remember. Noon, squally, wind at west; crossed from island to island being the only plan I could take to make headway against the breeze; sunset, heavy gales and squally, with rain and thunder.

*Saturday, 23rd September.*—Fresh breezes and cloudy; at daylight, embark, and proceed towards River Bay; at noon, arrive at the Chaudiere Falls; pass the portage, and descend the river as far as Pine Rapid; at sunset, encamp for the night.

*Sunday, 24th September, A. M.*—Moderate and fine; at daylight embark, and descend the Pine Rapids; cross Pine portage, thence down rapids Grand Faucile, Croix and Brisson. P. M. Fine weather; descend Petit Faucile Rapid; thence 18 miles due west, to a small lake; sunset, fine. Encamp.

*Monday, 25th September.*—Light breezes with drizzling rain; embark, and descend the river; arrive at Grand Recollect Fall; pass the portage; this portage, 100 yards across, I did not pass on my ascent, having come by the eastern entrance; the fall is about 10 feet perpendicular; the river below narrow and deep; shores precipitous; current sluggish, except a rapid occasionally. At a distance of 17 miles we arrive at Fall la Dalla portage, the same as Grand Recollect; from thence I re-traced the river to an opening 3 miles above; thence running in a S.E. direction and joining the east entrance; thence by a circuitous route to the Hudson's Bay post, where I had left a *depot* of provisions and my cedar canoe. Sunset, heavy gales, with rain. Prepare my cedar canoe for crossing Lake Huron.

*Tuesday, and Wednesday.*—Heavy gales from the S.E. and N.E. with constant rain, unable to proceed.

*Thursday, 28th September.*—Strong gales with rain from the N.E.; proceed from island to island in a S.E. direction along the N.E. shore of Lake Huron. Noon, heavy gales; sunset, squally weather.

*Friday, 29th September.*—Fresh breezes and cloudy; at daylight embark, steering to the S.E. between the islands on the N.E. shore of Lake Huron.

*Saturday, September 30th.*—Heavy gales, with rain at intervals, during three days.

*Sunday*—Proceed in a S.E. direction, threading the islands and landing when necessary; at 6 P.M. arrive in Penetanguishine, haul up canoes, and encamp.

*Tuesday, and Wednesday.*—Employed the crew in drying provisions &c.

*Thursday.*—Dispose of the remaining stores and provisions at public auction, as per account.

*Friday.*—Discharge the crew, paid up to the 9th instant; proceed to Toronto.

*Tuesday.*—Arrive in Toronto; report proceedings to the Honourable John Macaulay, Surveyor General; receive instructions to proceed to Kingston; arrive at Kingston, and proceed to compile report and chart of my route.

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## REPORT OF D. THOMPSON.

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REPORT on the examination of the Ottawa River, the Muskrat Lake and River, &c. under the instructions of Honourable John Macaulay, John Cartwright, Esquire, and Captain Francis H. Baddeley, R.E. Commissioners for the Survey of the Ottawa River, &c. &c. &c.

GENTLEMEN,

It was my intention to have drawn up a short report, without giving the levels, plans, &c. but as I proceeded, it appeared to me that such a report would by no means enable the Commissioners to have such a view of the most important part of the Ottawa River, as to enable them to form a tolerable correct view of the Calumet Falls—apparently the greatest obstacle

to the formation of a Canal in the whole river: and at the same time a comparative view of a Canal by the way of McNaughton's Brook, the Muskrat Lake and River; by which last, the public have been led to think, the Calumet Falls can be avoided, with certainty of success, and at a moderate expense—and have extended the report in the form now drawn up. I considered an abstract of part of my journal might also be acceptable, to show how that country is at present; and the almost constant rain during the latter part of the summer continued to the beginning of winter, and thus account for the very unusual high water in all the rivers and lakes—which state of high water, if depended on, would lead to very erroneous conclusions.

*November 11th, 1837.*—Near noon, we arrived at Mr. Alexander McNaughton's establishment of two log-houses and a saw-mill, in charge of Mr. Alexander McDonald, about 5 miles below the channel of the Calumet Falls. Mr. McDonald readily gave us shelter; I explained to him the business I was on, and that it was my intention to proceed directly to Muskrat Lake, &c. &c. He promised to assist me to the utmost of his power—but justly remarked, the woods from hence to Muskrat Lake were next to impassable, from the great quantity of rain lately fallen; the ground and swamps partly frozen, yet not sufficiently strong to bear the oxen that must haul our provisions, &c. but that every exertion should be made. At 2, P.M. a man set off to the Muskrat Lake, a distance of about 9 miles direct, to get the settlers there to come and assist us. At night Mr. McNaughton arrived, who gave orders for every assistance to be rendered to us; all hands worked until late to get a strong ox-sled ready.

*November 12th.*—Every thing was put in the canoe, and taken down the river, about 1 mile, to a shanty road, and then carried above the second bank; by 10½, A.M. the sled was loaded, and 2 teams of oxen tackled to it—on good roads a single ox would have hauled the weight we had. For the first three-quarters of a mile we had very heavy work, cutting away the fallen trees—after which the road was much better, except the wet grounds, which the oxen got through with much difficulty. At 2, P.M. having come about 3 miles, fed the cattle: then set off, and having advanced about three-quarters of a mile, came to a branch of the brook, about 2 yards wide, over which we had to make a bridge: this took us to 3½, P.M.; we then carried every thing over, by which time it was too dark to cut wood, and lay down without making a fire.

*November 13th and 14th.*—Were spent much in the same manner, except that for the greater part of the time it required 3 men to clear the road of fallen trees, and the wet pieces of ground were frequent; near sunset we arrived at the Muskrat Lake. The devious road we followed, presented no obstacle to the cutting a Canal; the soil appeared tolerable good, covered with forest of hard woods and white firs—the latter, though of a fine growth, all dry, and in a state of decay. It appears about eight years ago, a peculiar kind of disease attacked all the trees of this species of fir, and of this species only: the top extremity of each tree appears to have been the seat of the disease, as the very upper part of the trees are very much decayed, and the upper extremity gone, while all the remainder of the trees to the root, though dry, is sound and not even attacked by worms. From the information I can collect, this decayed state of the white fir extends over at least 400 or 500 square miles: we remarked it on the Madawaska River; the consequence now is, that travelling through these woods is dangerous, especially in windy weather—and cattle can travel only where men precede them with axes. On arriving at the lake, though late, Mr. McDonald directly went off to procure the loan of 2 log canoes, to take us over the lake, and down the river, to Lac des Allumettes, in the Ottawa River.

*November 15th.*—Mr. McDonald having procured the loan of two canoes, I sent for them; one of the canoes we may use as long as wanted, the other to be returned on the 17th instant. Having only three men, I engaged a young man to help us, and take back the canoe. Set off, and passed over Muskrat and Mud Lakes: the bays, &c. frozen over.

*November 16th.*—Snowed most of the day; by 10, A.M. got to the head of the rapids of the Muskrat River—put ashore, and began our preparations to take the levels. On examining the river, found that it had no beach; we were therefore obliged to open a line through the woods, near the bank of the river. Thermometer 24°.

*November 17th and 18th.*—With three men slowly opening a narrow line and taking the levels; heavy rain came on and continued all night.

*November 19th.*—At 8, A.M. the rain ceased—the country appears inundated; we had to cut drains before we could make a fire. We then resumed our slow work until the evening—when heavy rain came on, and continued all night.

*November 20th.*—Thermometer 37°; the rain continued all day and night—the ground like a lake; the river rose about 4 feet. All we could do was to cut bundles of brush-wood, to keep us out of the water, and sit on them; the rain changed to sleet, and the trees became loaded with it.

*November 21st.*—Thermometer 37°; the same weather continued all night and day.

*November 22nd.*—Thermometer 36°; close misty rain, which at 9, A.M. became steady rain. The season advancing, and the bad weather continuing, I determined to quit taking levels, and examine the river and its rapids by estimation. With two men in a canoe set off, and went down the river to the carrying place, above the Indian stream—and from thence walked to the sortie of the river, into a fine bay of Lac des Allumettes; but the rain was too heavy to allow me to take the courses &c. of the river. We returned to the head of the rapids.

*November 23rd.*—Thermometer 24°; a heavy north-west gale, with thick, driving snow—very bad; packed up, and with two men in a log canoe, set off—leaving Mr. Dawson, the Assistant, and man, with the tent &c.: we could not embark. We went about 10 miles to the Narrows, to the open hut of an old soldier, where we found something like shelter from the storm of wind and snow; tried to send the men and canoe back, but the weather was too severe. The Thermometer fell to 17°.

*November 24.*—Thermometer 14°; N.W. wind; cloudy; sent off two men and the canoe to bring up what remained. Soon after, a Mr. Roberts and a man passed in a canoe, but soon returned, and informed me the river was frozen over; that my men had proceeded only about one mile in the canoe, and then had to break the ice for 150 yards, to get ashore. About half a mile from this hut is a quarry of good lime stone. Thermometer 14°; snow.

*November 25th.*—Thermometer 13°; cloudy. About 5, P.M. the men arrived: they had to carry every thing nine miles, through a rough country, and much fallen trees—the last mile they came in the canoe. Thermometer 12°.

*November 26th.*—Thermometer 10°; loaded the canoe, and two men went off in it; the rest of us walked through the woods for two miles, and then for two miles on the ice. Here the lake was frozen over; we fixed our carrying-slings to the canoe, and with its cargo, hauled it over the ice for about one mile, to open water, and held on to 3½ P.M. when we put up for the night at the house of Mr. Newton, who kindly received us. Thermometer 13°.

*November 27th.*—Thermometer 9°; clear and cold. The men in bad humour, from cold, fatigue and want of provisions; loaded the canoe, and sent it off to land at Mr. James Ross's house—the rest of us walked thereto. Fortunately Mr. Ross was able to spare us 121 lbs. of pork; sent off Mr. Dawson to look for flour: from Mr. Childs he obtained 100 lbs. of flour, and bought one bushel of peas; we have now provisions for some time: before all this was settled, it was getting late—we carried part of the things half a mile and camped. Thermometer 24°. Paul Laronde, my best man, declines staying any longer; he says that fatigue and cold has worn him out, and he returns the morrow.

*November 28th.*—Thermometer 17°; engaged a man in the place of Paul Laronde; brought the rest of the things to the camp, and began opening a line from the Muskrat Lake to the pond, as direct as the ground will allow us. This pond is the head of the brook that descends to Mr. McNaughton's saw-mill, close to the Ottawa River. It is doubtful which is on the highest level, the Muskrat Lake or the pond; and my work is to ascertain this point, and what is the rise of land and distance between them.

*November 29th and 30th.*—Variable weather; we have now opened a line to the east side of the first hill that descends to the Ottawa, a distance of 40 chains, and taken the levels of 22 stations.

*December 1st.*—Thermometer 34°; got all removed to the pond; ground the axes, and camped. The distance to the pond is 2 miles; but as the oxen could only proceed as the fallen trees were cut away, some of them 14 inches in diameter, it was late before we got to the pond.

On *December the 5th*, the levels to the pond were completed; the distance by the line we have followed, on account of the fallen wood, &c. is 194 chains, 79 links: we then measured the pond on the ice 30 chains, 60 links.

*December 6th and 7th.*—Continued opening a line, and taking the levels near down along the brook; but the thickets of willows and elders now became frequent, very tedious to open a line through, and we had to keep in the rising ground for a distance of 52 chains, 42 links, being 10 stations: the land good, and for this distance with very slight undulations, may be said to be level, showing only a depression of 2 inches.

*December 8th.*—Examined the stock of provisions on hand, and found we had only sufficient for 3 days of flour, and 2 days of pork—and as no more can be procured, I had to break up the survey; the season is late—the days short—and the main object for which I came finished. I sent the Assistant, and one man, to Mr. Alexander McDonald, at the saw-mill on the Ottawa River, to come with a yoke of oxen and sled, and take every thing to his place; the rest of us cut a road to the former ox-road.

*December 9th.*—Thermometer 11°. At noon, the Assistant, and two extra men, arrived; Mr. McDonald told him, that the half-frozen ground would not bear the oxen: that even single and light, they could not get to us—and that we must extricate ourselves the best way we could. He advised Mr. Dawson to engage two men, and go by the back way to the first houses, which men only could do, and there we might get provisions from day to day. Mr. Dawson took this sound advice—engaged two men, and came to me; all hands turned to make a rough double-sled, which, by night, we got nearly completed.

*December 10th.*—Thermometer 20°; light snow most of the day. By 10, A.M. got the sled ready, and loaded; all hands tackled to it, and hauled over stumps, fallen trees—frequently upsetting at the end of a mile, which took us a full hour. This rough usage broke the sled to pieces, and we had to make a stronger sled, for which we took iron-wood; at 1½ P.M. we had the sled made, and set off, and kept on until dark. We are now on a kind of road that leads to Portage du Fort, on the Ottawa; finished the last of our provisions—a light supper, after no dinner.

*December 11th.*—Thermometer 24°; light snow. Early set off; the road is so rough we had frequently to stop, and repair our shattered sled: by 3, P.M. we arrived at the first log-house; here we stopped, and got a meal of such as Olmstead had to spare—paid off the extra men. Mr. Dawson went off to procure a team of oxen, to take us to Portage du Fort—to which there is a rough road.

*December 12th.*—Thermometer 25°; at 10, A.M. Mr. Dawson arrived: could find no person who would risk his oxen on the road. I sent 2 men to go to Mr. McNaughton's mill, and bring down the cedar canoe to Portage du Fort; they have to haul it over 2 miles of ice, to get to the open water. At noon, Mr. Boulton, from the foot of Portage du Fort, arrived; he very kindly interested himself in extricating us from our present situation—for where we are, the farmer can no longer afford us provisions; without too much lessening what he has for his family. Mr. Bolton, the morrow, will send his oxen for our things to his place, a distance of 3½ miles; he informs me, that from his house we must try the Ottawa River, among the drift ice—as for several miles there is no possibility of passing by land, on account of the deep rocky ravines which intersect the country.

*December 13th.*—Thermometer 14°. Mr. Bolton's oxen came; we loaded the sled and set off—but it was 3½ P.M. when we got to his house. In hopes of the canoe arriving, we left the things in the sled, and waited the canoe; at 5½ P.M. the two men sent for the canoe arrived: they had attempted to haul the canoe over the 2 miles of ice, but in many places found the ice so weak they broke through, and had to support themselves by the canoe—they were obliged to get the canoe on shore, and left it in the care of Mr. McDonald. Here was the end of my hopes, and at a loss what to do; with my cedar canoe, I should care very little for the drift ice, unless it upset us. Mr. Bolton and others strongly advised me to remain, and wait a change of weather that would set the ice fast; but when this will happen is uncertain—but the expense of waiting is certain. It was late—we found a kind reception in Mr. Bolton's house; in the evening, Mr. Boulton agreed to procure us the loan of a birch rind canoe, and he has one, and thus by the mercy of God get on.

*December 14th.*—Thermometer 3°; N.W. wind—a bitter cold morning; the drift ice increased both in size and quantity. We got every thing down to the beach, and gummed the canoes; they were so brittle with the cold, we could hardly handle them. By 10, A.M. they were ready: we put a board in the bottom of each canoe to strengthen it, and set off—the wide rapid stream covered with heavy drift ice, which required all our skill to prevent crushing our frail canoes. Having proceeded 2 miles, we perceived the river frozen over, and the rapid current carrying the masses of floating ice under the firm ice, in fine style, like so many diving ducks; we had to use some precaution and activity, to prevent our going the same way: with a little injury to the canoes, we got on the ice and unloaded. Of the two boards put in the canoes we made two rude runners, which we soon completed to something like a sled: on this we put our things; the men hauled it, and Mr. Bolton and myself went ahead, to sound the ice, and mark the road for the men; it was weak, and often bent under our feet. We proceeded about 4 miles, where the river was open, with its drift ice; but this distance brought us to the foot of high undulating banks, on the top of which was the farm of a Mr. McDonald, who sent his oxen for our things, and with whom we got shelter for the night. Mr. Bolton and men returned; they lay up the canoes on the high banks of the shore.

December 15th.—Thermometer 7°, to the evening of December 18th, when we arrived at Bytown; we went on mostly in the usual manner, having oxen or horses from place to place, and following on foot—but a road all the way. The settlers in general behaved towards us with kindness, and rendered us every assistance their slender means could admit. On the evening of the 5th November, the men and canoe &c. arrived at Fitzroy Harbour, situated on the south side of the Ottawa River, at the foot of the Chat Falls; at these Falls the River is about  $1\frac{1}{2}$  miles wide: the whole of this width is a range of islands—the channels between which form the falls, and pour into a spacious deep basin of calm water. At this season of the year (November) several (sometimes one-half) of these channels are dry; but now the river was uncommonly high, as in the latter end of May, and every channel full of water, so that nothing practicable could be done. The bay of Fitzroy Harbour is generally looked upon as the best place for a canal and locks, to avoid these falls; but from the shoalness of the bay, the canal would have to be made a mile around the bay, to bring it to water deep enough for vessels at the mouth of the canal. With Mr. Shirriff, Senior, I walked over the proposed line: it is over level ground, to the discharge of the Mississippi River, at the head of the bay, and foot of the Chat Falls. The soil appears a strong clay; the banks about 10 feet: and if the locks are allowed 7 feet depth on the sill, will require an excavation of at least 17 feet, to which may be safely added 4 feet, for the present height of water, above the average low level of the water—the ground has to be bored, to know how much may be of rock formation, if any. Several of the inhabitants thought this depth could be attained without meeting with rock of any kind: but this cannot be depended upon.

This leads to the waters of the Mississippi—in high water a bold rapid stream, of about 100 yards wide: and will require an aqueduct, as a dam, to cross it—equal to its greatest height of water—to form a basin level to the height of the Lower Falls of the Chat, from which a canal can be taken to the kind of lake above these falls: this distance may require 3 locks. I proposed taking the levels on my return, but the water was too high, and the season too late. The other mode, and probably the least expensive, is, when the water is low, say in September or October, to examine the range of isles that form these lower falls, within the bounds of Upper Canada, and of the channels then dry, or having but little water; select that which is best adapted for the formation of locks, keeping in view the advantage of a safe arrival and departure. The length of these channels in general is not more than sufficient for the locks to connect the upper and lower basins of deep water, and very moderate current; the excavation is partly made, and in my opinion the expense far less—the simplicity and safety of the whole far greater than the plan proposed by Mr. Shirriff, Senior. The Falls and Rapid of Les Chat, say 51 feet in all; the upper basin of deep water extends about  $1\frac{1}{2}$  miles; then the series of rapids and low falls which extend about  $1\frac{1}{2}$  miles to Lac des Chats. These rapids &c. have isles, but whether a channel of the isles or the main would be the best place for locks &c. I could not determine. A steam-boat plies on Lac des Chats to the foot of Les Chencaux, or Channels; here for several miles the river passes among islands with a strong current. The present steam-boat, with a weak engine of nominal 25 horse power, had made a few trips up to the foot of Portage du Fort, but the river was now too high for a weak engine; a good boat of 30 horse power would readily make her way up these channels to the Falls of Portage du Fort: at this a single lock, I think, will be sufficient.

*Calumet Falls.*—These falls are supposed to present the most formidable obstacles to the improvement of the navigation of the Ottawa River, and to avoid them is certainly desirable; for this purpose a line of Canal is proposed by McNaughton's Brook, the Muskrat Lake and River to Upper Lac des Allumettes—and the people on the Ottawa River seem to rely on this line for a canal, with certainty of success, and the formidable Calumet Falls no longer an object of attention. As this part of the country appears to me too intricate to be clearly explained in a mere report, I have added a small rough map, which I hope will prove satisfactory; I have added nothing beyond what I thought requisite to make it intelligible, that it should cost as little as possible. By the map, it will be seen the Calumet Falls, along which is the present route of navigation, are in Lower Canada; and therefore I suppose not within the limits of your Commission, and require no further remark.

The Western channel belongs to Upper Canada, it appears to have many islands, but is very little known from all I could learn, it is a close series of falls &c. without those pieces of moderate current between them which are found in the East channel; but how far the West channel is more or less eligible for a canal than the East channel has yet to be known; the level of the falls by either channel is the same. From former hasty views of the falls of the East channel; I should estimate them at 100 feet, but several intelligent men consider the total height to be about 120 feet; every where of rock, and this rock is lime stone to the best of my memory; from the Grand Calumet I formerly took good specimens of sulphate of limo. By the map

the Muskrat River will be seen to discharge itself into Upper Lac des Allumettes; above all the Calumet falls the descent of this river to the lake I estimated at 55 feet; allowing the Calumet falls to be 100 feet in height, this places the Muskrat Lake at the level of 155 feet above the foot of those falls. On the map is marked my line of levels from the Muskrat Lake to the Pond; from the surface of the lake, in a direction N. 55½, E. 19 chains, 40 links direct, the land gradually rises to the height of 60 feet 3 inches; the water in the lake was high, and by the account of the settlers has been known to be about 4 feet lower than it then was, and the lowest water level is that which must be taken; this in dry seasons will give the summit level 64 feet, to which add 7 feet for the canal entrance, making a total of 71 feet at the summit or height of land, that is to say, beginning at the Muskrat Lake, with an excavation of at least 7 feet, and for the distance of 19 chains, 40 links, gradually increasing this excavation to the depth of 71 feet at the summit level; from this summit level the land descends 67 feet to the Pond, besides 4 feet for the depth of the canal, equal 71 feet. The surface of the Pond is now supposed to be brought to the same level with the bottom of the canal in the Muskrat lake, provided it keeps at the level of last December. The surface of the Muskrat lake is 155 feet above the level of the Ottawa River at the foot of all the Calumet Falls, which is the same level as the bay at the mouth of McNaughton's brook; therefore from the pond there is a descent of 155 feet, including the depth of the canal at 7 feet to the Ottawa River, to be gradually worked for 15 or 16 locks in a direct distance of 7 miles. From the Muskrat lake to the height of land, and from thence to the pond, and for about 1 mile beyond, the ground appeared to be as favourable as could be expected for a canal; but from this to the Ottawa River, from a hasty view, the ground appeared to have too many small brooks, banks and broken ground, to admit of a direct line for a canal, and in my opinion it must bend to the northward of this direct line; I have noticed the pond as a point of information, not as decisive that the canal must pass that way. But an important question arises; can such a small lake as the Muskrat Lake give a sure supply of water in the dry season for a canal at least 9 miles in length, with 16 locks to the Ottawa River; and also in an opposite direction for a canal from Mud Lake to Lac des Allumettes, a distance of full 5 miles, with 6 locks?—In favour of the canal from Muskrat Lake to the Ottawa River, it may be said that the rills and small brooks may act as feeders. In dry seasons several of them will be dry, and at most could barely supply the loss of water by evaporation and other causes. On the line of canal from Mud Lake to Lac des Allumettes, it may be said the Indian stream can be made to furnish water for this canal. This stream is too near the mouth of the river for such a purpose, unless at a great expense for a very high dam. The principal supply of water to the Muskrat Lake is the Snake River; the almost continual heavy rains of last autumn rose all the rivers and lakes to an uncommon height, so that no accurate estimate could be made; but on examining the Muskrat River, which carries off all the waters of the lake, an experienced eye might easily see from the very formation of the river, its beds and shoals of gravel and small stones, that in dry seasons it must be very shoal. Below Mud Lake, at the head of the rapids, a dam must be erected, to keep the Muskrat Lake to a proper level, for a sure supply of water to the canal which leads to the Ottawa River; this dam will cut off the supply of water for the canal to Lac des Allumettes, so far as to leave the overplus of water not required for a canal of at least 9 miles and 16 locks to the Ottawa River, and what this overpluss may be is very doubtful. Allowing every thing in favour of the Muskrat Lake, the question seems to resolve itself into this—What is the quantity of water required to supply the canal to the Ottawa River, of full 9 miles, 16 locks, and 7 feet deep, on the supposition of six or more vessels passing each day; and also the quantity of water required for a canal in an opposite direction, of 5 miles, 6 locks, and 7 feet deep, to Lac des Allumettes, for the same number of vessels?

In the dry season, say the month of September, what is the quantity of water furnished by the Snake River, and the brooks around the Muskrat Lake. The result of this latter, compared with the results of the two former for the canals, will on this point determine the practicability of a canal by the Muskrat Lake.

I have dwelt longer on this subject, and entered more into detail, than I intended; but it has been done solely with a view to enable the Commissioners to decide, whether, contrary to the public opinion, it is necessary to order a survey of the Calumet Falls &c. on the side of Upper Canada, or abide by the uncertain practicability of a canal by the Muskrat Lake, and save the time and expense of a survey and estimation of the Calumet Falls.

Very respectfully,

Your Obedient Servant,

The Hon. JOHN MACAULAY,  
JOHN S. CARTWRIGHT, Esquire,  
Capt. FRANCIS H. BADDELEY, R. Engineers.

DAVID THOMPSON.

**ASTRONOMICAL OBSERVATIONS,**

Made on the Survey from Lake Huron to the Ottawa River, by the Muskako and Madawaska Rivers, by order of the Honourable John Macaulay, John Cartwright, Esquire, and Captain Francis H. Baddeley, R.E. Commissioners for the Survey of the Ottawa River, &c. &c. &c.

Lake Huron at the Sand-banks, about five miles from Penetanguishine.

1837.  
August 3, Ther. — .....Ther. 68,      Doub. Meridian Alt'e. of Sun's L.L.      Lat. N

124° 36' 0"	
6 40	
124 42 40	44° 51' 15" 4

August 4, Ther. — .....Ther. 70,      Doub. Meridian Alt'e. of Sun's L.L.

124° 4 40"	
6 40	
124 11 20	44° 51' 0" 8

Mean Latitude 44° 51' 8" 1 N.

Lake Huron, as per Map.

August 5, Ther. — .....Ther. 72,      Doub. Meridian Alt'e. of Sun's L.L.

123° 28' 0"	
6 40	
123 34 40	44° 53' 9" 4

Lake Huron, as per Map.

August 3, Ther. 74,      For Time.      Ther. 74,      Distance of ☉ a ☉'s N.L.

h.	☉'s L.L.	h.	☉'s N.L.	Long west of Greenwich.
5 5 18	43 8 40	4 49 32	47 33 50	
6 23	42 46 20	50 32	34 10	
7 27	24 20	51 43	34 30	
5 6 23	42 46 27	52 37	35 0	
2 30	6 40	53 37	35 10	
5 3 53	42 53 7	54 41	35 30	
		4 52 7	47 34 42	
		2 30	6 40	
		4 49 37	47 41 22	
		5 22 20	47 45 40	80° 10' 0"
		23 17	46 10	
		24 32	46 50	
		25 37	47 20	
		26 40	47 40	
		27 33	48 10	
		5 24 58	47 46 58	
		2 30	6 40	
		5 22 28	47 53 38	
				80° 16' 45"

Latitude by account 44° 54' 3" N.

Lake Huron, as per Map.

August 6, Ther. 78, .....Ther. 78,      Doub. Meridian Alt'e. of Sun's L.L.

122° 47' 40"	Latitude North.
6 40	
122 54 20	44° 56' 51" 3

Mouth of Muskako River, in Lake Huron.

August 6, Ther. 78,      Double Altitudes.      Ther. —,      Distance of ☉ a ☉'s N.L.

h.	☉'s L.L.	h.	☉'s N.L.	Long west.
3 38 11	73 2 0	5 52 29	58 33 40	
39 5	72 44 10	53 26	33 50	
40 3	24 0	54 27	34 0	
3 39 6	72 43 27	55 22	34 30	
1 50	6 40	56 17	35 0	
3 37 16	72 50 7	57 18	35 20	
		3 54 53	58 34 23	
		1 46	6 40	
		3 53 7	58 41 3	
				80° 23' 30"

104 Report on Survey of Ottawa River. [4th Sess. 13th Pari.

1837  
August 6. Ther. 78

*Mouth of Muskako River, in Lake Huron.—(Continued)*

Double Altitudes.		Ther. 78,		Distance of ☉ a ☉'s N.L.	
<i>h.</i>		☉'s L.L.			
3	41 22	72	59 40	4	31 50
	42 20		40 40		58 43 0
	43 11		22 40		43 20
					43 30
					44 0
3	42 21	72	41 0		25 25
	1 44		6 40		26 33
					27 33
					44 10
					44 30
					44 50
3	40 37	72	47 40	4	24 36
					1 46
					58 43 56
					6 40
				4	22 50
					58 50 36

Long West  
80 31 30

*At the 12th Fall, Muskako River.*

August 18. Ther. 76.....Ther. 76, Doub Meridian Alt'e. of Sun's L.L.

118° 33' 40"	Latitude North.
6 40	
118 40 20	
45° 1' 28" 5	

*Muskako Lake, as per Map*

August 16. Ther. 75.....Ther.—, Doub Meridian Alt'e. of Sun's L.L.

116° 51' 50"	Latitude North.
6 40	
116 58 30	
44° 56' 20" 3	

*First Lake north of Muskako Lake, as per Map.*

August 15. Ther. 74.....Ther.—, Doub. Meridian Alt'e. of Sun's L.L.

115° 10' 0"	Latitude North.
6 40	
115 16 40	
45° 8' 46" 4	

*Second Lake north of the Muskako Lake, as per Map.*

August 19. Ther. —.....Ther. 68, Doub Meridian Alt'e. of Sun's L.L.

114° 30' 0"	Latitude North.
+ 6 40	
114 36 40	
45° 9' 14" 6	

*The Second Lake north of the Muskako Lake, as per Map, on an Islet, Latitude by account 45° 12' 54" North.*

August 19. Ther. 64. For Time. Ther. 60, Distance of ☉ a ☉'s N.L.

Double Alt'e. ☉'s L.L.L.		Ther. 60,		Distance of ☉ a ☉'s N.L.	
<i>h.</i>					
20	33 20	71	51 40	19	50 27
	34 11	72	8 0		120 49 0
	35 21		31 20		48 40
					48 0
					53 18
20	34 17	72	10 20		54 13
	1 44		6 40		47 0
					46 30
20	36 1	72	17 0	19	52 48
					1 43
					120 47 47
					6 40
				19	54 31
					120 54 27
					80 27 15
		☉'s L.L.		20	5 2
20	38 12	72	24 20		5 4
	39 18		44 40		6 8
	40 7	73	1 0		6 8
					7 0
					8 0
20	39 12	72	43 20		8 53
	1 41		6 40		40 20
					40 0
					11 0
					39 30
20	40 54	72	50 0	20	7 31
					1 43
					120 41 15
					6 40
				20	9 14
					120 47 55
					80 19 30
				20	20 12
					21 27
					34 30
					22 7
					34 20
					23 4
					34 0
					24 6
					33 50
					24 45
					33 10
					25 48
					32 30
				20	23 04
					1 43
					120 33 54
					6 40
				20	24 47
					120 40 34
					80 15 30

1837. *The same place.*  
 August 20. Ther. 74.....Ther. 74.      Doub. Meridian Alt'e. of ☉'s L.L.

113	43	10	Latitude North.
	6	40	
113	49	50	
			45 12 54 8

*Second Lake from the Muskako, as per Map.*  
 August 21. Ther. —.....Ther. 70.      Doub. Meridian Alt'e. of ☉'s L.L.

113	6	0	Latitude North.
	6	40	
113	12	40	
			45 11 33 1

*At the foot of the 13th Fall, in the Muskako River.*  
 August 27. Ther. —.....Ther. 65.      Doub. Meridian Alt'e. of ☉'s L.L.

109	20	0	
	6	40	
109	26	40	
			45 1 4 8

*On an Islet in the Forked Lake, as per Map.*  
 Sept'r. 3. Ther. —.....Ther. 62.      Doub. Merid'n. altitude of ☉'s L.L.

103	44	30	Latitude, North.
	6	40	
103	51	10	
			45 17 28 3

*The Forked Lake, as per Map.*  
 Sept'r. 4. Ther. —.....Ther. 50.      Doub. Merid'n. Alt'e. of Altair.

106	16	10	
	6	40	
106	22	50	
			45 15 58 5

*The Forked Lake, as per Map.*  
 Sept'r. 4. Ther. —.....Ther. 62.      Doub. merid'n. alt'e. of ☉'s L.L.

103	3	0	
	6	40	
103	9	40	
			45 16 5 0

*The Forked Lake, as per Map.*  
 Sept'r. 4. Ther. 62.

For Time.	Ther. 62.	Distance of ☉ & ☉'s U. L.	Longitude West of Greenwich.
Double	Altitudes.		
	☉'s L. L.		
1 1 15	49 19 0	3 18 15	52 11 20
2 9	1 0	19 37	11 40
3 0	48 48 40	20 53	12 20
4 2 8	49 1 18	21 41	12 40
4 10	0 40	22 47	13 00
4 6 18	49 7 53	23 41	13 50
	☉'s U. L.	3 21 0	52 12 25
4 4 23	49 19 40	4 10	6 40
5 15	2 20	3 25 19	52 19 5
6 8	48 48 40	Distance of ☉ & ☉'s N. L.	79 0 15
4 5 15	49 1 53	3 31 20	52 15 30
4 3	0 40	32 28	15 50
4 9 23	49 8 33	33 30	16 20
		34 35	16 50
		35 52	17 10
		37 0	17 40
		3 34 10	52 16 33
		4 10	6 40
		3 38 20	52 23 13
			78 57 0 4

1837.

The Forked Lake, as per Map.

Sept'r. 4. Ther. —	.....	Ther. 62.	Distance of ☉ & ☽'s N.L.		
			3 <sup>0</sup> 42 43	52 <sup>0</sup> 19 20	
			44 0	19 40	
			45 0	20 0	
			45 48	20 30	
			47 00	21 0	
			47 52	21 10	
			49 00	21 30	
			50 16	22 00	
			<hr/>	<hr/>	
			3 46 27	52 20 39	
			4 10	6 40	
			<hr/>	<hr/>	
			3 50 37	52 27 19	
					78 59 4 5

Pine Island, Canoe Lake, as per Map.

Sept'r. 13, Ther. —	.....	Ther. —,	Doub. Meridian Alt'e. of ☉'s L.L.		
			95 <sup>0</sup> 45 0	Latitude North.	
			6 40		
			<hr/>		
			95 51 40		
					45 31 20 5

Sand Bay, Canoe Lake, as per Map.

Sept'r. 14. Ther. —	.....	Ther. 57,	Doub. Meridian Alt'e. of ☉'s L.L.		
			94 <sup>0</sup> 57 40	Latitude North.	
			6 40		
			<hr/>		
			95 4 20		
					45 31 58 0

Sept'r. 15, Ther. —,	.....	Ther. 64,	Doub. Meridian Alt'e. of ☉'s L.L.		
			94 <sup>0</sup> 12 20		
			6 40		
			<hr/>		
			94 19 0		
					45 31 30 3

Sept'r. 21, Ther. 44.		For Time.	Ther. 44.	Distance of ☉ & ☽'s N.L.	
		Double Altitudes, ☉'s L.L.		20 18 10	90 48 30
		20 51 12	58 13 0	19 3	48 10
		52 26	34 0	20 0	48 0
		53 26	51 40	20 55	47 40
		54 14	59 6 40	22 0	47 10
		<hr/>	<hr/>	22 50	47 0
		20 52 49	58 41 20	<hr/>	<hr/>
		3 3	6 40	20 20 30	90 47 47
		<hr/>	<hr/>	3 3	6 40
		20 55 52	58 48 0	<hr/>	<hr/>
		<hr/>	<hr/>	20 23 33	90 54 27
		☉'s U.L.		<hr/>	<hr/>
		20 56 19	60 48 30		
		57 15	61 3 40		
		58 17	19 0		
		<hr/>	<hr/>		
		20 57 17	61 3 3		
		3 5	6 40		
		<hr/>	<hr/>		
		21 0 22	61 9 43		
		<hr/>	<hr/>		

		Distance of ☉ & ☽'s U.L.			
		20 25 50	90 48 0		
		26 46	45 50		
		27 40	45 30		
		28 40	45 10		
		29 40	44 50		
		30 44	44 40		
		<hr/>	<hr/>		
		20 28 13	90 45 20		
		3 3	6 40		
		<hr/>	<hr/>		
		20 31 16	90 52 0		
		<hr/>	<hr/>		78 55 15
		Distance of ☉ & ☽'s N.L.			
		20 34 45	90 43 0		
		35 42	42 40		
		36 50	42 30		
		37 47	42 20		
		38 50	42 0		
		39 44	41 30		
		<hr/>	<hr/>		
		20 37 16	90 42 20		
		3 4	6 40		
		<hr/>	<hr/>		
		20 40 20	90 49 0		
		<hr/>	<hr/>		78 54 0

Canoe Lake.—Continued.

Sept'r. 22, Ther. 46.

For Time.		Double Altitudes.		☉'s L.L.	
h.		☉'s	L.L.		
21	4 16	59	29 30		
	5 17		46 40		
	6 13	60	3 40		
	7 7		17 40		
<hr/>					
21	5 43	59	54 22		
	1 4		6 40		
<hr/>					
21	4 39	60	1 2		
<hr/>					
		☉'s N.L.			
21	9 3	61	55 10		
	10 10	62	12 30		
	11 16		32 30		
	12 16		47 40		
<hr/>					
21	10 41	62	21 58		
	1 2		6 40		
<hr/>					
21	9 39	62	28 38		

Ther. 46,

Distance of ☉ & ☉'s N.L.

For Time.		Distance of ☉ & ☉'s N.L.		Longitude west of Greenwich.	
h.		☉	☉'s N.L.		
20	18 28	68	20 10		
	19 33		19 50		
	20 42		19 40		
	21 38		19 10		
	22 36		19 0		
	23 35		18 40		
<hr/>					
20	21 5	68	19 25		
	1 3		6 40		
<hr/>					
20	20 2	68	26 5	78°	18 15
<hr/>					
20	27 32	68	17 30		
	28 47		17 0		
	29 41		16 20		
	30 32		16 10		
	31 36		16 10		
	32 32		15 40		
	33 22		15 20		
	34 32		15 0		
<hr/>					
21	31 4	68	16 8		
	1 3		6 40		
<hr/>					
20	30 1	68	22 48	78°	30 0
<hr/>					
20	37 0	68	14 20		
	37 50		14 0		
	38 40		13 50		
	39 40		13 40		
	40 30		13 10		
	41 30		13 10		
<hr/>					
20	39 12	68	13 43		
	1 3		6 40		
<hr/>					
20	38 9	68	20 23	78°	36 14
<hr/>					
20	44 43	68	12 50		
	45 38		12 30		
	46 36		12 10		
	47 33		11 50		
	48 33		11 30		
	49 12		11 10		
<hr/>					
40	47 1	68	12 0		
	1 3		6 40		
<hr/>					
20	45 58	68	18 40	78°	11 45

Sept'r. 23, Ther. —..... Ther. 50,

Ther. 50, Double Meridian Alt'e. of Sun's L.L.

67	59 30	Latitude North.
	6 40	
60	6 10	

Sept'r. 23, Ther 52.

For Time.

Ther. 50.

Distance of ☉ & ☉'s N.L.

For Time.		☉'s U.L.	
22	17 12	77	16 40
	18 10		28 40
	19 14		41 40
	20 11		52 0
<hr/>			
22	18 42	77	34 45
	2 23		6 40
<hr/>			
22	16 19	77	41 25
<hr/>			
h.		☉'s L.L.	
22	21 37	77	4 20
	22 35		15 0
	23 28		25 30
	24 22		35 10
<hr/>			
22	23 0	77	20 0
	2 28		6 40
<hr/>			
22	20 32	77	26 40

For Time.		Distance of ☉ & ☉'s N.L.		Longitude west of Greenwich.	
h.		☉	☉'s N.L.		
21	27 7	56	57 10		
	28 15		56 50		
	29 22		46 40		
	30 32		56 20		
	31 18		55 50		
	32 17		55 30		
<hr/>					
21	29 47	56	56 23		
	2 25		6 40		
<hr/>					
21	27 22	57	3 3	78°	60 0
<hr/>					
21	38 2	56	54 0		
	39 5		33 40		
	40 0		53 20		
	40 52		53 10		
	41 43		52 50		
	42 35		52 40		
<hr/>					
21	40 23	56	53 17		
	2 25		6 40		
<hr/>					
21	37 58	56	59 57	78°	42 45
<hr/>					
21	48 0	56	51 20		
	49 3		51 0		
	50 0		50 40		
	50 40		50 20		
	51 44		50 0		
	52 42		49 40		
<hr/>					
21	50 21	56	50 30		
	2 25		6 40		
<hr/>					
21	47 56	56	57 10	78°	36 15

1857.

Canoe Lake.—Continued.

Sept'r. 23. Ther. —	Ther. 52.	Distance of ☉ & ☉'s N.L.		Longitude west of Greenwich.
		22 1 40	56 47 20	
		2 40	47 10	
		3 36	48 40	
		4 54	48 10	
		5 35	45 40	
		6 32	45 20	
		7 26	45 0	
		8 16	44 50	

22 5 2	56 46 2
2 25	6 40
22 2 37	56 52 42

Sept'r. 24. Ther. —	Ther. 52.	Doub. Meridian Alt'e. of ☉'s L.L.	
		37 12 40	Latitude North.
		6 40	
		37 19 20	
		45 51 52 7	

Third Lake.—Of the height of Land. as per Map.

Oct'r. 3. Ther. —	Ther. 56.	Doub. Meridian Alt'e. of ☉'s L.L.	
		79 30 0	Latitude North.
		6 40	
		79 36 40	
		45 29 25 4	

Madawaska River.—On an Islet. as per Map.

Oct'r. 11. Ther. —	Ther. 46.	Doub. Meridian Alt'e. of ☉'s L.L.	
		74 7 50	Latitude North.
		6 40	
		74 14 30	
		45 29 59 7	

About one-third of a mile above the 71st Fall, &c. Madawaska River.

Oct'r. 14. Ther. —	Ther. 40.	Doub. Meridian Alt'e. of ☉'s L.L.	
		71 50 20	Latitude North.
		6 40	
		71 57 0	
		45 31 20 5	

Madawaska River, Foot of the 74th Fall, &c.

Oct'r. 16. Ther. —	Ther. 46.	Doub. Meridian Alt'e. of ☉'s L.L.	
		70 43 50	Latitude North.
		6 40	
		70 50 30	
		45 20 9 5	

At the Foot of the 77th Fall, &c.

Oct'r. 17. Ther. —	Ther. 56.	Doub. Meridian Alt'e. of ☉'s L.L.	
		70 11 40	
		6 40	
		70 18 20	
		45 14 12 3	

Madawaska River, about 2 1/4 miles above the head of the Long Falls.

Oct'r. 21. Ther. 48.	For Time.	Ther. 48.	Distance of ☉ & ☉'s U. L.		Longitude west of Greenwich.
	Double Altitudes.		22 59 45	76 10 30	
	☉'s L. L.		41 0	10 0	
	22 23 19	59 28 0	42 0	9 50	
	29 8	51 0			
	30 0	40 0			
	22 29 7	59 31 20	22 40 55	76 10 7	
	4 52	6 40	4 58	6 40	
	22 24 15	59 33 0	22 36 2	76 16 47	
					76 55 45

*Madawaska River, about 2½ miles above the head of the Long Falls.—(Continued.)*

Oct'r. 21.	Ther. 48.	For Time.	Ther. 48.	Distance of ☉ & ☽'s N.L.	Longitude W. of Greenwich.
Double Altitudes.		☉'s L.L.		22 44 28	76 9 10
h.				45 48	8 30
22 31 23		58 48 20		47 5	7 50
32 23		57 30			
33 12		59 5 0			
<hr/>		<hr/>		22 45 47	76 8 30
22 32 19		58 56 57		4 58	6 40
4 54		6 40			
<hr/>		<hr/>		22 40 54	76 15 10
22 27 55		59 9 57			76 36 0

*At the head of the Long Falls.*

Oct'r. 22.	Ther. —	Ther. 48.	Doub. Merid'n. altitude of ☉'s L.L.	Latitude, North.
			66 19 40	
			6 40	
			<hr/>	
			66 26 20	45 22 19 7

*The Observations were made with a Sextant of only 4½ inches Radius; the Observations for Latitude may be a close approximation—but for Longitude they cannot be depended upon to half a degree or so.*

DAVID THOMPSON.

**THERMOMETRICAL JOURNAL,**  
FOR AUGUST AND SEPTEMBER, 1837.

Days of the week and Month.	Winds.	Latitude.	Long'de.	Temp're. Air.			Water Noon.	REMARKS.
				A. M.	NOON	P. M.		
Tuesday, August	1. Westerly			68	79	75		At 8 A. M. at the Christian Islands, Lake Huron
Wednesday	2. N.W.			75	84	72		Strong Breezes at 8 P. M.—Penetanguishine.
Thursday	3. N.W.			70	76	74		Sultry weather, with showers occasionally.
Friday	4. Calm.			71	83	66	68	Strong breezes, and fine—At Penetanguishine.
Saturday	5. Variable.			69	75	68	65	Light winds—North-East shore of Lake Huron.
Sunday	6. S.W.			68	74	70	68	Moderate breezes—North-East shore of Lake Huron.
Monday	7. S.E.			68	78	70	69	Moderate and fine—North-East shore of Lake Huron.
Tuesday	8. S.E.			68	72	70	69	Cloudy: noon, heavy rain—North-East shore of Lake Huron.
Wednesday	9. S.E.			64	69	62	64	Cloudy: at noon, heavy rain—North-East shore of Lake Huron.
Thursday	10. S.W.			60	68	62	63	Fresh Breezes—North-East shore of Lake Huron.
Friday	11. Variable.			70	78	69	65	Moderate, and cloudy weather—Lake Huron.
Saturday	12. S.W.	46 1 N	80 45 W.	57	62	60	68	Strong winds, and cloudy—Lake Huron.
Sunday	13. S.W.	45 56	80 45	56	70	63	69	Strong gales, with heavy rain—Lake Huron.
Monday	14. West.	45 53	80 45	58	72	61	70	Strong breezes and squally, with rain—French River.
Tuesday	15. West.	46 03	80 24	63	72	67	70	do. do. do. do.
Wednesday	16. W S.W.	46 05	80 10	76	84	72	68	A. M. cloudy, drizzling rain: noon fine.
Thursday	17. S.E.	46 06	80 2	74	76	72	69	P. M. cloudy, with showers—At French River.
Friday	18. North.	46 10	80 5	61	66	60	67	A. M. cloudy; noon, sultry weather—At French River.
Saturday	19. S.E.	46 17	80 1	69	82	68	65	Cloudy, with rain—French River.
Sunday	20. S.E.	46 19	79 57	68	75	68	64	Fresh breezes—At French River.
Monday	21. S.E.			66	64	58	65	Calm and sultry, with Thunder—Lake Nipissingue.
Tuesday	22. N.W.			50	56	52	61	Strong breezes, with rain, do.
Wednesday	23. N.E.			50	62	68	58	Heavy gales, with rain, do.
Thursday	24. N.W.	46 23	79 56	50	64	62	56	Heavy gales, and cloudy, do.
Friday	25. N.W.	46 28	79 54	54	64	62	55	Strong breeze, and cloudy, do.
Saturday	26. S.E.	46 38	80 7	56	60	54	62	Moderate and hazy: at noon rain—At Sturgeon River.
Sunday	27. S.E.	46 44	80 0	56	63	53	61	Moderate and cloudy—Sturgeon River.
Monday	28. Variable.	46 44	79 50	51	60	50	62	Rainy weather, do.
Tuesday	29. S.E.	46 46	79 43	53	54	59	63	Rainy, dull weather, do.
Wednesday	30. South.	46 48	79 45	50	53	51	58	Changeable weather, do.
Thursday	31. N.W.	46 48	79 45	48	56	44	59	Fine weather—River Sturgeon, (Bass Lake)
Friday, September 1.	N.W.	46 50	79 45	44	56	43	53	Stormy weather—At Bass Lake.
Saturday	2. North.	46 54	79 40	44	50	44	50	Strong breezes, with rain—North of Bass Lake.
Sunday	3. North.	46 54	79 30	35	50	39	45	Moderate weather—Lake Travers.
Monday	4. S.W.	47 0	79 18	39	46	47	42	Squally, with rain—Lake Tamagamingue.
Tuesday	5. S.W.	47 03	79 12	65	70	54	45	Calm, with frost, do.
Wednesday	6. S.E.	47 8	79 0	60	65	59	47	Calm—Small Lakes East of Tamagamingue.
Thursday	7. South.	47 16	78 52	60	65	54	53	Calm—At Lake Wapoose.
Friday	8. South.	47 16	78 52	60	65	60	52	Cloudy, with drizzling rain—River Metabigewam.
Saturday	9. South.			54	67	60	54	Heavy gales, with rain—Lake Temiscamogue.
Sunday	10. East.	47 0		47	62	60	49	Strong gales, do.
Monday	11. North.	46 33	78 45	35	60	40	45	Strong gales, do.
Tuesday	12. N.E.	46 26	78 30	31	60	45	44	Moderate and fine, do.
Wednesday	13. N.W.	46 20	78 50	29	57	48	43	A. M. cloudy; noon fine—Ottawa River.
Thursday	14. Variable.	46 21	78 56	38	59	54	46	At noon, moderate and fine—Ottawa River.
Friday	15. Variable.	46 20	79 10	39	54	50	45	Fine clear weather—River Matawa.
Saturday	16. East.	46 16	79 40	39	62	50	47	Moderate and cloudy, do.
Sunday	17. East.	46 14	79 40	38	54	47	46	Cloudy weather—Turtle Lakes.
Monday	18. S.E.	46 14	79 40	42	47	46	45	Squally, with heavy rain—Lake Nipissingue.
Tuesday	19. North.	46 10	79 45	34	51	38	44	Heavy gales and rain, do.
Wednesday	20. North.	46 22	80 6	36	71	52	42	Strong gales, do.
Thursday	21. North.	46 22	80 6	36	42	40	42	South Bay, do.
Friday	22. West.	46 16	80 12	39	54	50	42	Fine clear weather, do.
Saturday	23. West.	46 9	80 0	39	57	60	43	Moderate breezes, West Bay, do.
Sunday	24. Variable.	46 6	80 30	37	60	56	44	Strong gales, and squally.
Monday	25. S.E.	46 5	80 45	39	56	54	42	Fresh breezes, and fine—River Bay, L. N.
Tuesday	26. S.E.	46 0	81 18	37	59	50	40	Moderate and fine—French River.
Wednesday	27. N.E.	45 54	81 15	33	52	40	38	Light airs, with rain, do.
Thursday	28. East.	45 46		32	50	47	36	Fresh breezes and rainy, do.
Friday	29. East.	45 30		34	52	39	36	Fresh breezes, and fine, do.
Saturday	30. East.	45 15		34	51	37	36	Strong gales, with rain—North-East shore of Lake Huron.
Sunday, October 1.	North.			34	51	35	37	Fresh breezes, and cloudy, do. do.
								Fresh breezes, with rain, do. do.
								Heavy gales, with rain, do. do.

## REPORT OF MR. HAWKINS, DEPUTY PROVINCIAL SURVEYOR.

TORONTO, 2nd February, 1838.

GENTLEMEN:

In accordance with your instructions, dated July, 1837, directing that I would, in co-operation with Mr. David Thompson, Civil Engineer, proceed to ascertain the most practical communication between the waters of Lake Huron and the Ottawa, or Grand River, I have now the honour of submitting to you the following Report thereon:—

It may be necessary to premise that the altitudes of cataracts and rapids, lengths of portages, &c. entered on the accompanying plans, are not the results of actual measurement, being taken principally by estimation, a process subject to error. I have, however, endeavoured to limit those errors as much as possible, and it is presumed that the quantities thus obtained will be found sufficiently correct for the present preliminary survey.

My attention was at first directed to an examination of the River Maganetawang. This river takes its source in a small lake, situated in latitude 45° 46' 15" north, and empties itself in the north-easterly part of Lake Huron, about 90 miles from Penetanguishine. Its length is about 100 miles, including its various bendings—but, in a direct line, it may be estimated at 70 miles. Should it appear that this river offers a fair prospect of being rendered navigable—but, as will subsequently be seen, it does not—the harbour at its entrance would be found suitable to such a project, it being well protected by islands, leaving at the same time an easy entrance; and although I did not take soundings in it, I believe that a channel free from rocks or shoals exists there.

The general bearing of the Maganetawang from its outlet, is easterly 75 miles; it then bears north-easterly, and continues in this same direction to its source. Its waters are navigable about 8 miles from Lake Huron, and average 140 yards in width; its channel then contracts to about 70 feet, and for the next 24 miles, averages between this width and 120 feet—depth seldom less than 5 feet, or more than 20 feet; on these twenty-four miles it ascends 200 feet, after which its channel is navigable 16 miles; a short distance further its size diminishes suddenly, and the remaining distance (30 miles) to the height of land may be considered unnavigable, both from the rapidity of its current and the depth of water. To give an instance, one canoe, though only drawing about 18 inches of water, had either to be towed unladen or carried probably two-thirds of the last fifteen miles before coming to the height of land. Had we passed a month earlier, the water would certainly have been much deeper. The total ascent from Lake Huron to its source is about 340 feet. A portage less than a quarter of a mile in length connects the waters of the Maganetawang and Pittoiwais rivers.

The general bearing of the Pittoiwais is north-east 60 to 80 miles; it then sweeps round to a south-easterly direction, and at about 30 miles empties itself in the Ottawa, opposite the northerly extremity of Allumettes Island. For 15 miles from the height of land the Pittoiwais is but comparatively a small stream, and in many places, even at the distance of 10 miles from the height of land, its channel will admit a passage for canoes. We were frequently compelled to cut the banks before our canoe, though only four feet wide, could pass. From the height of land to Trout Lake, and through which the Pittoiwais passes, is about 30 miles. On this distance it descends about 230 feet; on the succeeding 12 miles it descends nearly 200 feet: This part of the river is a succession of dangerous falls and rapids; thence to the Ottawa it descends more regularly, but its current is generally swift, and in many places so much so, as scarcely to admit sufficient time to take its bearings when sailing down. The total descent from the height of land to the Ottawa is about 450 feet, to which, if 340 feet, the ascent from Lake Huron and the height of land, be added, there will be a total of about 790 feet. Averaging each lock at 10 feet, it would require 79 locks to connect the waters of Lake Huron and the Ottawa by this route.

The route next examined by me extends from Bytown to Lake Huron via the Ottawa, Little River, Lake Nippissingue and the French River. The following synoptic table exhibits the various altitudes.

REMARKS.	Ascent in feet.	Obstructed Navigation. Miles.	Navigable. Miles.
From Bytown to the foot of Lake Chaudiere .....	55	4	0
It is proposed to improve this part of the Ottawa, by cutting a canal from Lake Chaudiere to the seventh lock on the Rideau Canal, and thus taking advantage of the ascent made on the canal.			
Length of Lake Chaudiere .....	0	0	30
The Chats Falls and Rapids .....	55	3	0
The rock at these falls is primitive limestone, of a very crystalline appearance.—The Mississippi channel which passes close to, and on the south of these rapids, will probably be found the readiest mode of improving this part of the navigation.			
From Chats Rapids to Portage du Fort .....	3	0	26
Nineteen miles from Chats Rapids there is a small rapid, and makes a descent of about 3 feet; I ascended it in the Steamer <i>Buchanan</i> , a boat propelled by a 20 horse power.			
Rapids at Portage du Fort, extending nearly to the Grand Calumet Island .....	12	1½	0
From the foot of the Grand Calumet Island, and proceeding by the easterly channel, there are four obstructions on the first six miles, viz. the Sauble Rapid, 200 yards long, descent 3 feet; the Mountain Portage and Rapid, ¼ mile long, descent 14 feet; the Dergee Rapid, about the same length as the Mountain Rapid, descent 6 feet; and the Grand Calumet Rapid, 1 mile in length, and making a descent of 40 or 50 feet; total .....	70	6	0
On the west of the Grand Calumet Rapid, there is a valley or ravine, which will be found of much importance in improving this part of the navigation; the rock here is primitive limestone.			
From the Grand Calumet Rapid to the rapid in Lake Allumettes ....	5	0	50
On this distance there are several strong currents, and two small rapids, one of which is below Lake Coulonge—the other, called Pocket's Rapids, is at the foot of Allumettes Island; the shallowest water on these rapids is not less than 5 or 6 feet—canoes, and other boats ascend and descend them without any difficulty.			
Rapid in Lake Allumette .....	10	½	0
From the above rapid to the Deux Joachins .....	0	0	30
Rapid of Les Deux Joachins .....	20	2	0
Thence to the Rocher Capitaine .....	0	0	10
Between the last two places there are several strong currents, but not such as to obstruct the navigation.			
Rapide de la Rocher Capitaine .....	25	2½	0
From the Rocher Capitaine to the Rapide de les Deux Rivieres .....	0	0	7
Carried forward .....	255	18½	153

R E M A R K S.	Ascent in feet.	Obstructed Navigation. Miles.	Navigable. Miles.
Brought forward .....	255	18½	153
Rapids and strong currents de les Deux Rivieres.....	30	1½	0
Three portages are made at these rapids.			
From Les Deux Rivieres to Maganctawang .....	10	½	13½
The route leaves the Ottawa at Maganctawang, and proceeds by the Little River.			
That part of the Little River between Matawang and Lake Salon, Lake Salon.....	100 0	4 0	6 5
From Lake Salon to Turtle Lake is about 5 miles, four of which are navigable for boats drawing 6 feet water .....	14	1	4
Turtle Lake .....	0	0	5½
From Turtle Lake to the height of land .....	10	1	0
Results from Bytown to the height of land.....	419	27½	187
By adding the innavigable distances to the navigable ones, there will be a total distance of 214½ miles from Bytown to the height of land—ascnt 419 feet; and about 27 miles innavigable.			
From the height of land to Lake Nippissingue is about 5 miles, 3 of which are navigable for boats drawing 4 feet water.....	20	5	0
Lake Nippissingue proceeding in a direct line to the French River...	0	0	24
Length of the French River terminating on Lake Huron by the centre one of three outlets .....	60	4	26
Total .....	80	9	50
Add the results from Bytown to the height of land .....	419	27½	187
Total.....	499	36½	237
Allowing 10 feet for each lock, 50 locks would be required between Bytown and Lake Huron.			

If the altitude from Bytown to the month of the Pittoiweis River be subtracted from the result on last page, the difference of the two routes will be obtained. This I find to be about 210 feet, which difference is in favour of the route by Lake Nippissingue, independent of the difference of length of canalling between the two routes. That of the Maganctawang, &c. requiring probably 80 miles of canalling.

In the preceding estimates of heights, I have not made any allowance for currents. For the French River, say 10 to 15 feet.

The formation of the country for 15 miles east of Lake Huron is low and rocky, and is generally timbered with red and white pine, birch and tamarac; it then undulates, and may be considered a hilly country to the height of land and on the Ottawa. The most elevated land, however, does not, in my opinion, exceed 1,000 feet above Lake Huron.

After the above change takes place, the land is generally timbered with beach, maple, birch, balsam and pine, basswood, elm or oak being but seldom seen, except on the banks of rivers or lakes, until penetrating 50 or 60 miles from Lake Huron; the two first of these timbers are there found in abundance, and the latter (white oak) sparingly. It is worthy of

remark, that on the entire distance between Lake Huron and the Ottawa, I noticed but one red oak, the hardwood lands to within about 50 miles of the Ottawa forming a belt about 45 miles wide. Thence to the Ottawa appears an interminable forest of red pine, soil generally red or white sand, and frequently rocky.

A large portion of the belt of hardwood is undoubtedly fit for settlement, particularly the first 20 miles east of District boundary, as shewn on plan. The soil of this tract is generally of a good quality, being generally clay or sandy loam, and frequently partaking of the properties of both these soils. The residue of this belt of hardwood may be described as having a loamy soil, superimposed on red or white sand, each of these qualities being irregular in its depth, and generally too shallow for agricultural purposes; it is frequently broken with rocks jutting its surface, and many places are stony, particularly in the vicinity of large lakes.

When the portions of this Province now being settled become thickly populated, I have no doubt but the major part of this tract will be found fit for settlement. This country is comparatively free from large swamps or morasses, but is diffusely supplied with lakes and rivers, which must eventually be found of much importance in forming an internal navigation; and when this country does become an object of settlement, it can only be accomplished, with any degree of advantage, by ascending some of the principal rivers (running into Lake Huron) until coming into what might be considered the first great table above Lake Huron, and having once got on this table it will be found easy to advance the settlement northerly through the large lakes and tributary streams on this table. The rivers chosen to ascend should be as near Penetanguishine as could practically be found, for which purpose the Moose River is well adapted.

The routes I have just mentioned are numerous, and are generally preferred by the Indians; they will have two paramount advantages; the distance is shorter than that by the hazardous coast of Lake Huron, and they pass through the only part of the country fit for settlement.

A large tract of the country explored, as I have previously stated, is timbered with red pine, and is situated east of the dividing, but notwithstanding that a meagre soil does exist on this section, it abounds with an almost inexhaustible forest, the resources of which, even at the present period, form no inconsiderable part of the revenue of the country, and which must continue to increase in a ratio proportionate to the facilities of floating or shipping it off, and which can only arrive at its maximum when the waters of the Ottawa are made navigable.

The scenery of the Ottawa is not, perhaps, equalled, in point of grandeur, by any portion of the Canadas, unless by that of the Saint Lawrence. From Bytown to that part of the Ottawa known as the "Deep River," the Ottawa flows through a wide spreading valley, and has more the appearance of a succession of large lakes than that of a river. These lakes are generally studded with groups of islands, and add much to the beauty of the landscape. Its banks slope gradually, in rear of which the land can be seen to form two or three distinct tables, and where the clearings admit the view, they appear an extended amphitheatre.

Pine is the prevailing timber on the banks of the Ottawa; but it is generally mixed with hardwoods as far as the Pottowais, and the soil between this place and Bytown is mostly of the best quality. From Lake Chaudiere a range of high lands, rocky in appearance, is distinguishable in a northerly direction on the Lower Canada side. As we ascend the Ottawa the same range is frequently in view. At Lake Coulonge it closes within three miles of the Ottawa, and eventually joins it at the commencement of the Deep River, and continues to line its northerly bank about 24 miles. Between Bytown and the northerly front of Allumette Island, there are several settlements, many of which appear in a flourishing condition; there are also some scattered settlements as far north as the Deep River.

The scenery of the Ottawa becomes decidedly changed, though not in point of beauty, at the commencement of the Deep River. This section forces its course through a wide channel, and perfectly straight about 24 miles; its banks are slightly indented, and form a number of projecting points or head lands. The northerly shore, as already remarked, is lined by a range of rocky lands, and elevated about 500 feet above the river. The land on the Upper Canada shore slopes more regularly, and a short distance from the river I noticed some hardwood growing on good soil, but generally too stony for agricultural purposes.

From the Deep River to Matawang, the scenery retains nearly the same appearance, the northerly bank being generally bounded by the most elevated land. At Matawang the route leaves the Ottawa and proceeds by the Little River. The course of this stream is westerly; at its junction with the Ottawa it is 200 feet wide, and about 6 feet deep; a short

distance higher up it shallows and passes over a rocky channel about 2 miles; after which it deepens in some places to more than 40 feet, and passes through precipitous banks; its width in this channel is about 80 feet; but this description does not hold correct for more than 3 or 4 miles, as the water changes both in depth and width frequently. There is no good land seen after leaving Lake Allumettes, until coming to Lake Talon, on the north shore of which there is a tract of good land. The same description extends several miles north-west of the Turtle Lake, but does not approach the Little River between these lakes.

From the south-west part of Turtle Lake, the route proceeds by a small creek, and at 240 yards, having passed through a small lake, (the water of which is turbid and of a reddish colour,) we made a portage of three-fourths of a mile in length, and crossed the height of land between the waters of Nippissing and the Little River. On the east of this portage the land is swaly, the highest part of which does not elevate more than 10 feet above the Turtle Lake; out of this swale the waters run in both directions by two small creeks, one of which (10 feet wide) we sailed down towards Lake Nippissing; at one mile this creek contracts in its channel so as not to admit a passage for canoes, in consequence of which a portage half a mile in length is made through meadow land. At the termination of this portage, the small creek we entered at the height of land, is joined by another 15 to 20 feet wide, and about 3 feet deep. From the height of land our course was southerly, but from the junction of these streams we bore south-westerly: at one mile further, there is a rapid making a descent of 8 or 10 feet, to avoid which a portage half a mile in length over swaly land is made; at the foot of this rapid it is again augmented by another branch, the entire now forming a channel about 40 feet wide, and 3 to 5 feet deep; its course continues nearly in the same direction, passing through low lands, timbered with balsam, tamarac, soft maple, and a few pine—banks of the river about 4 feet high, but lowering towards the Lake, and at one mile we came to Lake Nippissing, the depth of channel there is only three feet, passing over Granite Rock.

Canalling from the Turtle Lake to the last portage might readily be accomplished, as scarcely any rock would be met by following the course of the streams just described, and which contain sufficient water for this purpose, and the banks of the last mile sailed down of river would require to be risen several feet, and a lock placed at the entrance of the lake. But the depth of water and rocky channel at this place appear an insuperable obstacle—the entrance of the harbour is also full of sunken rocks and much exposed to all winds bearing between south-west and northwest. The distance from this place to the French River is about 25 miles, and if I may presume to judge from sailing through this lake, it does not appear a dangerous navigation its water being deep—there are several large islands in the main body of the lake, and under the lee of which vessels in time of storm might readily find security.

The French River leaves Lake Nippissing at the westerly extremity of a long bay, and in which there are several rocky Islands, this bay is sheltered from storms by its rocky margin. There are two rapids in the French River on the first mile after leaving Lake Nippissing, each about one eighth mile in length and having the same descent of about 10 feet. The second of these rapids flows through a chasm only 30 feet wide; below these rapids the river passes through a succession of lakes lined by rocky lands, and in which there are numerous deeply indented bays, and which cause the navigation of this river exceedingly critical to those persons unaccustomed with the proper channel. I encountered some difficulty in this respect myself.

Thirty miles from Lake Nippissing the river divides into three branches, and at which place it is about three feet above Lake Huron. The most easterly of these branches is narrow, shallow, and rocky in its channel, the Indian name for it is "Asindibisin" and signifies a river filled with rocks and shoals; its length is about 6 miles. The central branch is about the same length and contains the principal body of water in the French River, and may average about 300 feet in width and is free from sunken rocks or other obstructions with the exception of a short rapid making a descent of 3 feet as already remarked. At this outlet there is a good harbour it being well sheltered from storms by several small Islands on the east and west and one large Island on the south and is about 3 miles from the main land. The third and most westerly channel is about ten miles long, its size and appearance is somewhat similar to the Asindibisin one. These three outlets embrace a front of about ten miles on Lake Huron, and no part of which is approachable by large vessels except the middle channel.

In addition to the routes now described, I explored several tributary streams, and for a description of which I beg to refer to my diary. The object of a preliminary survey, such as the present one, not requiring a detailed report, I have refrained from making it such in most cases, believing that it would only be increased, to an unnecessary length without deriving

any additional advantage by it: I allude here to an omission generally of specific descriptions of the various rapids, &c. but the formation of these will perhaps be sufficiently understood from the following brief outline of the geology of the country explored by me.

Commencing at Lake Huron and ascending the Maganatawang River, thence crossing the height of land and following the course of the Pittoiweis; the rock of this extensive tract of country is exclusively of granite order, but so irregularly are the minerals common to it distributed as regards their relative quantities and situation that it becomes difficult to pronounce with any degree of certainty to which class they belong, if there be any constant attribute of this rock (but I believe there is not) it is the uniformity in size of its parts, these are generally small. From Lake Huron, to within 50 miles of the Ottawa, quartz and felspar predominate and are always more fully developed than the mica or third constituent of granite; this last substance is often mixed with hornblend; its stratified appearance in some localities may justify its being classed as Gneiss; and from which it passes frequently into sienite and mica-slate; to each of these formations there are exceptions; those noticed by me I shall describe.

About 36 miles from Lake Huron, *vide* Plan No 1., and Lake A, there is a precipitous range of rock fronting the west; this rock is friable and reduces by the slightest pressure to particles of felspar and mica; when viewed before it becomes pulverised it is like old or decayed brick, of a dull reddish colour; its height is about 70 feet, projecting considerably over its base, and its appearance is such that the slightest shock would seem to bring it down; a number of masses are now prostrate at its base, and in this manner I should suppose it has fallen for ages. In a small river which empties itself into this lake there are two falls, one of which is 36 feet in height; the rock at these falls is composed of quartz and mica, the latter substance in large lamina. At these falls there are several large boulders, which are composed of felspar, without, as far as I could discern, mixing with any other mineral; twenty miles east of the dividing ridge there is a very visible change in the constituents of the rocks; felspar becoming the prevailing substance and small portions of quartz and mica. This rock in some localities is coarse grained, whilst in others it has the same compact structure as secondary limetone and has always a slaty fracture. The fragments of this Rock form deep deposits in many parts of the Pittoiweis River, and when taken from its bed has a dark purple tinge but when broken it has a reddish colour.

There are four things strikingly peculiar to this section of the country, its timber is *red*, (red pine,) its soil is *red*, (red sand, and sometimes red clay,) on the banks of lakes and rivers, its rock is *red*, and its waters are also *red*, deriving their colour from the soils and rocks over which they pass. Many portions of the banks of the Pittoiweis have mural faced fronts, and are composed of this compact rock, and which generally have a singular stratification; a part is horizontal from which it radiates (though not in straight lines) until it becomes vertical; in other places it forms arcs of concentric circles; these appearances are often visible in a space of 50 or 100 feet. Miles from the Ottawa on the banks of the Pittoiweis, there is a fine range of this rock, it extends about 200 yards, and is 150 feet high; on many of these cliffs figures of various animals and other devices are skilfully engraven by the Indians. This rock extends nearly to the Ottawa, and there becomes more crystalline; it is very general on the south bank of the Deep River, from which I am inclined to believe it recedes southerly, and afterwards returns, as it is seen through the greater part of the channel of the Little River; on the north side of the Deep River the rock is similar to that on the Maganatawang.

The rock between the Deep River and Maganatawang is generally sienite or gneiss; on the easterly shore of Lake Nippissing felspar prevails, and mixes with mica and quartz; towards its westerly end hornblend prevails, giving the rock a dark colour; on the French River the rock is more crystalline than any previously described; this appearance is ascribable to the prevalence of rock crystal or quartz.

The coast of Lake Huron is not free from changes in its geological structure; at the outlets of the French River the Rock is graphic, and is composed principally of quartz, mixing with small portions of mica and felspar; this Rock is remarkable for its regularity of surface, whether tabular or rounded, both of which shapes it generally takes; this formation extends about 30 miles south of the French River, and then passes into a partially stratified rock, and mica in minute parts becomes the prevailing mineral; the rapid decomposition of this substance often gives the rock a very uneven surface; it is very generally traversed by veins of quartz, varying in thickness from a tenth of an inch to two inches, and these veins are often intersected by others. The coast between Shawenagua, Trading-post and Penetanguishine, exhibits many proofs of this sort of rock.

At Bytown the rock is a secondary limestone, of a light blue colour; the same formation may be traced nearly to the Chats Rapids, where it passes into primitive limestone, colour white and very crystalline. This formation extends nearly to the north end of Grand Calumet Island; at Portage du Fort it is mixed with limestone, of the same colour, but of a finer texture; this sort is known in the arts as statuary marble; at New Edinboro', a short distance below Bytown, and on the south bank of the Ottawa, limestone of a deep blue colour prevails; this is a handsome stone, and might be very extensively used in works of art.

In the Rocha Fender channel, west of Grand Calumet Island, primary limestone prevails, and is curiously indented with rock basins, formed probably by the abrasion of water; these basins are generally about six inches in diameter and perfectly concave; towards the northerly extremity of the Grand Calumet the primary limestone conglomerates with granitic rock; a secondary limestone, of a whitish colour, forms the bed of a great part of Allumette Lake. At Talon Portage, on the Little River, a bed of primary limestone, such as that seen on the Ottawa, commences, and extends about a quarter of a mile further up the river; on each side it is lined by granite rock.

Respectfully submitted.

I have the honor to be.

GENTLEMEN,

Your most Obedient

Humble Servant,

WILLIAM HAWKINS,

*Deputy Surveyor.*

4th Sess. 13th Parl.

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**REPORT OF THE COMMISSIONERS,**

ON THE

**Survey of the Ottawa River, &c.**

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PRINTED BY ORDER OF THE HOUSE OF ASSEMBLY

By Gordon, Printer to the Queen's Most Excellent Majesty.

# SCHEDULE

OF

## GOVERNMENT DEBENTURES,

REDEEMED AND OUTSTANDING,

UNDER THE AUTHORITY OF ACTS OF THE PROVINCIAL LEGISLATURE.

**A.**—£25,000, Currency—"Militia," 1st Session, 8th Parliament, Chap. 5.—Redeemed.

**B.**—£16,000, Currency—"Public Service of 1824," 4th Session, 8th Parliament, Chap. 24.—Redeemed.

**C.**—£8,000, Currency—"Burlington Bay Canal," 3rd and 4th Sessions, 8th Parliament, Chap. 8 and 16.

Date of Debenture.	To whom granted.	No.	Date of Redemption.	When Redeemed.	Amount of Debenture.	REMARKS.
					£   s.   d.	
22d June, 1824,	Messrs. Clark & Street,	16	22nd June, 1826,	19th Dec. 1831,	1000 0 0	} Redeemed.
"	do	17	" 1828,	17th Oct. 1832,	1000 0 0	
"	do	18	" 1830,	do	1000 0 0	
"	do	19	" 1832,	10th Oct. 1834,	1000 0 0	
"	do	20	" 1834,	do	1000 0 0	
"	do	21	" 1836,	do	1000 0 0	
"	do	22	" 1838,	do	1000 0 0	
"	do	23	" 1840,	do	1000 0 0	
					8000 0 0	Cy. Int. 6 pr.c.

**D.**—£25,000, Currency, "Welland Canal," 2nd Session 9th Parliament, Chap. 20.—Redeemed.

**E.**—£8,000, Currency, "Burlington Bay Canal," 3rd Session 9th Parliament, Chap. 19.

					£   s.   d.	
3d March, 1827,	The President, Directors	33	3rd March, 1830,	10th Oct. 1834,	666 13 4	} Redeemed.
"	and Company, of the	34	" 1833	do	666 13 4	
"	Chartered Bank of Up-	35	" 1836	do	666 13 4	} Redeemed.
15th Nov. 1827,	per Canada,	96	15th Nov'r. 1830	do	833 6 8	
"	do	97	" 1833	do	833 6 8	
"	do	98	" 1836	do	833 6 8	
					4500 0 0	Cy. Int. 6 pr.c.

**F.**—£50,000, Currency, "Welland Canal," 3rd Session 9th Parliament, Chap. 17.—Redeemed.

**G.**—3,000, Currency, "Kettle Creek Harbour," 3rd Session 9th Parliament, Chap. 18.

					£   s.   d.	
24th Nov. 1827	{ President, Directors & Company, of the Bank of Upper Canada,	99	24th Nov'r. 1847	.....	3000 0 0	Int. 6 per. ct.

**H.**—£25,000, Currency, "Welland Canal Company," 2nd Session 10th Parliament, Chap. 11.—Redeemed.

**I.**—£5,000, Currency, "Burlington Bay Canal," 2nd Session 10th Parliament, Chap. 12.

					£   s.   d.	
28th May, 1830	President, Directors and	193	28th May, 1833	30th June, 1835	666 13 4	} Redeemed.
"	Company, of the Bank	194	" 1835	16th Jan. 1836	666 13 4	
"	of Upper Canada,	195	" 1837	do	666 13 4	
29th July, "	do	196	29th July, 1833	30th June, 1835	333 6 8	} Redeemed.
"	do	197	" 1835	16th Jan. 1836	333 6 8	
"	do	198	" 1837	do	333 6 8	
23rd Nov. "	do	199	23rd Nov'r. 1833	30th June, 1835	333 6 8	} Redeemed.
"	do	200	" 1835	16th Jan. 1836	333 6 8	
"	do	201	" 1837	do	333 6 8	
					4000 0 0	Cy. Int. 6 pr.c.

# 120 Schedule of Government Debentures. [4th Sess. 13th Parl.]

## WELLAND CANAL—(Continued.)

Date of Debenture.	To whom Granted.	No.	Date of Redemption.	When Redeemed.	Amount of Debenture.	REMARKS.	
2nd Aug. 1831	President, Directors and Company, of the Bank of Upper Canada,	249	2nd Aug. 1834	Bro't. forw'd. £	4000 0 0	Redeemed.	
"		250	" 1836	30th June, 1835	250 0 0		
"		251	" 1838	do	250 0 0		
4th Feb. 1832		do	253	4th Feb. 1835	do		83 6 8
"		do	254	" 1837	do		83 6 8
"	do	255	" 1839	do	83 6 8	Cy. Int. 6 pr.c.	
Total,.....£					5000 0 0		

**J.**—£2,500, Currency, "Oakville Harbour"—loan to WILLIAM CHISHOLM, Esquire, 1st Sess. 11th Parl. Chap. 25.

4th May, 1831	Honourable William Allan,	202	4th May, 1841		2500 0 0	} Int. 6 pr. ct. Principal & Interest pay- able by Mr. Chisholm.
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**K.**—£20,000, Currency, "Roads and Bridges," 1st Session 11th Parliament, Chap. 17.

Date	To whom Granted.	No.	Date of Redemption.	£	s.	d.	REMARKS.	
16th May, 1831	President, Directors and Co. of the Bank U. C.	203	16th May, 1851	1000	0	0		
"		204	"	1000	0	0		
"	Trustees, York Hospital.	205	"	200	0	0		
17th May, "		206	17th May, 1851	500	0	0		
"	President, Directors and Company of the Bank of Upper Canada.	207	"	500	0	0		
"		208	"	500	0	0		
"	do	209	"	400	0	0		
18th May, "	do	210	18th May, 1851	500	0	0		
"	do	211	"	500	0	0		
"	do	212	"	500	0	0		
"	do	213	"	400	0	0		
26th May, "	do	214	26th May, 1851	400	0	0		
"	do	215	"	400	0	0		
"	do	216	"	400	0	0		
"	do	217	"	400	0	0		
27th May, "	do	218	27th May, 1851	100	0	0		
"	do	219	"	100	0	0		
"	do	220	"	100	0	0		
"	do	221	"	100	0	0		
"	do	222	"	100	0	0		
"	do	223	"	100	0	0		
"	do	224	"	100	0	0		
"	do	225	"	100	0	0		
"	do	226	"	100	0	0		
"	do	227	"	100	0	0		
"	do	228	"	100	0	0		
"	do	229	"	100	0	0		
"	do	230	"	100	0	0		
"	do	231	"	100	0	0		
"	do	232	"	100	0	0		
"	do	233	"	100	0	0		
"	do	234	"	100	0	0		
16th June, 1831	do	235	16th June, 1851	1000	0	0		
"	do	236	"	1000	0	0		
11th July, "	do	237	11th July, 1851	1000	0	0		
"	do	238	"	1000	0	0		
"	do	239	"	1000	0	0		
"	do	240	"	1000	0	0		
"	do	241	"	1000	0	0		
"	do	242	"	1000	0	0		
"	do	243	"	700	0	0		
19th July, "	do	245	19th July, 1851	500	0	0		
"	do	246	"	500	0	0		
"	do	247	"	500	0	0		
"	do	248	"	500	0	0		
Total,.....£					20000	0		0

# 2nd Victoria, 1839.] Schedule of Government Debentures. 121

**L.**—£50,000, Currency, "*Welland Canal*," 1st Session 11th Parliament, Chap. 18.—Redeemed.

**M.**—£3,500, Currency, "*Kettle Creek Harbour*," 1st Session 11th Parliament, Chap. 26.

Date of Debenture	To whom Granted.	No.	Date of Redemption.	When Redeemed.	Amount of Debenture.	REMARKS.
					£ s. d.	
11th July, 1831	President, Directors and Co. of the Bank of U. C.	244	11th July, 1851		1000 0 0	
6th Jan. 1832	William Campbell,	252	6th Jan. 1852		500 0 0	
22d Mar. 1832	do	256	22d March, 1852		500 0 0	
7th July, 1832	President, Directors and Co. of the Bank of U. C.	259	7th July, 1852		500 0 0	
Total, £					2500 0 0	Cy. Int. 6 pr. c.

**N.**—£2,000, Currency, "*Port Hope Harbour and Wharf Company Loan*," 2nd Session 11th Parliament, Chap. 23

					£ s. d.	
28th Apr. 1832	Messrs. Clark & Street,	257	28th April, 1842,		2000 0 0	C'y. Int. 5 $\frac{7}{8}$ per cent. Principal and Interest payable by the Company.

**O.**—£3,000, Currency, "*Cobourg Harbour Loan*," 2nd Session 11th Parliament, Chap. 22.

					£ s. d.	
4th May, 1832	Messrs. Clark & Street,	258	4th May, 1842,		3000 0 0	C'y. Int. 5 $\frac{7}{8}$ per cent. Principal and Interest payable by the Company.

**P.**—£70,000, Currency, "*Saint Lawrence Navigation*," 3rd Session 11th Parliament, Chap. 18.

					£ s. d.	
16th May, 1833	Jonas Jones, Esq. President of the Board of Commissioners under the said Act,	260	16th May, 1841		333 6 8	
"		261	" 1842		333 6 8	
"		262	" 1843		333 6 8	
9th Aug. 1833	do	274	9th Aug. 1841		333 6 8	
"	do	275	" 1842		333 6 8	
"	do	276	" 1843		333 6 8	
"	do	377	" 1841		166 13 4	
"	do	378	" 1842		166 13 4	
"	do	279	" 1843		166 13 4	
"	do	280	" 1841		166 13 4	
"	do	281	" 1842		166 13 4	
"	do	282	" 1843		166 13 4	
Total,....£					3000 0 0	Cy. Int. 5 pr. c.

**Q.**—£7,500, Currency, "*Welland Canal*," 3rd Session 11th Parliament, Chap. 55.

					£ s. d.	
2nd May, 1833	George Jacob,.....	263	2nd May, 1843		1000 0 0	
23rd " "	do .....	264	23rd " "		250 0 0	
Total,....£					1250 0 0	Cy. Int. 5 pr. c.

**R.**—£2,000, Currency, "*Inland Waters, District of Newcastle*," 3rd Session 11th Parliament, Chap. 33.

					£ s. d.	
3rd June, 1833	James G. Bethune,.....	265	3rd June, 1836		500 0 0	Principal and interest payable from tolls only.
"	do .....	266	" 1838		500 0 0	
"	do .....	267	" 1840		500 0 0	
"	do .....	268	" 1843		500 0 0	
Total,....£					2000 0 0	Cy. Int. 6 pr. c.

# 122 Schedule of Government Debentures. [4th Sess. 13th Parl.]

## S.—£4,050, Currency, "River Trent Bridge," 3rd Session, 11th Parliament, Chap. 34.

Date of Debenture.	To whom Granted.	No.	Date of Redemption.	When Redeemed.	Amount of Debenture.	REMARKS.
					£ s. d.	
3rd June, 1833	James G. Bethune,.....	269	3rd June, 1841		166 13 4	
"	do	270	" 1842		166 13 4	
"	do	271	" 1843		166 13 4	
20th Aug. 1833	do	283	20th Aug. 1841		333 6 8	
"	do	284	" 1842		333 6 8	
"	do	285	" 1843		333 6 8	
5th Nov. 1833	do	291	5th Nov'r. 1841		166 13 4	
"	do	292	" 1842		166 13 4	
"	do	293	" 1843		166 13 4	
Total,....£					2000 0 0	Cy. Int. 6 p

## T.—£1,500, Currency, "Brantford Bridge," 3rd Session, 11th Parliament, Chap. 31.

28th Sept. 1833	Andrew Drew, Esq. ....	286	28th Sept'r. 1841		333 6 8	
"	do	287	" 1842		333 6 8	
"	do	288	" 1843		333 6 8	
21st Nov. 1833	do	294	21st Nov'r. 1841		166 13 4	
"	do	295	" 1842		166 13 4	
"	do	296	" 1843		166 13 4	
Total, ....					1500 0 0	Cy. Int. 6 p.c.

## U.—£10,000, Currency, "Roads in the vicinity of York," 3rd Session 11th Parliament, Chap. 38.

1st July, 1833	President, Directors and Co. of the Bank of U. C.	272	1st July, 1863		500 0 0	Principal and Interest payable from Tolls only.
27th " "	do	273	27th " "		500 0 0	
28th Sept. "	do	289	28th Sept. "		500 0 0	
26th Oct. "	do	290	26th Oct. "		500 0 0	
4th Jan. 1834	do	297	4th Jan. 1864		500 0 0	
29th Mar. "	do	298	29th Mar. "		500 0 0	
6th May, "	do	306	6th May, 1854		400 0 0	
25th July, "	do	343	25th July, "		300 0 0	
4th Aug. "	do	344	4th Aug. "		300 0 0	
30th " "	do	345	30th " "		400 0 0	
"	do	346	30th " "		400 0 0	
"	do	347	30th " "		400 0 5	
14th May, 1835	do	363	14th May, "		500 0 0	
"	do	364	"		500 0 0	
"	do	365	"		500 0 0	
"	do	366	"		500 0 0	
"	do	367	"		500 0 0	
"	do	368	"		500 0 0	
"	do	369	"		500 0 0	
"	do	370	"		500 0 0	
"	do	371	"		400 0 0	
"	do	372	"		400 0 0	
Total,....£					10000 0 0	Cy. Int. 6 p.c.

## V.—£5,000, Currency, "Desjardins' Canal," 2nd Session, 11th Parliament, Chap. 24.

30th May, 1832	Desjardins' Canal Comp'y.	1	28th Jan'y. 1842		1000 0 0	Interest payable by the Company
11th June, 1832	do	2	"		1000 0 0	
25th June, 1832	do	3	"		1000 0 0	
16th July, 1832	do	4	"		1000 0 0	
11th Aug. 1832	do	5	"		1000 0 0	
Total, ....£					5000 0 0	Cy. Int. 6 p.c.

## W.—£50,000, Currency, "Welland Canal," 4th Session 11th Parliament, Chap. 39.

8th March 1834	President of the Welland Canal,	299	8th March, 1874		5000 0 0	
"	do	300	"		1000 0 0	
"	do	301	"		1000 0 0	
"	do	302	"		1000 0 0	
Carr'd. for'd. £					8000 0 0	

WELLAND CANAL—(Continued.)

Date of Debenture.	To whom Granted.	No.	Date of Redemption.	When Redeemed.	Amount of Debenture.			REMARKS.
					£	s.	d.	
8th March 1834	President of the Welland Canal,	303	8th March, 1874		1000	0	0	
"	do	304	"		500	0	0	
"	do	305	"		5000	0	0	
"	do	307	"		100	0	0	
"	do	308	"		100	0	0	
"	do	309	"		100	0	0	
"	do	310	"		100	0	0	
"	do	311	"		100	0	0	
"	do	312	"		100	0	0	
"	do	313	"		100	0	0	
"	do	314	"		100	0	0	
"	do	315	"		100	0	0	
"	do	316	"		100	0	0	
"	do	317	"		500	0	0	
"	do	318	"		500	0	0	
"	do	319	"		500	0	0	
"	do	320	"		500	0	0	
"	do	321	"		500	0	0	
"	do	322	"		500	0	0	
"	do	323	"		500	0	0	
"	do	324	"		500	0	0	
"	do	325	"		500	0	0	
"	do	326	"		500	0	0	
"	do	327	"		500	0	0	
"	do	328	"		1000	0	0	
"	do	329	"		1000	0	0	
"	do	330	"		1000	0	0	
"	do	331	"		1000	0	0	
"	do	332	"		1000	0	0	
"	do	333	"		1000	0	0	
"	do	334	"		1000	0	0	
"	do	335	"		1000	0	0	
"	do	336	"		1000	0	0	
18th July, "	do	337	18th July, "		1000	0	0	
"	do	338	"		1000	0	0	
"	do	339	"		1000	0	0	
"	do	340	"		1000	0	0	
"	do	341	"		1000	0	0	
"	do	342	"		500	0	0	
9th Sept. "	do	348	9th Sept'r. "		1000	0	0	
"	do	349	"		1000	0	0	
"	do	350	"		1000	0	0	
"	do	351	"		1000	0	0	
"	do	352	"		1000	0	0	
"	do	353	"		1000	0	0	
"	do	354	"		1000	0	0	
16th Jan. 1835	do	355	16th Jan'y. 1875		1000	0	0	
"	do	356	"		1000	0	0	
"	do	357	"		1000	0	0	
"	do	358	"		1000	0	0	
"	do	359	"		1000	0	0	
"	do	360	"		1000	0	0	
"	do	361	"		1000	0	0	
"	do	362	"		500	0	0	
Total,....£					50000	0	0	Cy. Int. 6 pr.c.

X.—£7,000, Currency, "Desjardins' Canal," 1st Session, 12th Parliament, Chap. 34.

Date of Debenture.	To whom Granted.	No.	Date of Redemption.	When Redeemed.	Amount of Debenture.			REMARKS.
					£	s.	d.	
6th June, 1835	The President & Directors of the Company,	6	6th June, 1855		2000	0	0	
1st July, "	do	7	1st July, "		1000	0	0	
1st Oct'r. "	do	8	1st Oct'r. "		1000	0	0	
"	do	9	"		1000	0	0	
2nd Jan'y. 1836	do	10	2nd Jan'y. "		200	0	0	
"	do	11	"		200	0	0	
"	do	12	"		200	0	0	
"	do	13	"		200	0	0	
"	do	14	"		200	0	0	
Carr'd. for'd. £					6000	0	0	

# 124 Schedule of Government Debentures. [4th Sess. 13th Parl.

## DESJARDIN'S CANAL—(Continued.)

Date of Debenture.	To whom granted.	No.	Date of Redemption.	When Redeemed.	Amount of Debenture.	REMARKS.
2nd April, 1836	President and Directors of said Company, do	15	2nd April, 1845	Bro't. forw'd. £	6000 0 0	Interest pay- able by the Company.
"		16	"		200 0 0	
17th Sept. 1836		17	17th Sept. 1845		200 0 0	
					600 0 0	
				Total, . . . . £	7000 0 0	Cy. Int. 6 pr. c

### Y.—"War Losses," 3rd Session, 11th Parliament, Chaps. 26 and 27.

13th May, 1833	To sundry Claimants and their Agents.	1	13th May, 1853		110 0 0	
"		2	do		50 0 0	
"		3	do		430 0 0	
"		4	do		340 0 0	
"		5	do		200 0 0	
"		6	do		50 0 0	
14th "		7 to 12	14th do	at £85 each	510 0 0	
"		13	do		350 0 0	
"		14 & 15	do	at £150 each	300 0 0	
"		16	do		60 0 0	
"		17	do		70 0 0	
"		18	do		240 0 0	
15th "		19	15th do		3000 0 0	
"		20	do		500 0 0	
"		21	do		160 0 0	
"		22	do		300 0 0	
"		23	do		100 0 0	
"		24	do		70 0 0	
16th "		25	16th do		210 0 0	
"		26 & 27	do	at £170 each	340 0 0	
"		28	do		100 0 0	
"		29	do		50 0 0	
13th "		30	13th do		1400 0 0	
"		31 to 127	do	at £50 each	4850 0 0	
"		128 to 175	do	at £60 each	2880 0 0	
"		176 to 207	do	at £70 each	2240 0 0	
"		208 to 233	do	at £80 each	2080 0 0	
"		234 to 248	do	at £90 each	1350 0 0	
"		249 to 299	do	at £100 each	5100 0 0	
"		300 to 314	do	at £200 each	3000 0 0	
"		315 to 319	do	at £500 each	2500 0 0	
"		320 to 327	do	at £1000 each	8000 0 0	
"		328	do		200 0 0	
"		329 & 330	do	at £50 each	100 0 0	
17th "		331 to 333	17th do	at £50 each	150 0 0	
"		334	do		90 0 0	
"		335	do		1200 0 0	
"		336	do		300 0 0	
"		337	do		50 0 0	
"		338	do		240 0 0	
"	339	do		70 0 0		
"	340 to 342	do	at £100 each	300 0 0		
"	343	do		140 0 0		
20th "	344	20th do		50 0 0		
21st "	345	21st do		100 0 0		
"	346	do		230 0 0		
22nd "	347	22nd do		280 0 0		
24th "	348	24th do		560 0 0		
"	349	do		100 0 0		
25th "	350	25th do		70 0 0		
27th "	351	27th do		150 0 0		
13th "	352	13th do		220 0 0		
29th "	353	29th do		150 0 0		
1st June 1833	354	1st June, 1853,		50 0 0		
"	355	do		300 0 0		
5th "	356	5th do		50 0 0		
"	357	do		70 0 0		
6th "	358	6th do		110 0 0		
"	359	do		100 0 0		
"	360	do		50 0 0		
"	361	do		400 0 0		
			Car'd. forward,	45820 0 0		

2nd Victoria, 1839.] Schedule of Government Debentures. 125

WAR LOSSES—(Continued.)

Date of Debenture.	To whom Granted.	No.	Date of Redemption.	When Redeemed.	Amount of Debenture.	REMARKS.	
6th June, 1833	To sundry Claimants or their Agents.	362	6th June, 1853	Bro't. forw'd. £	45820 0 0		
"		363	do		90 0 0		
10th "		364	10th do		100 0 0		
11th "		365	11th do		120 0 0		
"		366	do		380 0 0		
12th "		367	12th do		50 0 0		
"		368	do		50 0 0		
13th "		369	13th do		80 0 0		
"		370	do		50 0 0		
14th "		371	14th do		100 0 0		
15th "		372 to 375	15th do	at £50 each,	50 0 0		
17th "		376	17th do		200 0 0		
"		377	do		130 0 0		
20th "		378	20th do		100 0 0		
22nd "		379	22nd do		70 0 0		
"		380	do		50 0 0		
25th "		381	25th do		150 0 0		
"		382	do		60 0 0		
26th "		383	26th do		50 0 0		
28th "		384	28th do		50 0 0		
"		385	do		90 0 0		
"		386	do		250 0 0		
29th "		387	29th do		520 0 0		
3rd July, 1833			388	3rd July, 1853		190 0 0	
"			389	do		200 0 0	
"		390 to 392	do	at £50 each.		60 0 0	
"		393	do		150 0 0		
4th "		394	4th do		80 0 0		
5th "		395	5th do		80 0 0		
13th "		396	13th do		230 0 0		
"		397	do		50 0 0		
15th "		398	15th do		50 0 0		
16th "		399	16th do		180 0 0		
17th "		400	17th do		180 0 0		
19th "		401	19th do		50 0 0		
20th "		402	20th do		480 0 0		
"		403	do		60 0 0		
22nd "		404	22nd do		50 0 0		
9th Aug. 1833			405	9th August, 1853		50 0 0	
12th "			406	12th do		180 0 0	
"			407	do		120 0 0	
30th "			408	30th do		50 0 0	
12th Sept. 1833			409	12th Sept'r. 1853		70 0 0	
13th "			410	13th do		70 0 0	
"			411	do		50 0 0	
17th "			412	17th do		50 0 0	
"			413	do		50 0 0	
1st Oct'r. 1833			414	1st October, 1853		150 0 0	
10th "		415	10th do		50 0 0		
14th "		416	14th do		50 0 0		
"		417	do		50 0 0		
15th "		418	15th do		150 0 0		
8th Nov. 1833		419	8th Nov'r. 1858		80 0 0		
11th "		420	11th do		100 0 0		
23rd "		421	23rd do		50 0 0		
17th "		422	17th Dec'r. 1855		50 0 0		
19th "		423	19th do		80 0 0		
13th May, 1833		424	13th May, 1854		50 0 0		
3rd Jan. 1834		425	3rd January, 1854		1300 0 0		
9th "		426	9th do		70 0 0		
"		427	do		50 0 0		
"		428	do		50 0 0		
"		429	do		70 0 0		
14th "		429	14th do		180 0 0		
"		430	do		100 0 0		
20th "		431	20th do		50 0 0		
22nd "		432	22nd do		50 0 0		
24th "		433	24th do		140 0 0		
22nd Feb. 1834		434	22nd Feb'y. 1854		50 0 0		
7th Mar. 1834		435	7th March, 1854		50 0 0		
14th April, 1834		436	14th April, 1854		50 0 0		
21st "		437	21st do		150 0 0		
20th May, 1834		438	20th May, 1854		70 0 0		
				Carr'd. forw'd. £	55700 0 0	Cy. Int. 5 p.c.	

126 Schedule of Government Debentures. [4th Sess. 13th Parl.

WAR LOSSES—(Continued.)

Date of Debenture.	To whom Granted.	No.	Date of Redempt'on.	When Redeemed.	Amount of Debenture.			REMARKS.
					£	s.	d.	
				Bro't. forw'd...	55700	0	0	
30th June 1834		439	30th June, 1854		800	0	0	
16th Oct. "		440	16th Oct. "		50	0	0	
11th July, 1835		441	11th July, 1855		50	0	0	
25th May 1837		442	25th May, 1857		50	0	0	
17th Aug. "		443	17th Aug. "		50	0	0	
20th Dec. "		444	20th Dec. "		80	0	0	
11th May 1838		445	11th May, 1858		60	0	0	
Total, £					56840	0	0	Cy. Int. 5 pr. c.

**Z.**—£200,000, Sterling, "To cancel part of the Public Debt, &c." 4th Session 11th Parliament, Chap. 53.

Date of Debenture.	In what manner issued.	Numbers, &c.	Amount of Debenture.			REMARKS.
			£	s.	d.	
1st April, 1834	To the order of the Hon. George H. Markland, Inspector General,	A. 1 to A. 500, at £100 each	50000	0	0	Transmitted to Messrs. Thomas Wilson & Co. { St'g. Int. 5 per ct. payable in London.
"		B. 1 to B. 200, at £500 each	100000	0	0	
"		C. 1 to C. 50, at £1000 each	50000	0	0	
		Redeemable in twenty years from date of Debenture.	200000	0	0	

**A. A.**—£400,000 Sig. "To cancel part of the Public Debt, &c. and for Public Works," 1st Sess. 12th Parl. Chap. 31.

1st July, 1835	Order of Hon'ble. George H. Markland, Inspector General,	A. 501 to A. 1295 at £100 each	79500	0	0	Divided equally between the Houses of Thos. Wilson & Co. and Baring, Brothers & Co. of London. { Sig. Int. 5 per cent, payable in London.
"		B. 201 to B. 605 at £500 each	202500	0	0	
"		C. 51 to C. 168 at £1000 each (Redeemable in 20 years.)	118000	0	0	
			400000	0	0	

**B. B.**—"For sundry Public Works," 2nd Session 13th Parliament, Chap. 4.

1st July 1837	To the order of the Hon. George H. Markland, Inspector General,	M. 1 to M. 88 at £1000 each	88000	0	0	Sterling.	
"		D. 1 to D. 191 at 500 each	95500	0	0		
"		C. 1 to C. 199 at 100 each	19900	0	0		
"		B. 1 to B. 5 at 50 each	250	0	0		
1st May 1838		do	A. 1296 to A. 1305 at 100 each	1000	0		0
"		do	B. 606 to B. 613 at 500 each	4000	0		0
"		do	C. 169 to C. 173 at 1000 each	5000	0		0
1st June 1838		do	B. 614 to B. 618 at 500 each	2500	0		0
"		do	C. 174 to C. 187 at 1000 each	14000	0		0
1st July 1838		do	C. 188 to C. 190 at 1000 each	3000	0		0
"		do	B. 619, .....	500	0		0
2nd "		do	C. 191 to C. 205 at £1000 each	15000	0		0
"		do	B. 620 to B. 629 at 500 each	5000	0		0
9th "		do	C. 206 to C. 213 at 1000 each	8000	0		0
10th "	do	C. 214 to C. 221 at 1000 each	8000	0	0		
			269650	0	0		

**C. C.**—"Macadamization of York Roads," £100,000, Currency, 1st Session, 13th Parliament, Chap. 76.

Date of Debenture.	To whom Granted.	No.	Date of Redemption.	When Redeemed.	Amount of Debenture.			REMARKS.
					£	s.	d.	
April 26, 1837	Bank of Upper Canada ..	373	April 26th, 1847,		500	0	0	On account of West Gwillimbury Road and Toll-gate. Currency.
"	do	374	do		500	0	0	
June 19, 1837	Truscott, Green & Co. ..	399	June 19th, 1847,		100	0	0	
Total,.....£					1100	0	0	

**D. D.**—"Bridge over River Thames, at Chatham," £1,500 Currency, 1st Session 13th Parliament, Chap. 83.

April 26th 1837	The Hon. Thos. Talbot	375	April 26th 1845		500	0	0	Cy. Int. 6 pr. c.
"	do	376	" 1846		500	0	0	
"	The Hon. William Allan	377	" 1847		500	0	0	
Total,.....£					1500	0	0	

## 2nd Victoria, 1839.] Schedule of Government Debentures. 127

### E. E.—“*Erie and Ontario Rail-road Company*,” £5,000 Currency, 1st Session, 13th Parliament, Chap. 68.

Date of Debenture.	To whom Granted.	No.	Date of Redemption.	When Redeemed.	Amount of Debenture.			REMARKS.
					£	s.	d.	
April 26, 1837	Samuel Street, Esq. . . . .	378	April 26th, 1847		1000	0	0	
“	do	379	“		1000	0	0	
“	do	380	“		1000	0	0	
“	do	381	“		1000	0	0	
“	do	382	“		1000	0	0	
Total, . . . . . £					5000	0	0	Cy. Int. 6 pr. c.

### F. F.—“*Kingston and Napanee Road*,” £30,000, Currency, 1st Session, 13th Parliament, Chap. 81.

					£ s. d.			
					£	s.	d.	
May 15th, 1837	Commercial Bank,	383	15th May, 1857		500	0	0	
“	Midland District.	384	“		300	0	0	
“	do	385	“		200	0	0	
July 20th, 1837	do	400	20th July, 1857		500	0	0	
“	do	401	“		300	0	0	
“	do	402	“		200	0	0	
“	do	403	“		500	0	0	
“	do	404	“		300	0	0	
“	do	405	“		200	0	0	
Total, . . . . . £					3000	0	0	Currency.

### G. G.—“*Desjardins' Canal*,” £5,000, Currency, 1st Session, 13th Parliament, Chap. 67.

					£ s. d.			
					£	s.	d.	
May 26th, 1837	President and Directors	386	26th May, 1847		500	0	0	
“	of the Desjardius' Canal	387	“		500	0	0	
“	Company,	388	“		500	0	0	
“	do	389	“		200	0	0	
“	do	290	“		200	0	0	
“	do	391	“		200	0	0	
“	do	392	“		200	0	0	
“	do	393	“		200	0	0	
“	do	394	“		200	0	0	
“	do	395	“		200	0	0	
“	do	396	“		200	0	0	
Aug't. 1st, 1837	do	406	1st August, 1847		200	0	0	
“	do	407	“		200	0	0	
“	do	408	“		200	0	0	
“	do	409	“		200	0	0	
“	do	410	“		200	0	0	
“	do	411	“		200	0	0	
“	do	412	“		200	0	0	
“	do	413	“		200	0	0	
Total, . . . . . £					5000	0	0	Cy. Int. 6 pr. c.

### H. H.—“*Home District Roads*,” £35,000, Currency, 2nd Session, 12th Parliament, Chap. 30.

					£ s. d.			
					£	s.	d.	
June 19th, 1837	Bank of Upper Canada ..	397	June 19th, 1857		500	0	0	} Remainder from English Loan.
“	do	398	“		500	0	0	
Total, . . . . . £					1000	0	0	Cy. Int. 6 pr. c.

### I. I.—“*Welland Canal*,” £245,000, Currency, 1st Session, 13th Parliament, Chap. 92.

					£ s. d.			
					£	s.	d.	
1st Aug't. 1837	Bank of Upper Canada, ..	414	1st August, 1857		1000	0	0	
28th “	Messrs. Truscott & Green	415	“		200	0	0	
Total, . . . . . £					1200	0	0	Cy. Int. 6 pr. c.

# 128 Schedule of Government Debentures. [4th Sess. 13th Parl

**J. J.—GENERAL STATEMENT of the Receiver General's Bills of Exchange, drawn on London on account of Debentures negotiated in England.**

Date of Bill when drawn.	To whom sold, &c.	Days' sight.	Amount, Sterling.			Premium, Per Cent.	Proceeds, in Provincial Currency		
			£	s.	d.		£	s.	d.
22d Apr. 1834	Forsyth, Richardson & Co. ....	30	5000	0	0	4	5777	15	6½
"	Benjamin Holmes, Esq. ....	"	20000	0	0	4	23111	2	2½
"	Gillespie, Jamieson & Co. ....	"	5000	0	0	4½	5805	11	1½
1st July 1834	John S. Cartwright, Esq. ....	"	30000	0	0	3½	34500	0	0
10th Oct. 1834	William H. Merritt, Esq. Pres't. Welland Canal Company. ....	"	20000	0	0	8 1/16	24013	17	9½
"	Truscott, Green & Co. ....	"	5000	0	0	8 1/16	6006	18	10½
"	John S. Cartwright, Esquire. ....	"	15000	0	0	8 1/16	18010	8	4
11th "	W. H. Merritt, Esq. Pres't. Welland Canal Co. ....	"	20000	0	0	8 1/16	24013	17	9½
"	Do. do. ....	"	1600	0	0	8 1/16	1921	2	2½
3rd Nov. 1834	Thomas G. Ridout, Esquire. ....	"	10000	0	0	7 3/4	11972	4	5½
22nd "	Do. do. ....	"	30000	0	0	7	35666	13	4
26th Dec. "	Do. do. ....	"	15000	0	0	6	17666	13	4
13th Apr. 1835	Francis A. Harper, Esquire. ....	"	10000	0	0	8	12000	0	0
3rd July "	R. A. Goodenough & Co. ....	"	3000	0	0	9½	3641	13	4
4th "	John S. Cartwright, Esquire. ....	"	5000	0	0	8 3/4	6041	13	4
"	Thomas G. Ridout, Esquire. ....	"	22000	0	0	8	26400	0	0
18th Aug. "	C. H. Castle, Esquire. ....	"	10000	0	0	10½	12250	0	0
26th "	Thomas G. Ridout, Esquire. ....	"	15000	0	0	9½	18250	0	0
16th Feb. 1836	Forsyth, Richardson & Co. ....	60	10000	0	0	11½	12361	2	2½
23rd "	Benjamin Holmes, Esquire. ....	30	7500	0	0	11½	9291	13	4
"	Truscott, Green & Co. ....	"	2500	0	0	11½	3097	4	5½
23rd Nov. "	John Ross, Esquire. ....	"	10000	0	0	11½	12388	17	9½
2nd July "	Robert Gillespie, Esquire. ....	60	5000	0	0	9	6055	11	1½
4th "	Forsyth, Richardson & Co. for negotiation. ....	{	{ 8000	0	0	10½	} 12236	0	0
"	"	"	{ 2000	0	0	10			
1st Aug. "	Robert Gillespie, Esquire. ....	"	5000	0	0	10½	6138	17	10
3rd "	Forsyth, Richardson & Co. for negotiation less ¼ per cent. Commission. ....	"	10000	0	0	11½	12330	4	0
3rd Sept. "	Do. do. ....	"	10000	0	0	9 3/4	12163	19	4
17th Nov. "	James Lesslie, Esquire. ....	"	4000	0	0	10	4888	17	9½
21st "	Thomas G. Ridout, Esquire. ....	"	10000	0	0	9½	12166	13	4
22nd "	George Mouroe. ....	"	1000	0	0	10	1222	4	5
15th Dec. "	Forsyth, Richardson & Co. for negotiation, less ¼ per cent. Commission. ....	"	10000	0	0	12	12413	6	10
"	Do. do. ....	"	10000	0	0	12½	12468	15	0
19th Jan. 1837	Do. do. ....	{	{ 19000	0	0	11½	} 24663	3	9
"	Do. do. ....	"	{ 1000	0	0	11½			
23d Mar. "	Do. do. ....	"	20000	0	0	12½	24937	10	0
28th "	Thomas G. Ridout, Esquire. ....	"	20000	0	0	11½	24777	15	6½
31st "	Do. do. ....	"	10000	0	0	11½	12388	17	9½
13th Apr. "	Samuel Street. ....	"	5500	0	0	12½	6875	0	0
May "	Exchange sold Prime, Ward, King & Co. ....	"	5000	0	0	12	6222	4	9
9th June "	Thomas G. Ridout, Esquire. ....	"	10000	0	0	13	12555	11	1
13th July "	B. Smith, Esq. Manager of the Bank of British North America. ....	"	3000	0	0	15	3833	6	8
"	Thomas G. Ridout, Esquire. ....	"	12000	0	0	12	14933	6	8
1st Aug. "	Do. do. ....	"	12000	0	0	12	14933	6	8
"	Do. do. ....	"	6000	0	0	12	7466	13	4
"	Do. do. ....	"	1400	0	0	12	1742	4	5
4th "	Walter Rose, Esquire. ....	"	600	0	0	12½	748	6	8
17th Nov. "	Thomas Ridout, Esquire. ....	"	5000	0	0	8	6000	0	0
3rd Jan. 1838	C. A. Hagerman, Esq. (drawn on the Treasury) £ 750	} 60	} 10000	} 0	} 0	} 9	} 12511	} 2	} 3
"	J. S. Cartwright, Esq. 1000								
"	Hon. B. Sullivan. .... 12500								
"	T. G. Ridout, Esq. .... 2310								
7th March "	John S. Cartwright, Esquire. ....	"	10000	0	0	9	12511	2	3
Total, .....			£ 487100	0	0	7	590461	8	6½

RECAPITULATION.

RETURN.	SERVICE.	SUMS RAISED.		Rate of Interest per Annum.	REMARKS.
		Currency.	Sterling.		
A.	Militia .....	£ 25000		6 per ct.	Redeemed.
B.	Public Service of 1824 .....	16000		6 do	Redeemed.
C.	Burlington Bay Canal .....	8000		6 do	£5000 Redeemed.
D.	Welland Canal .....	25000		6 do	Redeemed.
E.	Burlington Bay Canal .....	4500		6 do	£3000 Redeemed.
F.	Welland Canal .....	50000		6 do	Redeemed.
G.	Kettle Creek Harbour .....	3000		6 do	
H.	Welland Canal .....	25000		6 do	
I.	Burlington Bay Canal .....	5000		6 do	£3000 Redeemed.
J.	Oakville Harbour .....	2500		6 do	Loan to W. Chisholm.
K.	Roads and Bridges .....	20000		6 do	
L.	Welland Canal .....	50000		5 do	Redeemed.
M.	Kettle Creek Harbour .....	2500		6 do	
N.	Port Hope Harbour and Wharf Company .....	2000		5 <sup>1</sup> / <sub>8</sub> do	Loan to Company.
O.	Cobourg Harbour .....	3000		5 <sup>1</sup> / <sub>8</sub> do	
P.	St. Lawrence Navigation .....	3000		5 do	
Q.	Welland Canal .....	1250		5 do	
R.	Inland Waters Newcastle District .....	2000		6 do	Payable from tolls only.
S.	River Trent Bridge .....	2000		6 do	
T.	Brantford Bridge .....	1500		6 do	
U.	Roads in vicinity of York .....	10000		6 do	Payable from tolls only.
V.	Desjardins' Canal .....	5000		6 do	Loan to Company.
W.	Welland Canal .....	50000		6 do	
X.	Desjardins' Canal .....	7000		6 do	
Y.	War Losses .....	56840		5 do	
Z.	To cancel part of Public Debt, &c. ....		£200000	5 do	Payable in London.
A.A.	Ditto, ditto, and sundry Public Works..		400000	5 do	do.
B.B.	Sundry Public Works .....		269650	5 do	do.
C.C.	Macadamizing York Roads .....	1100		6 do	Tolls and District liable.
D.D.	Chatham Bridge .....	1500		6 do	
E.E.	Erie and Ontario Rail-road .....	5000		6 do	
F.F.	Kingston and Napanee Road .....	3000		6 do	Tolls and District liable.
G.G.	Desjardins' Canal .....	5000		6 do	Tolls liable.
H.H.	Home District Roads .....	1000		6 do	Tolls.
I.I.	Welland Canal .....	1200		6 do	Tolls liable.
	Amount raised on Debentures issued .....	£397890			
	Amount of Debentures redeemed .....	202000			
	Amount outstanding up to this date .....	£195890	£869650		

The interest has been paid on the foregoing Debentures at the half-yearly periods respectively.

The Government holds 2,000 Shares of the Capital Stock in the Bank of Upper Canada, amounting to £25,000, Currency, all paid in.

RECEIVER GENERAL'S OFFICE,  
Toronto.

**SUMMARY.**

*Showing the amount of outstanding Debentures, issued at different times, for the undermentioned Public Works, &c.*

SERVICE.	In Upper Canada Currency.	Rate of Interest per Annum.	Payable in London. Sterling.	Rate of Interest.	REMARKS.
Burlington Canal .....	£ 6500	6 per ct.			
Welland Canal .....	{ 51200	6 } do	74150	5 pr. ct.	
	{ 1250	5 } do			
Kettle Creek Harbour .....	5500	6 do			
Oakville Harbour .....	2500	6 do			
Roads and Bridges .....	20000	6 do			
Port Hope Harbour and Wharf Company .....	2000	5½ do			
Cobourg Harbour .....	3000	5½ do			
St. Lawrence Navigation .....	3000	5 do	30000	do	
Desjardins' Canal .....	17000	6 do			
Inland Waters, Newcastle District .....	2000	6 do			Payable from Tolls only.
River Trent Bridge .....	2000	6 do			
Brantford Bridge .....	1500	6 do			
War Losses .....	56840	5 do			{ £10,000 Payable from Tolls only.
York Roads .....	11000	6 do			
York Roads and others, Home District .....	1100		36000	do	
Macadamized Road, from Kingston to Napanee ..	3000	6 do	23500	do	
Ditto, from Hamilton to Brantford ..			27000	do	
Ditto, from Dundas to Waterloo ..			22500	do	
Ditto, in Johnstown District .....			11000	do	
River Trent Navigation .....			28000	do	
Macadamized Road, from Queenston to Grimsby ..			17500	do	
Chatham Bridge .....	1500	6 do			
Erie and Ontario Rail-road .....	5000	6 do			
To cancel Public Debt in Upper Canada .....			200000	do	
Ditto, ditto, and for sundry Public Works ..			400000	do	
	£195890	Currency	£869650	Sterling.	

Amount outstanding within the Province—At the rate of 6 per cent. per Annum ..... £129,800 0 0  
 At the rate of 5½ do. do. .... 5,000 0 0  
 At the rate of 5 do. do. .... 61,090 0 0

Total, Currency, in Upper Canada, outstanding ..... £195,890 0 0 Currency.

Amount sent to, and payable in London, bearing interest at 5 per cent. .... £660,000 0 0  
 Sold in Upper Canada, payable in London, at 5 per cent. .... 209,650 0 0

Total Amount of Sterling Debentures, }  
 Interest, &c. payable in London. } ..... £869,650 0 0 Sterling.

JOHN H. DUNN,

H. M. R. G.

RECEIVER GENERAL'S OFFICE,  
 27th February, 1839.

# REPORT OF THE WELLAND CANAL COMPANY, FOR THE YEAR 1838.

TORONTO, 7th February, 1839.

SIR,

I have the honour to forward herewith, the Report of the Welland Canal Company, for the year 1838, together with the usual accounts, prepared for the information of the House of Assembly.

The majority of the Board of Directors having desired, that I should submit their particular opinions, in the form of a separate Report, (*Appendix A.*) the same is also transmitted.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

J. MACAULAY,  
*President, W.C.C.*

The Honourable R. A. TUCKER,  
*&c. &c. &c.*

*To His Excellency Major General SIR GEORGE ARTHUR, K.C.H. Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.*

The Board of Directors of the Welland Canal Company, have the honour to transmit herewith the several annual accounts and returns, usually submitted to the House of Assembly, and to report—

That owing to the financial and other difficulties of the Province, during the past year, no portion of the funds granted by the House of Assembly for the permanent construction of the Canal, has been placed at their disposal; they have therefore been compelled to borrow money from the Bank of Upper Canada, and to appropriate those portions of the revenue of the Company which, under the 7th Wm. IV. chap. 92, should have been set apart for the payment of interest on the grant made by that law, and for a dividend to the private Stockholders, to the ordinary expenses of the Canal. These appropriations have enabled the Directors to cause all necessary repairs to be promptly executed, and consequently to maintain the navigation of the Canal, uninterrupted, during the past season; in consequence of which, the amount of Tolls collected has exceeded that of any preceding year.

Though unable to commence those extensive permanent works contemplated by the Legislature, the Board of Directors lost no time in securing the services of Mr. Killaly, and an Assistant—both of whom have been, and yet are, actively employed making those more minute surveys, required for the preparation of working plans; drawing up specifications; and making all those preliminary preparations, which will enable the Engineer to devote his entire attention to the execution of the work, when the means of proceeding therewith shall be forthcoming. These primary labours are already far advanced; it is therefore greatly to be desired, that no unnecessary delay in commencing the permanent works before-mentioned should be permitted: for though the repairs of the past year have not been very extensive, and it is confidently anticipated that those of the coming season will be of like character, yet it may be reasonably apprehended that the cost of repairs in the ensuing years will be of great amount—and will therefore materially increase the ultimate expenditures on the Canal.

The Directors regret, that through the lack of means, they have been prevented making any preparations for building a ship-lock at Dunnville—a work of paramount importance to the inhabitants on the bank of the Grand River.

A difference of opinion as to the intent and meaning of the 17th clause of the 7th Wm. IV. chap. 92, having arisen among the Directors, as shewn in *Appendix A.* they have declined declaring a dividend under that clause, in order that the interest of the private stockholders may not be compromised by a premature decision of the question at issue. In deference to the opinion of Her Majesty's Attorney General, communicated to the Board by the Honourable John Macaulay, the Directors have caused statements B. and C. to be prepared, shewing what, under the view taken by that Officer, would be the amount of the dividends to be declared for the years 1837 and 1838. By those statements, Your Excellency will perceive that had the permanent works of the Canal been proceeded with, the interest on the additional capital which would have been expended during the two past seasons, would have absorbed the entire nett income of those years, and would have rendered the operation of the 17th clause before-mentioned nugatory.

The Legislature, doubtless, intended the clause in question as a boon to the private stockholders; but when it is borne in mind, that if the Canal is completed on the scale contemplated, in three or four years from this date, at least, £300,000 of additional capital will be expended—the interest on which must be paid out of the tolls, it is vain to anticipate any present advantage to the private stockholders therefrom.

The amount of private stock is £117,800, and £398,000 of public money have been expended—which will make the ultimate cost of the Canal not less than £815,800. The relative proportions of private and public investment will then be nearly as 1 to 6.

This great disproportion in the interest of the two parties, coupled with the inconvenience of having future private interests constantly operating against those of the public, in a work so entirely of a public character, would seem imperatively to require that the interest of the private stockholders should be purchased by the public; the Board of Directors beg therefore most earnestly to recommend, that this subject may be brought under the notice of the Legislature at an early date.

During the past summer, the Board of Directors have caused a report on the navigation of the Grand River from Dunnville to Cayuga, with an estimate of the expense of completing the same, to be prepared, the which letters D. and E., are herewith forwarded for Your Excellency's information.

In drawing Your Excellency's attention to the concluding paragraph of that report, the Board are desirous of expressing their opinion, that the union of the Grand River Navigation and Welland Canal Companies, under one direction, would be a public benefit.

By order of the Board.

J. S. MACAULAY,  
*President, W. C. C.*

WELLAND CANAL OFFICE,  
31st January, 1839.

*LIST OF PAPERS transmitted for the information of His Excellency the Lieutenant Governor,  
and the House of Assembly.*

- A.—Report of the majority of the Directors of the Welland Canal.  
B. and C.—Data for the calculation of dividends on private Stock, 1837 and 1838.  
D.—Report on the Grand River Navigation, from Dunnville to Cayuga.  
E.—Estimate of Probable cost of completing the Navigation from Dunnville to Cayuga.  
F.—Report of the Superintendent of the Welland Canal Company.  
G. Welland Canal Company's Balance Sheet :

- No. 1. Bills of work and materials.  
2. Contingencies, 1838.  
3. Interest Account.  
4. Toll Account.  
5. Salaries.  
6. Lands and Hydraulic Rents.

- H.—Comparative Statement of Tolls, 1834 to 1838.
  - I.—Comparative cost of repairs, 1834 to 1838.
  - K.—Comparative cost of Administration, 1833 to 1838.
  - L.—Statement of Property passed through the Welland Canal, 1837 and 1838.
  - P. No. 1.—Property passed up from one American Port to another.
  - P. “ 2. Do. down do. do.
  - P. “ 3. Do. up from one British Port to another.
  - P. “ 4. Do. down do. do.
  - P. “ 5. Do. up from British to American Ports.
  - P. “ 6. Do. do. American to British Ports.
  - P. “ 7. Do. down do. do.
- Abstract of the seven tables above enumerated.

J. S. MACAULAY,  
President, W. C. C.

### APPENDIX A.

At the first meeting the undersigned had an opportunity of attending the past season, 4th May, 1838, they were of opinion the private Shareholders were entitled to a dividend under the provisions of 17th clause 7th Wm. 4, chap. 92, wherein it is enacted, “that the tolls received upon the Canal, after deducting the amount required for the charge made thereon by law, or so much thereof as shall be necessary, shall be first annually applied to discharge the interest on the sums borrowed, and the remainder of the income received by the said Company shall be divided among the private Shareholders, until it shall equal six per cent. on the amount of their investment.”

After ascertaining the only charge made thereon by law, to which this clause refers, was 10th Geo. 4, chap. 9, sec. 1, to secure the interest on a loan from the British Government; and ascertaining by the return of the Secretary that the income for 1837 was £6461 4 4 and that the amount of interest on Debentures due Government during same year, was .....

1326 10 2
-----------

Leaving a balance due the private Shareholders, of..... £5134 14 2

They decided on declaring a dividend on the sum of £117,800—the amount held by private Stockholders, of at least 2 per cent.—equal to £2,356, which would have left a reserve fund of £2,738 14s. 2d. to be hereafter applied.

Two of the Directors took a different view, maintaining that the cost of Administration should be first deducted from the proceeds of tolls; and in consequence of other reasons assigned by them, the majority consented to defer declaring the dividend, until the subject was referred to the Executive Government, for the opinion of Her Majesty’s Attorney General. This opinion was withheld until the meeting of the Board in November, and is as follows:

(Copy.)

ATTORNEY GENERAL’S OFFICE,  
Toronto, 2nd November, 1838.

I am clearly of opinion, that the construction placed upon the Act referred to by the minority of the Directors, is the legal construction, and that it would be contrary to the meaning and intent of the Act to appropriate any portion of the money granted for the permanent construction of the Canal, to the current expense of the Company.

(Signed) C. A. HAGERMAN,  
Attorney General.

Not one farthing of the money yet granted has been expended in the permanent construction of the Canal—therefore, the entire expenditure made is illegal, or the Attorney General’s opinion incorrect. Again, the undersigned wholly object to that part of the Report alluding to Statements B. and C. because all the items there charged do not arise from collecting

tolls, or cost of Administration, and the Attorney General's opinion does not allude to any particular item, but to the current expenses of the entire work. The cost of Administration is not alluded to in the Act, and cannot be defined, without an arbitrary selection of items, by which means any future Board may name any amount they please to balance the income.

This opinion was so decidedly at variance with the opinion of the undersigned, they determined on consulting other professional Gentlemen, and accordingly applied to the Company's Solicitor, James Boulton, Roland Macdonald, B. Y. McKeys, L. Raymond, Esquires, also, the late Solicitor, Alexander McDonell, by F. Burnap, as per Appendix. The unanimous concurrence of every legal Gentleman to whom they have appealed, gives them additional confidence in adhering to their previous opinions, and regret that so many obstacles have ensued to prevent the private Shareholders from receiving the dividend to which they are so justly entitled. If this Canal had been commenced when this grant was made, the current expenses, or cost of administration, as it is termed, would, as in all similar works, have been sustained out of the Capital to be expended, for which, in most estimates, a certain percentage is provided; the same current expenses and cost of administration must be incurred in its permanent construction. It is evident, the entire income was intended to be applied to two specific objects—the payment of interest on public debt, and a dividend to private Shareholders. The first relieves the public revenue, and the last, the private Shareholders, who in the first place incurred the entire risk, at different times sustained the work by individual responsibility, and have never, up to the present moment, received any remuneration whatever, whereas the public have derived all the direct and indirect advantages incident to all similar improvements, by increase in value of property, trade, revenue, &c. If the progressive income derived from the Canal be realized, the wisdom of this provision will be made apparent. Prompt payment on future loans from Government will satisfy the public, and a dividend on the private shares from year to year, will satisfy the private Shareholders; also, the undersigned are of the opinion, that the clause referred to will attain that object: which opinion is founded on the following data:—

**In 1838,**

The income for tolls is .....	£6817 17 0	
Hydraulic rents, say .....	1000 0 0	
		£7817 17 0
The amount of interest on public stock, is .....	£2976 9 1½	
Deduct a dividend of 2½ per cent on £117,800, .....	2356 0 0	
		5332 9 1½
		£2485 7 10½
To which add reserve fund for 1837 .....		2738 14 2
		£5224 2 0½

**In 1839,**

The amount of tolls this year we put at .....	£ 9000 0 0	
Hydraulic rents .....	1000 0 0	
		£10000 0 0
Interest on £66,000, one year at 5 per cent. ....	£3300 0 0	
Say six months' interest on £34,000, required during the year, at 5 per cent. ....	850 0 0	
2½ per cent on £117,800, this year .....	4945 0 0	
		7095 0 0
Reserve fund .....	£ 2905 0 0	
To which may be added that of 1838 .....	5224 2 0½	
		£ 8129 2 0½
Increases the reserve fund in 1839, to .....		£ 8129 2 0½

**In 1840,**

Amount of tolls and hydraulic rents .....		£12500	0	0
Interest on £100,000, expended.....	£ 5000	0	0	
Interest on £50,000, for six months .....	2500	0	0	
3 per cent interest on £117,800, .....	3534	0	0	
		<u>11034</u>	<u>0</u>	<u>0</u>
Leaving a reserve of.....		£ 1466	0	0
To which may be added that of 1839 .....		8129	2	0½
		<u>£ 9595</u>	<u>2</u>	<u>0½</u>

**In 1841,**

Amount of tolls and hydraulic rents .....		£15000	0	0
Interest on £150,000 .....	£ 7500	0	0	
Interest on £100,000, six months.....	2500	0	0	
Dividend of 4 per cent on £117,800 .....	4712	0	0	
		<u>14712</u>	<u>0</u>	<u>0</u>
Reserve .....		£ 288	0	0
To be added from reserve fund, 1840 .....		9595	0	0
		<u>£ 9883</u>	<u>0</u>	<u>0</u>
At close of 1841.....		£ 9883	0	0

**In 1842,**

Income .....		£18000	0	0
Interest on £250,000 .....	£12500	0	0	
Interest on £100,000, six months.....	2500	0	0	
Dividend of 5 per cent on £117,800 .....	5890	0	0	
		<u>20890</u>	<u>0</u>	<u>0</u>
Excess on interest on expenditure.....		£ 2890	0	0
Reserve fund of 1841 .....		9883	0	0
		<u>£ 6993</u>	<u>0</u>	<u>0</u>
Reduce this fund to.....		£ 6993	0	0

It will be observed, the above admits of an increase of expenditure of £100,000: and the progressive increase of income is founded on the progressive increase of the Erie and other Canals in the United States—on which every Stockholder, as well as the public at large, may form their own opinion. It is supposed that if no interruption in business had taken place this year, the tolls would have increased to £8000 at least; and we can see no good reason why the geographical situation of this Canal should not ensure the same result realized by similar undertakings. It may be a subject worthy of enquiry, how far the different interests embarked in the same undertaking may be liable to come in collision: and thereby, in some measure, disturb or impede the one great interest—the advancement of the public good; and whether, in view of the possibility of such difficulties arising, it would not be advisable that so great and stupendous a public enterprise should at once become wholly the property of the public, by purchasing all the private stock, in order that the whole management may be placed under the control and direction of the Government.

(Signed) JOHN WILLSON.  
 “ W. H. MERRITT.  
 “ OGDEN CREIGHTON.

(Copy.)

NIAGARA, 29th December, 1838.

I am of opinion, that the legal construction of the Act of 7th William IV. chap. 92, is in favour of the views taken by the majority of the Directors, and that it would be quite at variance with the spirit and intention of the Act, to construe the words “after deducting the

amount required for the *charges now made* thereon by law," in the 17th clause of the Act, to mean any thing other than a direct incumbrance, such as that mentioned and provided for in the Act 10th Geo. IV. chap. 9, sec. 1, or some other charges than those incident to the formation of a Company, such as the payment of the salaries to most of the Officers, and current expenses for overseeing the work, is as much necessary for the permanent completion of it as any other expense attending the same.

(Signed) JAMES BOULTON,  
SOLICITOR,  
Welland Canal Company.

I am clearly of opinion, that when the Legislature, by the Act of 7th Wm. IV. chap. 42, availed themselves of what the private stockholders in the Welland Canal had already done in the completion of that great work, they intended, as in common honesty they should, to grant them some remuneration for their outlay: such remuneration not to exceed 6 per cent on their investments, derivable out of the income of the Company, "after" what?—Why *after* deducting the amount required for the charges now made thereon by law, or so much thereof as shall be necessary, (meaning the interest on the £50,000 borrowed,) and the interest accruing upon the sum of £245,000, or so much thereof as shall have been advanced—clearly, then, all that can be deducted before making the dividend are these *charges*, and this *interest*, (nothing said of costs of administration, &c. &c.) Again, what is a man's income?—Surely not what he may save at the end of the year, after paying the expenses of his family, &c.: for peradventure, he may save nothing, let his income be never so great—no, it is literally his comings-in, without reference to his out-going. I therefore, after maturely weighing the whole Act, coincide with the majority of the Directors, in their opinion. I might give many other reasons for doing so, but shall content myself at present with giving one more, and that only because I consider it a new one—Why was the dividend *limited* to 6 per cent, if it was not intended that it should be made out of the income *before*, in fact, a *profit* should have accrued. If the minority are correct in their view, and that the private stockholders are not to receive a dividend until there is, in fact, a profit after costs of administration, &c.—why, then, it follows, that let the Company make never so much—say a million a year—yet the poor stockholders are never to get more than 6 per cent for their money, which would be absurd.

(Signed) ROLLAND MACDONALD,  
COUNSEL.

ST. CATHARINES, 28th December, 1838.

ST. CATHARINES, 31st December, 1838.

With reference to the question under discussion among the Directors of the Welland Canal Company, whether the costs of administration, or current expenses of the Company, are chargeable upon the tolls, before any dividend of such tolls can be declared—I have to state, that time has not been allowed me to give the subject that full and careful consideration which its intricacy and importance require, but I am inclined to concur in the opinion entertained by a majority of the Directors, for the following, among other reasons:

1st.—That the fund out of which these expenses are to be paid, is not pointed out in any of the Acts relative to the Welland Canal Company, leaving it to be inferred that they are to be paid in the same manner as the ordinary charges and expenses of the work.

2nd.—That no other definite *charges* are made by law upon the tolls of the Canal, except the payment of the interest of sums previously borrowed from Government, and for which the work and its profits were pledged, and the interest of the sum of £245,000, mentioned in the Act 7th Wm. IV. chap. 92.

3rd.—That in the commencement of the work, the costs of administration, &c. were necessarily defrayed out of the general fund or capital, there being no tolls, or income of any description derived from the work itself, from which they could be paid, and nothing has transpired, or appears in any Act of the Legislature, to shew that they ever intended any alteration in this respect.

4th.—That the cost of administration may with propriety be included in the expenses of the permanent construction of the work, as without incurring such costs the work could not be constructed at all.

5th.—That in the absence of any further specific direction in the Act, of the purposes to which the tolls are to be applied, the Directors have a right to apply them to the purposes mentioned in the 17th clause, subject to the *only specific charges* previously made, viz.—the payment of the interest above-mentioned.

(Signed) B. Y. McKEYS,  
*Barrister at Law.*

In discussing the question which has arisen between the Directors of the Welland Canal Company, as to the application of tolls, &c. we shall be assisted in coming to a correct conclusion, by laying down distinctly, in the first place, the leading notes of construction which govern such cases.

1st.—Vested rights are always favoured in law, whether in the interpretation of a statute, the construction of a contract, or the application of the common law.

In tracing out the provisions of the Act 7th Wm. IV. chap. 92, under which the above question has arisen, this rule is to be kept steadily in view, as the land-mark, for there can be no doubt that before the passing of that Act, the right of the private Stockholders to an equal participation in the tolls, “after deducting the amount required for the charges ‘then’ made thereon by law,” was a vested right.

2nd.—Or to repeat part of the above rule in another form—Acts of Parliament which take away vested rights, are to receive a strict construction, every intendment being made in favour of the party suffering the loss or penalty.

3rd.—Every Act of Parliament is to be interpreted, if possible, in favour of right and justice. Cases are not wanting, in which the Courts have rejected the literal construction of Acts of Parliament, when such construction would work out manifest injustice, resorting to every, and the most subtle expedients, to avoid such operation, short of denying the power of Parliament to pass such Acts; and this is on the alledged ground that it is disrespectful and undutiful to the Legislature, to suppose that they ever intended any thing wrong or absurd.

The Act 7th Wm. IV. chap. 92, secs. 2 and 3, convert the loans of £102,000, formerly made by the Provincial Government, into stock, and authorize the subscribing of £245,000 additional stock, by the Provincial Government, and provide that the Government, as the holder of such stock, shall be subject to the same conditions, and have the same advantages and privileges, as the other Stockholders. If the Act had stopped here, the Government would have paid the £245,000, and this sum would have become equally the property of the holder of each share, and each would have been entitled to an equal division of profits. The 14th section, however, makes the interest of the Debentures issued to raise the £245,000, a charge on the tolls of the Company. This is an exertion of arbitrary power, dealing with the property of others according to the will of one party; and every countervailing circumstance is to be taken hold of, to prevent such an enactment from operating unjustly. The 17th clause provides seemingly, by way of set-off to the advantages given to Government by the 14th section, that after deducting from the tolls the amount of the charges then made thereon by law, (that is specific charges) shall be first annually applied to discharge the interest of the £245,000, and the remainder divided among the private Stockholders, until it shall amount to 6 per cent, &c.

The Act thus specifically appropriates the whole *income* of the Company, (not mentioning the outgoings) to three objects, and no more—1st. The tolls to pay the charges then made thereon by law, which can mean no other than charges specifically made by some previous statute; and,

2nd. To pay the annual interest on £245,000.

3rd. The remainder of the income, including tolls, rent, and other profits, to pay a dividend to the Stockholders.

If any subtlety of construction is to be allowed against the literal meaning of such a statute, it must be to prevent some manifest wrong and injustice, which is not the case here.

If the incidental expenses of the Company are to be paid out of the income apparently appropriated to the private Stockholders, what becomes of the provision, not only of natural justice, but of the Act in question,—that the Government, as the holders of stock, shall be subject to the same conditions, and have the same advantages and privileges as other Stockholders? The company may, and probably will, within a few years, expend some thousands of pounds in improving and bringing into market their extensive lands, besides other expenses, ordinary and extraordinary, and according to the construction in question, all this must be paid, in effect, by the private Stockholders, and the benefit received equally by the Government; and the Government, by owning the greater part of the shares, and having, by the appointment of a majority of the Directors, indirectly the control of the Company, may for many years deprive the private Stockholders of all benefit of their investments. To suppose that the Legislature intended such a result, would be to attribute to them the intention to form a sort of *leonine partnership* with the Company,—like the lion in the fable, who took what of right belonged to him, and as much more as pleased him.

It seems to be assumed, that the £245,000 were granted to the Company specifically for the “permanent construction of the Canal,” but on referring to the Act, no such thing appears. Nor is it in any sense a *grant to the Company*, but a grant to enable the Government to become extensive Stockholders, on equal terms with the other Stockholders. It is true, the preamble, (at best an uncertain guide in the exposition of a statute, and only to be resorted to when other means of discovering the intention of the law-maker fail) recites that it is expedient to extend the public aid to the Company, so as to effect the completion of the Canal in a substantial and permanent manner; but this does not indicate any thing more than a general assistance, to put the aided party in a condition to effect a desirable object. And besides that, the £245,000 were a specific appropriation for the permanent construction of the Canal, is contradicted by the fifth section, which authorizes a part of this money to be appropriated to another purpose. The sixth section merely restricts the amount of the above sum which might be laid out during the present year, in the permanent construction of the Canal. The seventh section does indeed seem to afford, by implication, some countenance to the idea that the £245,000 were appropriated for the sole purpose of permanently constructing the Canal, by directing that no more of it than before mentioned should be laid out till after the end of the then next session of Parliament. The purpose of this section was to prevent the expenditure of money on that part of the Canal which might be condemned by the Engineers to be appointed in pursuance of the Act. But the casual expression used in it might bear some weight, if it were in case of a mere grant of money to the Company, or if they were only agents in its expenditure.

This section affords the only indication to be found in the Act, that the £245,000 were intended as a specific appropriation for the permanent construction of the Canal; and the implication contained in the section is as strongly contradicted by the 11th section, which enacts “that in order to provide more effectually for the proper expenditure of the monies to be granted by this Act,” and other purposes, a Superintendent should be appointed “to have the care and superintendence of the work, (meaning the Canal,) and to take all necessary measures for keeping the same in good repair, and rendering the use thereof convenient to persons navigating the Canal.”

From these reasons, we are of opinion, that the position assumed by the majority of the Board of Directors is correct.

(Signed) ALEXANDER MACDONELL,  
Per F. BURNAP.

ST. CATHARINES, 31st December, 1838.

With respect to the question as to the mode of appropriation of the income of the Welland Canal Company, I am of opinion, that the Statutes will not justify its appropriation in any other way, and that it cannot, by law, be applied to any other purpose than to the payment of the sum of £50,000, and interest thereon, as the Statute 10th Geo. IV. chap. 9, directs; and to the discharge of the interest which has accrued, and will accrue upon the sum of £245,000, advanced to the Company by authority of the Statute 7th Wm. IV. chap. 92; and that the remainder of the income should be divided among the private stockholders, until it shall equal 6 per cent on the amount of the interest.

(Signed) LORENZO D. RAYMOND.

ST. CATHARINES, January 1st, 1839.

**B.**

STATEMENT, *shewing the amount of salaries, contingencies and incidental expenses, for the year 1837, with interest on Debentures, issued at various dates, up to 31st March, 1838.*

	£	s.	d.
Salaries to Superintendent, Secretary and Book-keeper .....	687	10	0
Salaries to Toll-Collectors .....	483	5	0
Wages to Lock-Tenders .....	789	16	0
Contingent account .....	1,061	5	2½
Incidental expenses .....	59	7	11
Interest on £66,144 8s. 10d. to 31st December, 1837, .... £1,340 0 0			
Interest on £66,144 8s. 10d. from 31st December, 1837, to 31st March, 1838, .....	992	3	3½
	2,332	3	3½
	£ 5,413	7	5¼

STATEMENT, *shewing amount of Tolls collected, with Hydraulic Rents, with remission of Tolls, 1837.*

	£	s.	d.
Gross amount of tolls collected .....	£5,516	4	4
Remission of tolls .....	45	1	3½
Amount of hydraulic rents .....	5,471	1	2½
	945	0	0
	£ 6,416	1	2½
Amount of income for 1837 .....	£6,416	1	2½
Cost of administration, with interest .....	5,413	7	5¼
	£1,002	13	9¼
Dividend on £117,800, at $\frac{8\frac{5}{8}}{100}$ per cent .....	1,001	2	0

Examined with the original.

J. S. MACAULAY,  
President, W.C.C.

**C.**

STATEMENT, *shewing the amount of salaries, contingencies and incidental expenses, with interest on Debentures, for 1838.*

	£	s.	d.
Salaries of Superintendent, Secretary and Book-keeper .....	666	13	4
Salaries to Toll-Collectors .....	394	10	8
Wages to Lock-Tenders .....	904	12	11
Contingent account .....	901	8	3½
Incidental expenses .....	73	8	3½
Interest on £66,144 8s. 10d. from 1st April to 31st December, 1838 .....	2,976	9	1½
Interest on £4,871 19s. 5d.—Loan of Bank of Upper Canada—(£2,235 repaid) .....	74	6	8
	£ 5,991	9	3½

STATEMENT, *shewing amount of Tolls collected, with remission of Tolls, and Hydraulic Rents, for 1838.*

	£	s.	d.
Gross amount of tolls collected .....	£6,740	13	10
Remission of tolls .....	9	13	10½
Amount of hydraulic rents .....	6,730	19	11½
	1,032	10	0
	£ 7,763	9	11½
Amount of income for 1838 .....	£7,763	9	11½
Cost of administration, with interest .....	5,991	9	3½
	£1,772	0	8
Dividend on £117,800, at 1½ per cent .....	1,767	0	0

Examined with the original.

J. S. MACAULAY,  
*President, W. C. C.*

**D.**

(Copy.)

ST. CATHARINES, 16th *November*, 1838.

To JOHN S. MACAULAY, Esquire, *President of the Welland Canal Company.*

SIR,

I have the honour to acquaint you, that in compliance with the wish of the Board, I proceeded up the Grand River to Cayuga, for the purpose of ascertaining the practicability of clearing a direct boat channel along the verge of the marshes; of forming a towing-path thereto; and how far the plans and estimates furnished by Mr. Murray for these objects were applicable and just.

Mr. Murray's idea was to follow the Dunnville side of the river, from that village to Downey's Point, about one and a half miles: there to cross over to the south side, and follow along the verge of the main land to Cayuga; sinking, chopping and grubbing, were necessary, and forming a towing-path throughout—in the principle of which I agree. But in our estimates there will be perceived a wide difference—owing chiefly, I apprehend, to his calculations being founded on the lowest summer prices; mine on the increased expense of executing such work in winter, which is the season this must necessarily be done in.

The objection to crossing the river at Downey's Point, where it is both wide and deep, will at once strike the Board; but the advantages are—a curtailment of some miles in the distance is effected: some bends in the river are avoided, where, from the exposed situation, and the prevalence of westerly and south-westerly winds, boats and rafts get wind-bound frequently for days: and the sheltered shore becomes the line of the channel thence to Cayuga. At present a boat or scow coming down with wheat, plaister, &c. and from the interior of the country, after having probably waited for some days for calm weather, must be poled down the entire of the distance—crossing the river at several places in upwards of 20 feet water, and often (as mentioned before) delayed a considerable time in the exposed bends of the river.

It would be unnecessary for me to dilate upon the vast importance of affording every practicable facility to the carriage down, by water, of the agricultural and mineral produce of the great and fertile vale of the Grand River, and of the adjacent (especially the western) tracts, as well as for the accommodation of the merchants of that District, in getting up their merchandize. It is still less necessary to point out the immediate advantages which will accrue therefrom to the Welland Canal Company. Under this impression, and conceiving that one of the first steps of the Board (when the fiscal circumstances of the Company enabled them)

would be to improve the portion of the river under their control—namely, from Dunnville to Cayuga—I made a minute estimate, embracing all the work necessary ultimately to open a good and direct boat channel, 24 feet wide at bottom, and with 4 feet depth of water in the shoalest part, together with a towing-path of 8 feet in width—properly formed throughout, and having sufficient bridges over all the creeks in its course; but seeing how much the trade would be encouraged at present, even by the clearing of the channel, I have estimated that portion of the work distinctly.

By reference to the accompanying estimate, you will perceive, that to open this channel properly I calculate would cost \$4,477 80 cents; and the expense afterwards of completing the entire, towing-path, bridges, &c. \$5,491 33 cents—total, \$9,969 13 cents. I have put down liberal prices, and probably such as will exceed what the work may be done for. The estimates are founded upon the principle of obtaining the required depth, without rising the dam at Dunnville.

I trust the Board will not consider it irrelevant, my drawing their attention to the strong and natural ties which connect the Grand River navigation and the Welland Canal. The vast importance of which latter work, whether considered in a provincial or national, a civil or military, point of view, every succeeding hour more fully establishes; that the best policy points to the immediate assumption by Government of the entire control over and completion of this Canal, with its terminating harbours, docks, &c. no one can doubt—the reasons for so doing are many and unanswerable, and equally applicable to the obtaining the command over, and amalgamating with it, the Grand River navigation: which, in fact, is but a continuation of the former, for 50 miles into the heart of the country; by so doing, the entire could be easily under our management—the tolls and expenses thereby much reduced.

I have the honour to be,

SIR,

With great respect,

Your very obedient Servant,

(Signed) HAMILTON H. KILLALY,  
C. E., A. M. &c.

A true Copy.

J. S. MACAULAY,  
President, W.W.C.

ESTIMATE of the cost of clearing a Boat Channel on the Grand River, between Cayuga and Dunnville, and of forming a Towing-path thereto.

	Clearing Channel.		Towing-path.	
	Dollars.	Cents.	Dollars.	Cents.
Section 1—From Dunnville to Downey's Point, 480 rods.....	1535	00	1342	18
" 2—Downey's Point to Pharr's Creek, 293 rods.....	288	00	356	60
" 3—Pharr's Creek to Moor's house, 490 rods.....	1010	00	353	20
" 4—Moor's house to near the end of the Island, 99 rods.....	946	40		
" 5—Thence to the Widow Brazer's, 490 rods.....	316	00	884	75
" 6—Thence west, 126 rods.....	206	40	285	50
" 7—Thence to the Dry Gully, 421 rods.....	128	00	84	20
" 8—Thence west, 383 rods.....	48	00	589	90
" 9—Thence to Cayuga Bridge, about 4 miles.....			1745	00
	\$4477	80	\$5491	33

**ABSTRACT.**

To clear the Channel .....	Dollars.	Cents.
To form the Towing-path .....	4477	80
	5491	33
	\$9969 13	

(Signed) HAMILTON H. KILLALY,  
C. E., A. M. &c.

A true Copy.

J. S. MACAULAY,  
President, W. C. C.

## F.

WELLAND CANAL OFFICE,  
St. Catharines, 20th December, 1838.

SIR,

I have to report, for the information of the Board, that the navigation of the Canal ceased, in consequence of the severe weather, about the 1st instant, and that during the past season no delay or interruption to the passage of vessels through it has occurred, worth mentioning. This is the more satisfactory, as the summer was unusually dry; and though on most of the American Canals a difficulty was experienced in keeping the levels full, I felt none here, beyond enforcing strictly the rules respecting the water used by mills, and seeing that the dam and waste-weirs at Dunnville were kept as tight as possible. I have thought it proper to mention this, because it is the first time since the Canal was in use, that during a very dry season the levels have been kept up to their proper height, and many persons have argued in consequence, that the Grand River could not be relied on to supply a sufficiency of water at all times.

The Secretary's returns will shew an increase of income over that of last year, and this increase would have been considerably greater, had it not been for the affair at the Short Hills, which took place in the busiest time of the season. Indeed it was only by repeated assurances on my part, of the perfect safety of this route, notwithstanding that event, that the Forwarders in Oswego and Cleveland continued to send their property and vessels by it;—and I am now assured by my correspondents at those places, that if no similar cause for alarm exists next year, and the Canal is in order to open early in the spring, the business we may expect from them will be greater than in any former year.

Of the expenditure on the Canal during the past year, a very large portion was applied to repair the damage done to the piers at Port Colborne and at Port Dalhousie, by a severe gale, early in 1837, the cost of which was heavy, in consequence of having to do the work partly during the winter, and without any previous preparation. The sum of £2188 7s. 3d. was expended at Port Colborne, principally on the piers, 573 feet of which had to be re-built—most of it 16 feet in height. The light-house also was much injured by the same gale, and has been repaired. At Port Dalhousie, the whole of the east pier was more or less injured;—1,245 feet in length was re-built, to a depth varying from 8½ feet to 3. The west pier required 685 feet in length, by four in depth. The light-house was entirely destroyed, and has been replaced by a frame one, that will answer the purpose for many years. The lock and waste-weir at this place, (No. 1,) have also been thoroughly repaired, so that all our work at this end of the Canal and at Port Colborne, are in better order than they have ever been, and will, I trust, remain so without any further expense for several years. The piers have been covered with three inch plank, well fastened—which, besides adding much to their strength, will prevent the stones from washing out as they did heretofore. At this port the Steam-Dredge was employed from the 4th June to 1st November, at a great expense certainly; but there was no other way of removing the vast quantity of stone and timber washed into the channel by the gale in December, as before mentioned. The whole space between the piers, from the lock to their outer end, was also deepened—leaving two feet of water more than we had before, an improvement that has been long necessary. There have been used in repairing the piers and lock at this place, 44,000 feet of square timber; 22,000 feet of three-inch plank; and 820 cords stone, (besides those recovered by the Dredge.) The sum expended in these works, and on the towing-path between locks No. 1 and 2, amounts to £3,285.

At Dunnville, the expenditure for the past year amounts to £817 16s. 5d.; this includes the cost of a new waste-weir, of 150 feet in length, built substantially, and capable of discharging a much greater quantity of water than any of the others. A flume for regulating the head of water has also been framed, and partly finished; and 186 cords of stone delivered for repairing the dam and waste-weir. Thus, of the sum of £9,114 13s. 4d. expended in repairs during the past year, £6,291 3s. 8d. has been applied to the repair and construction of works that may be considered as permanent, and not likely to require any further outlay for some years.

The expense of keeping the locks generally in repair, has been less than in former years, though inevitably, very considerable. Thirty-three new gates have been hung during the past season, and seventeen more built, and on hand for future use; these will replace nearly all those which are likely to fail, and lessen this item of expense for some years to come.

The towing-path on such parts of the Canal as are not to be abandoned, has been put in good order, and 5,000 feet of square timber used in facing it, where most exposed to the action of the water; at present, I see nothing to prevent the Canal opening next spring, as early as vessels can come to it. The only repair required, of any magnitude, is at lock No. 17, the lower end of which must be re-built; this we are now doing and will finish in March. Some of the other locks may require more trifling repairs, and will be attended to in good season.

I think it proper to inform the Board, that I have been repeatedly asked by persons living on the Grand River, when the lock at Dunnville will be commenced and finished; it is certainly of great importance to them, and I assure them it will be the first work undertaken when the funds are obtained.

It is unnecessary, I am aware, to remind the Board of the importance of replacing the fast-failing wooden locks with substantial stone ones, as contemplated by the Legislature; but witnessing, as I constantly do, the absolute waste of money in re-building parts of locks with the same perishable material, I feel it my duty to take every opportunity of expressing the hope, that you will impress on the Executive and Legislature, the urgent necessity of obtaining money to commence the new work, with the least possible delay.

The Secretary's statement, which accompany the accounts, will shew minutely what has been the business of the past season. I will therefore merely mention, that 686 vessels have passed through the Canal, (27 more than last year,) besides 89 others of a large class, which took in cargoes of timber and stones at Port Dalhousie, for the lower ports; that some of the American vessels have made no less than nine trips from Oswego to Cleveland, and back, which is more than was ever done during any former season; and that a British vessel, with a detachment of troops on board, made the passage from Amherstburgh to Toronto in three days and a half. These facts, and the repeated assurances that I have had from my correspondents in Cleveland and Oswego, of their perfect satisfaction with the state of repair in which the Canal has been kept, are the best proofs I can offer that nothing has been omitted on my part, or those acting under me, which could tend to promote the prosperity of this great public work, since it was committed to my charge.

Yours, &c.

W. B. ROBINSON,  
Superintendent, W. C.

To J. S. MACAULAY, Esq.  
President, W.C.C.

G.

BALANCE SHEET of the Welland Canal Company's Books, to 30th November, 1838.

		Dr.			Cr.		
		£	s.	d.	£	s.	d.
1	Cash on hand, 30th November, 1838.....	158	3	4 $\frac{1}{2}$			
3	Estimates (or bills of work, &c.)..... (1) ..	9,962	2	9 $\frac{1}{4}$			
5	Contingencies ..... (2) ..	975	7	10			
7	W. H. Merritt .....	11	2	1			
8	John Clark, his account .....	735	0	10			
9	Alexander Macdonell .....	153	2	6			
10	Real Estate .....	283	15	0			
11	Office at Port Colborne.....	87	10	0			
12	Robert Townsend, (settled in December) .....				10	1	10 $\frac{1}{2}$
13	Office at St. Catharines.....	356	10	0			
16	Suspense account, (all the old balance of account from 1832) .....	42,663	19	9			
17	Henry Higgins (settled in December).....				8	14	0 $\frac{1}{2}$
18	S. H. Farnsworth .....	317	12	10			
20	Andrew Thompson, (settled in December) .....				90	12	0 $\frac{1}{2}$
22	James Black, (Collector) .....	391	17	3 $\frac{1}{2}$			
23	Alexander Macdonell, Agent for Hydraulic Company.....	1,250	0	0			
24	W. B. Robinson (settled) .....				54	5	0
26	John Clark, Collector of accounts .....	6	9	11 $\frac{1}{2}$			
27	Lands and Hydraulic Works.....	20,000	0	0			
30	John Calaghan, (Collector).....	7	0	9 $\frac{1}{2}$			
Carried forward, .....		£77,359	15	0 $\frac{1}{2}$	£163	12	11 $\frac{1}{2}$

BALANCE SHEET of Welland Canal Company's Books—(CONTINUED.)

		Dr.			Cr.		
		£	s.	d.	£	s.	d.
	Brought forward.....	77,359	15	0½	163	12	11½
32	David Thompson .....				109	16	7
33	Notes payable.....				10	12	5
34	George Keefer, Senior .....				7	6	1
35	Government of Upper Canada, to be transferred to the stock-book .....				66,144	8	10
37	Tolls, 1837.....				3,072	0	0
38	Grand River claims.....				214	8	5
40	James Booth, (settled in December).....				14	0	0
41	William Hanin, ditto, .....				8	0	0
42	Richard M. Boyle, ditto, .....	13	16	11			
44	Richard Fluallan, (settled).....				14	0	0
45	Jonathan Woodhall, ditto, .....				7	10	0
46	Casper Bradley, ditto, .....				14	0	0
47	One Dollar Notes, A. (amount outstanding 30th November).....				50	15	0
48	One Dollar Notes, B. ditto, .....				57	10	0
49	Five Dollar Notes, ditto, .....				206	5	0
50	Ten Dollar Notes, ditto, .....				200	0	0
52	J. Helmes .....				1	2	6
53	William Chace, (settled).....				5	0	0
54	John Tinline, ditto, .....				5	0	0
57	S. R. Squier.....				2	14	3
58	Richard Collier, (settled).....				83	10	9
59	H. B. Ostrom, ditto, .....				140	10	5½
60	Francis Smiley, ditto, .....	0	13	1½			
63	John Betty, ditto, .....				72	2	0½
64	Gideon Grisdale, ditto, .....				5	14	11½
68	Tho's. Robertson, ditto, .....				1	0	5
69	John Toyne, ditto, .....				38	5	5½
70	Postage account, ditto, .....				4	6	0½
74	Interest..... (3) .....	50	8	9½			
76	George Prescott, (settled).....				50	0	0
77	Jacob Keefer .....	2	9	2			
80	Thomas Read, (settled).....				1	10	0
91	Tolls, 1838..... (4) .....				5,424	1	4½
93	Incidental expenses, (settled).....				4	10	3
101	Salaries..... (5) .....	1,279	3	4			
109	Thomas Read, black-smith, (settled).....				1	1	3
117	Stephen and Andrew Boyle, ditto, .....				6	0	0
124	Detroit Morning Post .....				0	10	0
127	Alonzo Sweet, (to account of work).....	50	0	0			
128	William Murray, (balance of account paid into Court).....	3	1	9			
133	Ridout, Brothers & Co. ....				2	19	2
144	Joseph Taylor, (settled).....				7	0	0
145	Bank of Upper Canada (loan account).....				2,646	19	5
146	Steam-Dredge, (settled).....	895	1	1			
151	H. H. Killaly, ditto, .....				180	3	0
153	Engineer's time, ditto, .....				53	10	0
154	Sampson Smiley, ditto, .....				14	14	4½
156	Cha's. Henderson, ditto, .....				2	0	1½
157	Francis Ramsay, ditto, .....				33	12	7½
158	Joseph Hudson, ditto, .....				7	10	0
159	Elizabeth Walker, ditto, .....				2	0	0
161	A. G. Robinson, ditto, .....				37	10	0
175	James Secord, Senior Collector .....	17	14	10½			
176	Lands and Hydraulic Rents..... (6) .....				48	9	9
177	Government account (expense at Port Colborne, in November).....	55	10	2½			
182	W. H. Sanderson (settled in December).....				2	2	3½
183	Awards .....	30	0	0			
184	Alexander Cristy, (settled in December).....				77	3	0
143	Henry Rowsell.....				0	15	6
		£79,257	14	3½	£79,257	14	3½

(Signed) G. PRESCOTT,  
Secretary.

St. CATHARINES, 1st December, 1838.

Compared with the original.

J. S. MACAULAY,  
President, W.C.C.

No. 1.

BILLS OF WORK AND MATERIALS.

		£	s.	d.			£	s.	d.	
12	Robert Townsend .....	407	15	1		Brought forward.....	8,030	17	8½	
17	Henry Higgins .....	127	18	6	114	Oliver Phelps.....	8	2	0	
20	Andrew Thomson .....	721	14	6½	115	William Wiley.....	1	0	7	
21	John Moore .....	204	16	2	116	John Bessy.....	0	17	6	
22	James Black .....	14	0	0	117	Step. & And. Boyle.....	108	9	3½	
28	George Coventry.....	110	10	0	118	Moses Cook .....	21	3	9	
31	H. Mittleberger.....	10	15	0	119	John Boyle, Jun'r.....	153	6	3	
34	George Keefer, Sen'r.....	1	10	9	120	Michael Hunt .....	0	6	9	
36	Rosewell O'Brian.....	24	15	7½	125	Elijah Shotwell .....	25	0	0	
42	Richard M. Boyle .....	140	2	0	127	Alonzo Sweet.....	2	13	9	
43	John Grabel .....	9	3	3	128	William Murray.....	181	18	3	
44	Richard Fluallan .....	3	12	6	129	Capt. John Moore.....	67	2	9	
45	Jonathan Woodhall .....	54	1	6	130	John G. Stockley.....	14	8	0½	
52	J. Helmes.....	26	8	4	133	Ridout, Brothers & Co. ....	168	17	6	
53	William Chace.....	34	16	11½	134	Solomon Bebe .....	192	4	5	
54	John Tinline .....	11	18	9	135	Edward Welsh .....	108	0	9	
55	Nathan Powling .....	0	15	0	136	William Sensebaugh.....	25	7	1½	
57	S. R. Squier.....	7	15	4½	137	Jesse Lacy .....	7	18	0	
58	Richard Collier .....	821	2	3	138	J. L. Wilkins .....	10	0	0	
59	H. B. Ostrom.....	2,195	16	8½	139	John Bruce.....	1	7	6	
60	Francis Smiley .....	170	11	1½	140	Thomas Towers & Co.....	31	10	9	
62	John Adams .....	1	17	6	141	Patrick McCoy .....	27	13	9	
63	John Betty .....	906	12	1½	142	George Marlait.....	0	7	6	
64	Gideon Grisdale.....	3	11	6½	146	Steam Dredge.....	162	16	7	
65	John Kerr.....	3	2	2½	147	John Meed .....	56	5	0	
66	Jacob Finney .....	1	9	4½	148	John Patterson.....	14	5	11	
67	G. Kykert & Co.....	66	8	11½	149	J. Flander.....	3	0	0	
68	Thomas Robertson.....	9	9	10½	151	H. H. Killaly .....	18	8	1	
69	John Toyne .....	218	16	9½	153	Engineer's time .....	130	18	9	
78	Dilly Coleman .....	3	16	3	154	Samson Smiley.....	101	12	3	
79	John Boyle, Sen'r.....	233	1	3	155	D. Graham.....	2	0	0½	
80	Thomas Read.....	16	3	1½	156	Charles Henderson.....	7	4	2	
81	Vandegar & Young .....	1	10	5	157	Francis Ramsay.....	153	0	0½	
82	Stephen Boyle .....	76	4	3	163	Silas Vandegar .....	2	18	3	
83	T. Reynolds.....	7	0	3	164	Waight & Buggins.....	4	0	7½	
84	John O'Connors.....	26	10	0	165	James Burtch .....	32	12	6	
85	Adam Gould.....	0	12	6	166	Jacob Cline .....	6	5	0	
86	W. C. Chace.....	17	9	1½	167	D. B. Grenville .....	2	5	0	
87	Robert Dittrick .....	2	10	0	168	A. M. Mills .....	6	6	3	
88	John Johnson.....	7	8	9	171	David Williams .....	10	10	0	
89	James Copeland .....	19	13	11	172	John Peart .....	2	13	1	
90	D. Emitt.....	0	10	4½	173	John Meisner .....	9	7	6	
100	Baird & Killaly .....	893	3	6	178	Jacob Noble .....	0	8	5	
103	John Martindale.....	53	11	7	179	Christopher Willson.....	3	3	1½	
104	Thomas O'Brian .....	1	10	0	180	Andrew Lyons .....	1	15	5	
105	David Thorburn.....	10	10	5	181	Johnson Orr.....	7	1	8	
106	John Sheldon .....	11	7	6	182	W. H. Sanderson.....	2	2	3½	
107	Richard Boyle .....	4	10	0	184	Alexander Cristy.....	77	3	0	
108	William Wright .....	6	19	9½			£	10,007	16	10½
109	Thomas Read, (Blacksmith).....	9	11	4½		Sundry sums received for timber, stone, &c. at the Credit.....		45	14	1
110	Bassnet Dell .....	91	11	2½						
113	Jonathan Collier .....	224	4	4						
	Carried forward .....	£8,030	17	8½		Balance as per Sheet, £	9,962	2	9½	

Examined with the original.

J. S. MACAULAY,

President, W. C. C.

No. 2.

CONTINGENCIES.

	£	s.	d.	
7 W. H. Merritt .....	22	10	0	Expenses as Agent in 1856.
14 Hiram Leavenworth .....	14	14	9	Printing, &c.
15 Ogden Creighton .....	36	15	0	Director's expenses.
22 James Black .....	83	10	4½	Sundries, as Collector at Port Colborne.
24 W. B. Robinson .....	52	11	3	Sundries.
26 John Clark, Collector of accounts,	32	17	8	Sundries, as Collector at Port Dalhousie.
66 Jacob Tining .....	6	15	0	Painting, &c.
70 Postage account .....	21	8	1½	
71 Directors' expenses .....	155	15	5	
72 E. J. Barker .....	3	7	1	Advertising.
73 John Vanderburgh .....	1	4	6	Hay in 1837.
75 P. G. Beaton .....	0	15	0	Allowance for damage to a schooner, and taken as tolls.
93 Incidental expenses .....	73	19	6½	Of this, £35 for towing Steam-Dredge to Port Dalhousie.
94 E. Lesslie & Sons .....	9	19	0½	Stationery.
95 Patrick Burns .....	5	16	6	Office Porter, to 31st May, 1833.
98 Daniel Hains .....	10	6	3	Horse hire.
102 John Lyons .....	1	5	0	Registering deed.
103 John Martindale .....	9	11	3	Allowance to be made yearly on an award.
111 Thomas Bentley .....	0	5	0	Advertising.
112 Commercial Advertiser .....	0	5	0	Advertising.
121 Robert Stanton .....	30	7	11	Advertising, and Stationery.
123 Salisbury, Manchester & Co. ....	0	5	0	Advertising.
124 Detroit Morning Post .....	0	10	0	Advertising.
126 Engineers' expenses .....	34	0	0	1837.
143 Henry Rowse .....	5	14	7½	Stationery.
150 Thomas McIntyre .....	6	15	8	Joiners' work for the engineers.
152 Ogle R. Gowen .....	0	9	11	Advertising.
155 D. Graham .....	1	0	6	Sundries.
159 Elizabeth Walker .....	6	0	0	Cleaning Office, from 1st June.
160 William Robinson .....	2	0	0	Horse hire.
161 A. G. Robinson .....	1	15	7½	Assistant engineer.
162 Thomas McChesney .....	1	10	0	Horse hire.
169 Robert Turneaux .....	15	0	0	Boat for the engineers, at Port Dalhousie.
170 Law expenses .....	231	16	9	
174 Thomas Dalton .....	15	0	1	Advertising, principally in 1837.
140 Thomas Towers .....	5	10	0	Stove for engineers' office.
<i>The following sums entered direct,</i>				
<i>per Cash-book :</i>				
F. Hall, 14th April .....	4	0	0	By order of the Board Minute-book, f. 66.
J. Vanderburgh, 18th August .....	20	0	0	Last instalment on widow Shaver's bond, Minute-book, f. 78.
	£975	7	10	

Examined with original.

J. S. MACAULAY,  
President, W. C. C.

No. 3.

INTEREST.

		£	s.	d.
1838.	Interest received from the Bank of Upper Canada, on the balance due the Company,			
January, .....	1st January, 1839, .....	103	15	11½
	Interest on Welland Canal Notes redeemed this month, per cash book, .....	£ 2	10	8
	Do. do. do. per Bank U. C. and Bank of the People, .....	9	6	0
	Do. do. do. per W. H. Merritt, .....	7	0	0
	Do. do. do. per Collector at Port Colborne, .....	2	9	2½
February .....	Do. do. do. this month, per cash, .....	5	1	10½
	Do. on award to John Helms, .....	15	0	0
March, .....	Do. on balance of S. Street's account, .....	5	10	8
	Do. on Welland Canal Notes redeemed this month, per cash, .....	7	14	2
April, .....	Do. do. do. do. do. ....	4	7	5½
May, .....	Do. do. do. do. do. ....	4	3	8½
June, .....	Do. do. do. do. do. ....	1	16	3
	Discount on \$58 Michigan Notes, at 5 per cent., .....	0	14	6
		65	14	5½
	Carried forward, .....	£ 169	10	5

INTEREST—(CONTINUED.)

		£ s. d.	
1838.	Brought forward,.....	£65	13 9½
June,.....	Discount on President's Note of £300, a 90 per cent. of 20th June,.....	4	11 9
July,.....	Do. do. do. £500, a 90 " of 7th July,.....	7	12 11
	Interest paid Elijah Shotwell, per order of the Board,.....	3	15 0
	Do. on Welland Canal Notes redeemed this month, per cash,.....	0	17 6½
August,.....	Do. do. do. do. ....	3	8 3¼
	Discount on the President's Note of £1425, a 90 per cent. of 8th August,..	21	15 8
September, ..	Interest on Welland Canal Notes redeemed this month, per cash,.....	2	11 0
October,.....	Do. do. do. do. ....	1	18 9
	Discount on the President's Note of £1200 a 90 per cent. of 8th October, 18	6	11
November, ..	Do. do. £1446 19s. 5d. a 90 pr. ct. of 9th Nov. 21	19	5
	Interest on Welland Canal Notes redeemed this month, per cash,.....	1	13 0½
		154	4 9½
Balance at the Debit of Interest,.....		£	50 8 9½

Examined with original.

J. S. MACAULAY,  
President, W. C. C.

No. 4.

TOLLS OF 1838, SHEWING THE NETT PROCEEDS FOR THAT YEAR.

		£ s. d.				£ s. d.	
To Salaries to Collectors & wages to Lock-Tenders, for Dec. 1837, and Jan. 1838,	64	16	5	By amount collected in April .....	134	19	3½
To do. do. Feb'y. and March,	63	16	6	By do. do. May .....	953	17	11½
To do. do. April .....	137	0	0	By do. do. June .....	1,078	12	10½
To do. do. May .....	138	5	0	By do. do. July .....	955	11	8½
To do. do. June .....	138	0	0	By do. do. August .....	842	1	5¾
To do. do. July .....	138	5	0	By do. do. September .....	851	11	0¾
To do. do. August .....	139	10	0	By do. do. October .....	1,247	8	7½
To do. do. September .....	160	5	0	By do. do. November .....	676	10	10½
To do. do. October .....	155	10	0				
To do. do. November .....	141	15	0				
To do. to Collectors at Chippawa,	22	0	8				
To error per clearance No. 6, in June, at St. Catharines.....	0	2	3				
To return tolls per schooner <i>Ottawa</i> , with Government stores.....	7	0	0				
To do. on 50 cords fire-wood, for Steam-Dredge .....	1	13	9				
To do. per schooner <i>Amelia</i> , loaded at Port Dalhousie .....	0	7	6				
To do. per schooner <i>Lewis Goler</i> , over-charge on coals at Port Dalhousie ..	0	10	4½				
To error, over-credited A. Thompson, at Dunnville .....	7	15	0				
To balance, as per Ledger, f. 91.....	5,424	1	4½				
		£6,740	13 10			£6,740	13 10

MEMORANDUM.

Cleared at Port Colborne, in December :

13,690 bushels Wheat,  
5 barrels Fruit,  
5 tons Hides.

Tolls amount to £77 3s. 1½d. not at the credit of the above account.

Examined with original.

J. S. MACAULAY,  
President, W. C. C.

No. 4.

<b>COLLECTORS.</b>		£ s. d.	£ s. d.
22	James Black .....	127 10 0	
26	John Clark .....	126 10 0	
20	Andrew Thompson .....	83 10 0	
132	Duncan McFarland .....	18 15 0	
130	John Calaghan .....	16 5 0	
175	James Secord, Senior .....	22 0 8	
			394 10 8
<b>LOCK-TENDERS.</b>		£ s. d.	£ s. d.
40	James Boothe .....	116 13 3½	
41	William Hanin .....	78 13 2	
42	Richard M. Boyle .....	9 6 8	
44	Richard Fluellan .....	128 13 2½	
45	Jonathan Woodhull .....	69 16 8	
46	Caspar Bradley .....	116 13 3½	
53	William Chace .....	48 0 0	
54	John Tinline .....	49 0 0	
59	H. B. Ostrom .....	69 16 8	
62	John Adams .....	29 0 0	
64	Gideon Grisdale .....	55 19 11½	
73	John Vanderburgh .....	12 10 0	
120	Michael Hunt .....	35 0 0	
144	Joseph Taylor .....	49 0 0	
158	Joseph Hudson .....	36 10 0	
			904 12 11
			£1,299 3 7

Examined with original

J. S. MACAULAY,  
President, W. C. C.

No. 5.

SALARIES, 1838.

	£ s. d.	£ s. d.
24 W. B. Robinson, from 1st October to 31st December, 1837, at £400 per annum, For 1838 .....	100 0 0 400 0 0	500 0 0
75 P. G. Beaton, from 1st October to 31st December, 1837, at £200 per annum, 1st January to 28th February, 1838 .....	50 0 0 33 6 8	83 6 8
76 George Prescott, 1st November to 31st December, 1837, at £200 per annum, For 1838 .....	33 6 8 200 0 0	233 6 8
15 H. H. Killaly, Engineer to the Company, at £600 per annum, from 15th May to 31st December, 1838 .....	375 0 0	£816 13 4
16 A. G. Robinson, Assistant Engineer, at £150 per annum, from 1st June to 31st December, 1838 .....	87 10 0	462 10 0
		£1,279 3 4
Of which, £183 6s. 8d. belong to the year 1837. £1095 16s. 8d. do. do. 1838.		

Examined with the original

J. S. MACAULAY,  
President, W. C. C.

No. 6.

RECEIVED FOR LANDS, AND HYDRAULIC RENTS, 1838.

	£	s.	d.
Received from H. Vanalstine, in full for Lot No. 6, west side of Canal, at Port Robinson, .....	12	1	11
Received from Andrew Thompson, rent of Mill, for 1837, .....	37	10	0
Received from J. H. Lacy, in full for Lot No. 6, east side of Canal, at Port Robinson, .....	10	1	6
Received from John Graybiel, to amount of rent, .....	59	14	6½
Received from Luke Carroll, rent for two fields, from 1st January, 1836, to 31st December, 1838, at £6 5s. per annum, .....	18	15	0
Received from the St. Catharines Water-power Company, rent, .....	187	10	0
	£	325	12 11½
Deductions all owed in 1838, .....		277	3 2½
	£	48	9 9
<b>DEDUCTIONS AS ABOVE.</b>			
Interest paid Merritt, Creighton & Co. per Bank of Upper Canada, 13th Sept'r. 1837, £100 14 11			
St. Catharines Water-power Company, .....	150	11	7½
John Grabiel, .....	25	16	8
	£	277	3 2½

Examined with original.

J. S. MACAULAY,  
President, W. C. C.

H.

COMPARATIVE STATEMENT of Tolls collected on the Welland Canal, from the year 1834 to 1838.

YEARS, .....	1834.	1835.	1836.	1837.	1838.
AMOUNT, .....	£ 4300 8 5¼	5807 5 11½	5754 12 3½	5516 4 4	6740 13 10

Examined with original.

J. S. MACAULAY,  
President, W. C. C.

I.

COST OF REPAIRS, Engineer's Salary, with balance of expense of Survey, under 7th Wm. IV. Chap. 92.

	1834.	1835.	1836.	1837.	1838.	TOTAL Of five Years.
Cost of Repairs, ...	13,527 13 0	14,152 1 7½	13,410 19 0	27,492 17 9½	9,114 13 4½	77,698 4 10
Engineer's Salary, ...	258 15 3	340 12 1	234 18 3	508 0 6	462 10 0	1,804 16 1
Balance of expense of Survey, .....	0 0 0	0 0 0	0 0 0	0 0 0	893 3 6	893 3 6
	£ 13,786 8 3	14,492 13 8½	13,645 17 3	28,000 13 3½	10,470 6 10½	80,396 4 5

Examined with original.

J. S. MACAULAY,  
President, W. C. C.

**K.**

COST OF ADMINISTRATION OF THE WELLAND CANAL, viz—Salaries of Superintendent, Secretary, Book-keeper, and Toll Collectors; Directors' allowance for attendance, and their expenses; wages to Lock-Tenders, and Contingencies.

	1833.	1834.	1835.	1836.	1837.	1838.	TOTAL IN SIX YEARS.
	£ s. D.	£ s. D.	£ s. D.	£ s. D.	£ s. D.	£ s. D.	£ s. D.
Superintendent.....	400 0 0	400 0 0	400 0 0	400 0 0	400 0 0	400 0 0	2,400 0 0
Secretary.....	150 0 0	200 0 0	200 0 0	200 0 0	200 0 0	266 13 4	1,216 13 4
Book-keeper.....			150 0 0	150 0 0	150 0 0		450 0 0
Toll-Collectors, for 8 months..	335 5 0	335 5 0	335 5 0	335 5 0	335 5 0	394 10 8	2,070 15 8
Directors, and their expenses..	66 7 10	251 13 0½	135 14 4	122 5 1	219 9 11	192 10 6	988 0 7½
Lock-Tenders.....	1200 0 0	1200 0 0	1200 0 0	1200 0 0	1200 0 0	904 12 11	6,904 12 11
Contingencies.....	351 4 8½	835 18 6	477 18 4	912 10 2½	978 13 0¾	782 17 6	4,339 2 2¾
	£2502 17 6½	£3222 16 6½	£2898 17 8	£3320 0 3½	£3483 7 11¾	£2941 4 9	£18,369 4 9½

Examined with original.

J. S. MACAULAY,  
President, W. C. C.

**L.**

STATEMENT OF PROPERTY, passed through the Welland Canal, in the season of 1838, compared with that passed in the season of 1837, shewing the increase and decrease.

ARTICLES.		1838.	1837.	Increase.	Decrease.
Boards.....	.. Feet of..	1,228,780	3,343,510	0	2,114,730
Square Timber.....	Cubic feet of	232,147	106,335	125,812	0
Pipe Staves.....	.. Number of..	452,522	665,825	0	213,303
West India Staves.....	.. do.....	1,158,461	704,648	453,813	0
Shingles.....	.. do.....	88,000	508,500	0	420,500
Saw-logs.....	.. do.....	5,174	11,237	0	6,063
Barrels, empty.....	.. do.....	6,123	600	5,523	0
Bricks.....	.. do.....	13,050	5,000	8,050	0
Small packages.....	.. do.....	2	192	0	190
Passengers.....	.. do.....	645	1,213	0	568
Ploughs.....	.. do.....	12	66	0	54
Wagons.....	.. do.....	58	85	0	27
Rails.....	.. do.....	0	1,200	0	1,200
Pumps.....	.. do.....	20	0	20	0
Boat oars.....	.. do.....	70	0	70	0
Live hogs.....	.. do.....	272	0	272	0
Flour.....	.. Barrels of..	49,082	6,869½	42,213½	0
Pork.....	.. do.....	8,760½	10,395	0	1,635
Salt.....	.. do.....	101,807½	101,260	547½	0
Lard.....	.. do.....	572	288	284	0
Whiskey.....	.. do.....	274	260	14	0
Ashes.....	.. do.....	255	200	55	0
Cider.....	.. do.....	70	59	11	0
Beer.....	.. do.....	176	332	0	156
Apples.....	.. do.....	332	69	263	0
Crackers.....	.. do.....	8	2	6	0
Fish.....	.. do.....	246	393	0	47
Flax-seed.....	.. do.....	91	632	0	541
Fruit and Nuts.....	.. do.....	71	114	0	43
Bacon and Hams.....	.. do.....	see tons,	4	0	4
Corn Meal.....	.. do.....	365¾	10	355¾	0
Fishing materials.....	.. do.....	30	0	30	0
Vinegar.....	.. do.....	5	26	0	21
Water-lime.....	.. do.....	173	0	173	0
Pepper.....	.. do.....	0	1	0	1
Oil.....	.. do.....	0	1	0	1
Sugar.....	.. do.....	1	0	1	0
Oysters.....	.. do.....	0	4	0	4
Lime.....	.. do.....	0	3	0	3
Tobacco.....	.. Kegs of..	see tons,	93	0	93
Butter and Lard.....	.. do.....	842	1,699	0	857
Wheat.....	.. Bushels..	414,919½	218,242½	196,677¾	0
Corn.....	.. do.....	24,566½	47,517	0	22,950¾

2nd Victoria, 1839.] Report of Welland Canal Company. 151

STATEMENT OF PROPERTY, passed through the Welland Canal, &c.—(CONTINUED.)

ARTICLES.		1838.	1837.	Increase.	Decrease.
Barley .....	Bushels ..	730	524	206	0
Rye .....	do .....	0	1,579	0	1,579
Potatoes .....	do .....	18,663	0	18,663	0
Peas and Beans .....	do .....	160	0	160	0
Merchandise .....	Tons of ..	2,779 4 0	2,697 14 1	81 9 3	0
Grind-stones .....	do .....	75 3 0	123 10 0	0	48 7 0
Furniture and Baggage .....	do .....	137 11 0	216 10 0	0	73 19 0
Coals .....	do .....	843 15 0	755 15 0	88 0 0	0
Castings .....	do .....	91 10 0	189 15 0	0	98 5 0
Iron .....	do .....	174 9 0	112 0 0	62 9 0	0
Gypsum and Plaister .....	do .....	737 8 0	580 0 0	157 8 0	0
Bacon and Hams .....	do .....	30 7 2	42 18 0	0	12 10 2
Stone Ware .....	do .....	0 0 0	5 5 0	0	5 5 0
Hay .....	do .....	0 0 0	1 0 0	0	1 0 0
Bran .....	do .....	22 0 0	0 13 0	21 7 0	0
Rope .....	do .....	0 0 0	5 0 0	0	5 0 0
Leather .....	do .....	1 10 0	0	1 10 0	0
Lime (water) .....	do .....	121 15 0	0	121 15 0	0
Tobacco .....	do .....	101 6 0	0	101 6 0	0
Marble .....	do .....	15 0 0	0	15 0 0	0
Tobacco .....	Hogsheads of	0	560	0	560
Molasses .....	do .....	0	1	0	1
Stone .....	Cords of ..	702½	17½	685	0
Fire-wood .....	do .....	177	8	169	0
Tamarack Knees .....	do .....	5	13½	0	6½
Hoop Timber .....	do .....	20	3½	16½	0
Skiffs .....	Number of ..	3	1	2	0
Schooners .....	do .....	769	718	51	0
Boats and Scows .....	do .....	518	769	0	251
Rafts .....	do .....	76	62	14	0
Tonnage .....	Amount of ..	95,377	80,697	14,700	0
Tolls collected .....	do .....	£6,740 13 10	£5,516 4 4	£1,224 9 10	0

Examined with original.

J. S. MACAULAY,  
President, W. C. C.

P.—No. 1.

STATEMENT, shewing the principal articles of property passed UP through the Canal, from one American Port to another, in the season of 1838.

MONTH.	MERCHANDIZE.	BARRELS OF			TONS OF				PASSENGERS.
		Salt.	Pork.	Beer and Cider.	Plaster.	Coal.	Iron.	Shingles.	
April .....	Tons cwt. gra. 5 7 0	2,621	8	0	57½	0	0	0	23
May .....	237 1 0	3,884	1	159	210½	67	24 10	50 M.	110
June .....	211 2 2	11,710	1	0	54½	98	3 5	0	19
July .....	85 4 2	21,343	0	0	66½	0	0	0	39
August .....	72 7 0	13,975	0	0	13½	74	35 10	0	0
September .....	390 1 2	19,415	0	38	11½	35	0	0	19
October .....	639 6 2	15,429	0	0	59½	32½	30 0	0	2
November .....	180 15 2	5,327	16	0	55	0	30 0	0	0
Total .....	1,821 5 2	93,704	26	197	528 13	246 3	123 5	50 M.	212

Examined with the original.

J. S. MACAULAY,  
President, W. C. C.

P.—No. 2.

TABLE, shewing the principal articles of property passed DOWN through the Canal, from one American port to another, in the season of 1838.

MONTHS.	BUSHELS		BARRELS OF							STAVES.		TONS OF		Feet of Boards.	PASSENGERS.
	Wheat.	Corn.	Flour.	Pork.	Ashes.	Lard.	Flax-Seed.	Whisky.	Pipe.	West India	Coal.	Merchandise.			
April .....	7,226 0	0	299	0	0	0	0	0	0	7,500	0	0	0	0	
May .....	38,229 0	700 0	3,982	2,073	12	416 k.	520 f.	0	0	3,000	49,122	0	0	22,865 0	
June .....	38,262 30	2,993 0	2,212	1,577½	38			0	0	67,296	23,500	0	0	9,347 4	
July .....	34,002 0	3,236 0	3,113	481	26			0	0	37,099	162,042	0	0	0 0	
August .....	16,013 50	4,543 25	245	692	7			0	0	43,628	335,262	0	0	27,600 0	
September ..	37,448 39	1,733 36	1,157	0	0			0	0	43,086	79,472	0	0	0 8	
October .....	83,749 58	3,500 25	3,033½	33	0	3 k.		0	0	0	115,562	8	11 cwt.	0 0	
November .....	43,436 18	2,307 20	597	0	0			0	75	0	0	53 11	0	0 0	
Total .....	298,368 15	19,013 46	14,638½	4,856½	83	520 firkins.	419 kegs,	75	38	196,109	772,460	61½	11 cwt.	59,812 12	

Examined with original.

J. S. MACAULAY,  
President, W. C. C.

P.—No. 3.

TABLE, shewing the principal articles of property passed UP through the Canal, from one British port to another, in the season of 1838.

MONTHS.	MERCHANDISE.	Feet of Boards.	BARRELS OF						Number of Saw-Logs.	Bushels of Wheat.	Shingles.	Passengers.	Tons of Castings.
			Salt.	Beer and Cider.	Whisky.	Flour.	Pork.						
April .....	Tons. cwt. qrs. 0 12 0	0	50	0	2	220	10	0	5,110	0	0	0	
May .....	31 6 1	38,104	0	1	1	225	6	0	21,027	20,000	23	0	
June .....	143 1 2	0	435	0	6	32	3	313	6,603	0	23	0	
July .....	73 1 0	0	787	0	0	25	4	6	7,312	5,000	7	0	
August .....	164 16 1	30,000	239	2	0	10	0	55	2,800	0	31	0	
September .....	67 15 2	700	103	1	0	0	0	133	1,997	0	97	1½	
October .....	291 10 2	0	530	4	4	0	0	0	23,116	0	25	0	
November .....	138 13 3	0	2,095½	41	0	223	0	0	6,657	0	3	0	
Total .....	910 16 3	68,804	4,239½	49	13	735	23	507	74,622	25,000	209	1½	

Examined with original.

J. S. MACAULAY,  
President, W. C. C.

P.—No. 4.

STATEMENT, shewing the principal articles passed DOWN through the Canal, from one British port to another, in the season of 1838.

MONTHS.	MERCHANTISE.		Feet of Boards.	Cubic feet of Square Timber.	Saw Logs.	STAVES.		Bushels of Wheat.	BARRELS OF				Passengers.	Barrels of Flax-Seed.	Tons of Tobacco.	Tons of					
	Tons. cwt.	M.				Pipe.	W. L.		Flour.	Port.	Whisky.	Ashes.				Iron.	Plaster.	Castings.			
April .....	0	0	0	0	0	0	13,000	0	0	615	0	0	0	0	0	0	0	67½	0		
May .....	2	15	0	63,000	61,633	521	73,420	63,500	5,802	4,858	215	28½	38	41	0	0	0	5½	0		
June .....	13	15	4,000	108,250	51,598	1,345	30,526	32,050	6,056	5,314½	16	115½	22	16	0	3	12	0	48	0	
July .....	5	0	0	112,500	28,973	462	41,800	65,250	2,720	4,900½	198	48	12	62	0	0	0	7	0		
August .....	3	5	0	140,500	39,300	614	9,500	46,500	2,370	2,975	6	10	61	21	0	34	4	0	30	0	
September ...	0	0	0	820,097	6,205	473	53,942	11,991	1,008	2,071	0	21	5	21	0	0	0	10	0	18	
October .....	1	9	0	78,000	0	130	4,000	500	10,170	27	4,771	1	0	16	42	0	2	13	0	20	5
November....	0	0	0	169,550	44,438	212	1,200	0	9,315	34	7,109½	0	0	18	9	16	10	9	0	31	27
Total ....	26	4	4 M.	991,897	232,147	3,757	214,388	232,791	37,402	1	32,614½	435	223	172	212	16	50	18½	10	208½	50

Salt, barrels, ..... 34  
 Corn, bushels, ..... 100½

Examined with original.

J. S. MACAULAY,  
 President, W. C. C.

P.—No. 5.

TABLE, shewing the principal articles of Property passed UP through the Canal, from a British to an American Port, in the season of 1838.

MONTHS.	Saw Logs.	Feet of Boards.	Shingles.	Tons of Castings.	Staves. W. L.	Merchandize. Tons.
July .....	0	13,740	0	0	0	0
August .....	0	0	0	40	0	4
September.....	0	0	0	0	0	0
November.....	910	0	9000	0	25,000	0
	910	13,740	9000	40	25,000	4

Examined with original.

J. S. MACAULAY,  
 President, W. C. C.

P.—No. 6.

TABLE, shewing the principal articles of Property passed UP through the Canal, from an American to British Port, in the season of 1838.

MONTHS.	BARRELS.		Tons of Castings.	Merchandize. Tons cwt. qrs.	Tons Of Coal.	Feet of Boards.
	Whiskey.	Salt.				
May .....	0	151	0	0 0 0	0	0
June.....	0	150	0	13 9 0	0	0
August.....	0	764	0	0 0 0	0	0
September.....	0	1498	0	0 0 0	8½	0
October .....	0	100	0	0 0 0	0	0
November.....	0	1172	0	2 17 3	0	38,027
	0	3830	0	16 6 3	8½	38,027

Examined with original.

J. S. MACAULAY,  
 President, W. C. C.



REPORT OF THE COMMISSIONERS  
FOR THE IMPROVEMENT OF THE  
**NAVIGATION OF THE RIVER TRENT.**

---

*To His Excellency SIR GEORGE ARTHUR, Lieutenant Governor of the Province of  
Upper Canada, Major General Commanding the Forces therein, &c. &c. &c.*

THE Commissioners for the improvement of the Navigation of the River Trent, in the  
Newcastle District—

RESPECTFULLY REPORT :

That your Commissioners are much gratified to state to your Excellency, that since their first report the Contractors for the sections of the works under their superintendence have proceeded with much vigor, and advanced towards the completion of their undertaking in a very creditable manner, notwithstanding many difficulties they have had to contend with.

The most important of these difficulties and the most injurious to the Contractors, as well as perplexing to the Commissioners, is the great delay and uncertainty in obtaining the necessary funds for the purposes of the works.

The Legislature authorised a sum of £77,000 to be raised by debentures for this improvement, and the Commercial Bank took £28,000 of such debentures, and paid for the same; but your Commissioners regret to find that part of this money has been appropriated to other objects. In consequence your Commissioners have found very great difficulty in obtaining money to meet their engagements with the Contractors, and lately they have been unable to pay for work that has been performed, and from the number of men employed, serious loss and inconvenience have occurred to the Contractors, who will doubtless expect to be indemnified by the Province for the same at some future period.

Your Commissioners contracted upwards of a year ago for work to be done to the extent of £20,000, having understood that the sum of £28,000 had been obtained by the sale of debentures, and your Commissioners represented what they had done last year to your Excellency's predecessor, Sir Francis Bond Head, who communicated the same to the House of Assembly.

The work at Chisholm's rapids has arrived at a very advanced state; but this work, as well as that at Meyers' Island, must shortly stop, if further funds are not immediately furnished to enable the Contractors to pay their labourers.

Your Commissioners have scarcely received one-third of the £28,000 on account of this work, and trust that they may, at all events, be supplied with means to fulfil the contracts they have entered into on behalf of the public.

It is a matter of regret, that the whole of the sections from the mouth of the Trent to Percy Landing, could not be contracted for at once, as the works could then unquestionably have been performed on more advantageous terms.

Your Commissioners also regret, that from the disturbed state of the country, a less quantity of timber has gone down the River Trent than usual, on which tolls are authorised to be collected, under the Act under which your Commissioners are appointed.

The tolls collected this year, exclusive of the expenses of collection, amount to £130 17s. 10½d.; and when it is considered that the works at present afford no additional facility of transport, and so much uncertainty exists as to their speedy completion, the Commissioners deem it inexpedient to encrease the tolls which otherwise might be done.

Your Commissioners respectfully suggest that the subject of the improvement of the navigation of the River Trent, be submitted to the early consideration of the Legislature at its next Session.

All which is respectfully submitted.

(Signed,)

S. HAWLEY,  
G. S. BOULTON,  
A. McDONELL,  
CHARLES ANDERSON.  
JOHN S. CARTWRIGHT.

COBOURG, 26th January, 1839.

**REPORT OF THE COMMISSIONERS**  
**FOR THE**  
**IMPROVEMENT OF THE NAVIGATION**  
**OF THE**  
**INLAND WATERS OF THE DISTRICT OF NEWCASTLE.**

*To His Excellency SIR GEORGE ARTHUR, Lieutenant Governor of the Province of  
Upper Canada, and Major General commanding the Forces therein, &c. &c. &c.*

The Commissioners for the improvement of the navigation of the inland waters of the District of Newcastle;—respectfully Report.

That since last year the works under their superintendence have advanced so far towards completion, as to afford satisfactory proof that they will be of great benefit to the surrounding country.

The work has been performed on the different sections in such a substantial manner, as the Commissioners trust will ensure its permanency.

The lock and canal at Bobcaygean, affording a communication for boats between Sturgeon and Pigeon Lakes, are completed, and the Commissioners anticipate the collection of some tolls there next autumn, which in succeeding years, must increase very considerably. At this place, very great additional expense has been occasioned by the necessity which seems to exist, of having a much greater proportion of the Canal lined with plank than was at first deemed absolutely requisite.

Your Commissioners however, on all occasions, have deemed it advisable to have the work done in such a way as to ensure its permanency.

Your Commissioners are aware that, in framing the Act by which £16,000 was granted, for the improvement of the navigation of the inland waters of the District of Newcastle, several inaccuracies and omissions occurred, by which a sufficient sum has not been placed at the disposal of your Commissioners, to carry into effect the objects of that Act.

Your Commissioners find that the estimate of the Engineer has been misunderstood or disregarded, because, from his report prior to the passing of the Act, a larger sum was stated to be requisite to complete the works than has been granted.

Your Commissioners now learn that a further grant of £2,394 17s. 10d. will be necessary to ensure the completion of the works, as will appear by the accompanying report of the Engineer, which your Commissioners trust the Legislature will not fail to provide. Your Commissioners have laboured under much difficulty in the discharge of their duty, in consequence of the delay and uncertainty which have frequently attended their application for money to meet their engagements with the Contractors. Your Commissioners trust this will be remedied in future, as only about one-third of the sum granted remains to be paid.

Your Commissioners regret that one of the Contractors, William Hartwell, has failed in his contract for the completion of the work at Whitla's rapids, although Your Commissioners are inclined to think it will still be completed without any ultimate loss, if means can be procured to get it finished by some other person. The Contractors certainly had very great obstacles to contend with in this work, in not having found a quarry of fit stone until he had made many fruitless attempts, and incurred a very great expense for the purpose. The work at Scugog River is going on well; but Mr. Purdy, who owns the mill there, has exhibited no inclination to come to a speedy settlement of any supposed recompense he may claim for the removal of his mill, and legal measures may be necessary to be resorted to for effecting it.

Your Commissioners are very sanguine in the belief that, after the completion of all the sections of the work provided for by the said Act, it will be found that the same has been done within the sum originally estimated by the Engineer.

All which is respectfully submitted.

A. McDONELL,  
G. S. BOULTON,  
ZACHEUS BURNHAM.  
A. S. FRASER.

COBOURG, 26th January, 1839.

# REPORT OF THE DIRECTORS

## OF THE

# GRAND RIVER NAVIGATION COMPANY.

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COMPANY'S OFFICE,  
SENECA, 19th *January*, 1839.

The Directors when making their last report in February 1835, confidently expected, that long before the present period, they would have been enabled to report the successful completion of the important works under their management, and a permanent and uninterrupted navigation between lakes Erie and Ontario, and the village of Brantford, by way of the Welland Canal, by means of the contemplated lock at Dunnville, and the improvement of the Grand River. Although at that period no apparent obstacle presented itself, they regret to state that subsequent circumstances and difficulties beyond their control, prevented its accomplishment.

The Directors were much gratified to find that the Board of Directors of the Welland Canal Company, had in the fall of 1836, ordered the construction of a lock at Dunnville, with the view of opening a direct communication to lake Erie from that point, and which was commenced with a spirit that warranted a belief in its early and successful completion. The work however was suddenly discontinued in 1837, and has not up to the present moment been recommenced.

Although the navigation of the Grand River is greatly improved, and has been partially used, and tolls collected thereon for the last three seasons, it is not yet permanently completed throughout. An apron at dam No. 3; raising the embankment at the Indiana Cut from one to two feet; making a towing path from lock No. 5, upwards; removing some bars in the bed of the river, and other minor improvements, are still required to render the navigation from Cayuga to Peter Green's, perfect and permanently useful to the public.

The lateral cut from Peter Green's to Brantford, has not been commenced, and the Directors deem it imprudent to undertake that part of the work in the present state of the finances of the Company, nor would it be just to do so, until their creditors are paid, many of whom have suffered much from the unavoidable delay in paying the amounts due them.

In the Session of 1836 and 1837, the Legislature authorised a loan of £12,500 for the completion of this work, on the security of the six nation Indians and private individuals; those securities were duly entered into, and debentures were issued to the amount of £6,500 on the credit of the Province; nevertheless, all the effects to induce the Banks or any other monied institutions within the Province, to purchase those debentures have utterly failed, with the single exception of £500 taken by the Gore Bank, which enabled the Directors to liquidate a part of the most pressing debts.

On the opening of the navigation several of the dams and embankments had settled, and were in imminent danger of being swept away, and no available means at the disposal of the Company to secure them. The only alternative that presented itself to the Directors, under these pressing circumstances, was either to abandon the work or issue the Company's notes payable in one year *after* date with interest, with the hope and expectation that the Legislature would at the ensuing session adopt some more effectual means to make their debentures available. The latter was adopted, and about £1,250 of those notes have been paid out, and the work by that means is placed out of immediate danger.

The receipts and expenditures of the Company up to the present time are as follows:—

Expenditure for works, real estate, damages, &c.....	£23,500	0	0
Current expenses, including Collectors and Lock Tenders,.....	2,430	0	0
Total Expenditure,.....	£30,930	0	0
Receipt of 50 per cent. on Stock called in,.....	£24,044	0	0
Do. for Village and Park Lots sold,.....	333	0	0
Do. for tolls collected,.....	835	0	0
	25,212	0	0
Leaving a balance yet due from the Company, of.....	£ 5,718	0	0

There is due the Company,—

For lands sold, .....	£751	0	0
“ Mill rents, .....	861	0	0
“ Stock called in, .....	735	0	0
	<hr/>		
	£2,347	0	0
	<hr/>		

There will, however, be some reduction in this sum : for lands sold which are not occupied nor improved—for mill-rent remitted for certain reasons—and on stock, part of which will doubtless be forfeited to the Company ; besides, the balance which may be actually due after such reduction is made, cannot be made available for present purposes, owing chiefly to the embarrassed state of the country.

The Company will consequently have to provide means to pay the debts actually due, as above stated, amounting to..... £5,718 0 0

And the amount required to complete the navigation to Peter Green's, as per Engineer's estimate,..... 2,091 0 0

Making a total amount of ..... £7,809 0 0  
to be immediately provided for by the Company.

From the above statement, it will be seen that the cost of the improvement of the navigation of the Grand River from Dunnville, up to within two miles of Brantford, a distance of 57 miles, will not, when fully completed, exceed £33,000—a sum comparatively trifling, when compared with the great advantages which will be derived by the public from its outlay.

The Directors are aware that the magnitude and importance of this work are not sufficiently understood and appreciated. There are already erected upon this navigation, three grist-mills, and one plaister-mill, with six run of stone in operation ; fourteen saw-mills, one of which has a gang of seventeen saws ; and other lesser machinery. On completion of the towing-path by the Welland Canal Company, from Dunnville to Cayuga, (which has been surveyed,) and that part above lock No. 5, a part of which is now under contract, a continued and uninterrupted navigation will be made from Port Dalhousie, on Lake Ontario, to Bunnel's landing, near Brantford road.

The Directors are unanimously of the opinion that the public interest would be best promoted by making this a provincial work, which would in connection with the Welland Canal reduce the costs of management, and as a necessary consequence the amount of tolls. The means required to effect this important object, so far as the Company is concerned, cannot be considered a matter of much moment or as presenting any serious obstacle in the way, when it is known that the number of shares held by private individuals is only 1815, on which the whole of the fifty per cent. called in amounts to no more than £5671 17s. 6d., of which sum a little less than £5000 has been paid in.

This latter sum of £5000 is the only amount requiring immediate liquidation, in case of a transfer of the works to the Welland Canal Company or the Government. The balance of the stock being owned exclusively by the Indian Department, for the Six Nations Indians, they would doubtless be willing to accept of legal interest on the amount paid in by them, or retain an interest in the work equivalent to the amount of their stock.

All which is respectfully submitted.

WM. HAMILTON MERRITT,  
*President, G. R. N. C.*

REPORT OF THE COMMISSIONERS  
OF THE  
PROVINCIAL STEAM-DREDGE.

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To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY :

In conformity with the provisions of an Act of the Parliament of this Province, 5th Wm. 4 : chap. 30, entitled "An Act granting to His Majesty a sum of money for the purchase of a Steam Dredging Machine," and of a subsequent Act, entitled "An Act to raise a sum of money for the purpose of completing a Steam Dredge for deepening the Harbors in this Province;"—the undersigned, as the only remaining Commissioner of the Steam Dredge, begs leave to present the following as his annual Report:—

The Machine with its scows were during the winter months, put in an efficient state of repair at Port Oakville, at which harbor she again commenced dredging on the first day of May, and finished in that harbor on the last day of that month;—she left there the same day for Port Dalhousie, and continued to dredge from the first day of June to the 31st of October,—when the Welland Canal Company, by a note from its Secretary marked A, informing the Commissioner that the Company did not wish a further use of the Machine at that time, it was then towed to the dry dock on the Welland Canal, and there underwent an examination and repairs, particularly the boat, and was afterwards laid up with the scows and machinery in a suitable place in the Canal for the winter.

A copy of a report of the services of the Machine, and the sum necessary to be charged for such, is hereunto appended marked B, with the reply of the Secretary of the Board of the Welland Canal Company, marked C, and a copy of the response of the Commissioner, marked D; from all which it will appear that the sum of £166 17s. 6d. to be paid to the Commissioner, is left, by agreement of the parties, to the decision of the House of Assembly.

The accounts of the receipts and expenditure are herewith transmitted.

The undersigned begs leave to report to your Excellency, that he is the only remaining Commissioner of the Steam Dredge; one, Dr. Charles Duncombe, being attainted of High Treason, and the other, Mr. Manual Overfield, being deceased.

All which is most respectfully submitted.

DAVID THORBURN,  
Commissioner, P. S. D.

TORONTO, 13th March, 1839.

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APPENDIX

To Report of Commissioners on Provincial Steam-Dredge.

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A.

WELLAND CANAL OFFICE,  
ST. CATHARINES, 31st October, 1838.

DAVID THORBURN, Esquire,  
Queenston:

DEAR SIR,

I have this day written to Mr. Beaton, at Port Dalhousie, by order of the President of the Welland Canal Company, to inform the Master of the Steam-Dredge, that the work must

stop for this season; and I beg you will take such steps as you may think necessary for putting the Dredge into winter quarters. I have desired the Master to arrange his accounts, so as to be able to come to a settlement for the year's work.

I remain,

Dear Sir,

Your's truly,

GEORGE PRESCOTT,

Secretary, W. C. C.

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**B.**

(Copy.)

QUEENSTON, 23rd November, 1839.

SIR,

I herein enclose for the information of the President and Directors of the Company, a report and account of the services of the Provincial Steam-Dredge, in the harbour of Port Dalhousie, from 1st June to the 31st October last, both days inclusive. Will you please to lay the same before the Board, with a copy from the authenticated adopted report of the House of Assembly, on its Commissioners' duties, &c. &c. which you made therefrom;

And oblige,

Sir,

Your obedient Servant,

(Signed) DAVID THORBURN.

GEORGE PRESCOTT, Esquire,

Secretary, Welland Canal,

St. Catharines.

(Copy.)

*To the President and Directors of the Welland Canal Company.*

GENTLEMEN,

Your requisition on the Commissioners of the Provincial Steam-Dredge, for the services of the machine in the harbour at Port Dalhousie, having been complied with, the undersigned, Acting Commissioner, begs to submit for the information of the Board of Directors, the following report:—

On the first day of June last, the Dredge entered the harbour of Port Dalhousie, and immediately began to act, continuing operations to the 31st October, when ordered by your President to desist, a period of 153 days, less 22 Sundays, leaving 131 working days, and for repairs 38½ days, making 92½ days actually employed.

The Commissioners being authorised to charge a sum sufficiently to keep the machine and scows in good working condition, as will appear by the annexed adopted report of the House of Assembly, for the guidance and authority of the Commissioners;—by which it will appear that the Commissioners are authorised and required to assess a sum proportionate to keeping the machine in good working order, and in conformity with this rule and authority the acting Commissioner, after a careful examination of the accounts incident to keeping the dredge and boats in repair for the past season, at the harbor of Port Dalhousie, amounting to the sum of £144 15s. 9d., and the sum required to enable the Commissioners to put the machine in a proper state to renew operations by the ensuing spring, and to pay off a proportion of a debt due by the machine, they find that the sum of six pounds five shillings currency, per diem., for one hundred and thirty-one and a half days, be charged against the Welland Canal Company; an exhibit of the necessity of this charge is hereunto appended, which shews a balance of £74 0s. 11½d. unprovided for. The acting Commissioner deems the sum of £6 5s. currency, per day, of 131½ days, that the dredge has been at Port Dalhousie, a just and equitable sum to be charged, and payable by the Welland Canal Company, for the benefit derived by the Company from the operations of the machine.

When the extent of the piers are considered, and the nature of the materials they were composed of, that is to say, stone, timber and brush, for a length of nearly 2,000 feet, which piers, by the stormy weather during last winter, were demolished and thrown into the harbor, thereby precluding the free entrance of vessels to and from the Canal; such unusual obstacles as ridges of stone, timber and brush, in removal of which the dredge and machinery were greatly injured, besides the necessary loss of time in making repairs, and when it is considered that it could only work with one side independent of the suspension of all operations, when vessels required to pass to and from the lake,—the peculiar nature of the services will be better understood. From the above statement, the acting Commissioner is led to believe that the President and Directors will acquiesce in the views of the foregoing Report.

I have the honor to be,

Your obedient, and

Humble Servant,

(Signed.) DAVID THORBURN.

QUEENSTON, 14th November, 1838.

(Copy.)

QUEENSTON, 14th November, 1838.

The President and Directors of the Welland Company,

DR. To the Provincial Steam-Dredge.

For working at Port Dalhousie, from the 1st of June to the 31st October, 1838, or 131½ days, at the rate of £6 5s. per day.....	£821 17 6
Less, advances by the Company for repairs, &c. &c. ....	341 5 9
	<hr/>
	£480 11 9
<hr/>	
The sum of £480 11s. 9d. to be appropriated as follows, viz:	
Repair for ensuing winter, two new bucket-chains and dock repair, estimated at .....	£150 0 0
Old debt, as rendered to the Legislature .....	199 11 5½
Bill of repairs at Oakville, during the winter of 1837, 1838, per William Chisholm's account.....	148 18 0½
Black-smith's bill at Oakville, not returned to the Legislature .....	18 13 2½
Incidental expenses for the year 1838, of Commissioners, with advices of Engineer, say .....	37 10 0
	<hr/>
	£554 12 8½
<hr/>	
Leaving the sum of seventy-four pounds and eleven-pence half-penny, unprovided for by the Commissioners.	

(Signed) DAVID THORBURN,  
Acting Commissioner,  
Provincial Steam-Dredge.

COPY OF REPORT OF SELECT COMMITTEE, on Report of Commissioners of Provincial Steam-Dredge, with the adoption of the House of said Report, 16th February, 1838.

“TO THE HONOURABLE THE COMMONS HOUSE OF ASSEMBLY:

“The Select Committee to which was referred the Message of His Excellency the Lieutenant Governor, transmitting the Report of the Commissioners for purchasing a Steam-Dredge, together with the accounts and documents accompanying the same, beg leave to report:

“That they have examined the said report, accounts and documents, and are satisfied that the Commissioners have done every thing in their power in the execution of the object of their Commission. The reason assigned for the non-delivery of the Dredge and Scows before the 20th of July, by the Contractors, are satisfactorily shewn by John Jackson, Esquire, Engineer of the Grand River Navigation Company, in his letter to David Thorburn, and Manuel Overfield, Esquires, two of the Commissioners, bearing date 25th August, 1837.

“The arrangement of the Acting Commissioner with the Building Contractors, and the Desjardins' Canal Company, at the time of the delivery of the Dredge and appurtenances, was, in the opinion of your Committee, in every respect, proper and judicious. The materials taken from the Contractors, Messrs. Lyon and Howard, and brought into account by the Commissioners, amount to £125—to be paid (without interest) when funds are produced by the operation of the Dredge; also the sum of £74 11s. 5½d. as per the accounts shewn to be owing, has been audited and arranged with care. It would appear, by a letter from the Secretary of the Desjardins' Canal Company, that that Company are not disposed to recognize the whole amount charged by the Acting Commissioner, in the account current against them; and if the amount which that Company acknowledge to owe is all that in justice they ought to pay, the difference, amounting to £14 15s. 7½d. added to the amount set forth in the said account, will make the sum of £214 6s. 1d. now owing on account of the Dredge.

“Your Committee forbear to remark further on this matter, having full confidence that the Acting Commissioner will, on his part, do what will be proper and just with the Desjardins' Canal Company, in settling the same—and not doubting that the Company will, on their part, do likewise.

“Your Committee find, in Mr. Hall's report to the Commissioners, dated 26th October, 1837, much valuable information relative to an efficient management of the Dredge; but would recommend, that the Commissioners should not exact so large a sum per day as is estimated by Mr. Hall—conceiving that a sum adequate to keep the machine and its scows in proper working order, and to pay the necessary incidental expenses accruing from time to time in superintending and directing its operations, ought to be considered sufficient: as the benefit to be derived from the opening of the creeks, harbours and canals, by dredging, is manifestly more a general than a local advantage. With this view, they cannot recommend that the project of a sinking fund, for the renewal of the Dredge in ten years, should be acted upon; however, the discretion of the Commissioners must, in all cases be used, as no particular data can be laid down as a fixed rule by which to charge for the services of the machine—the work in some places being more severe for it than in others. There ought, however, always to be a sufficient fund at the command of the Commissioners, to meet unexpected breakages or necessary improvements, so that the machine may at all times be in good working order: as any interruption of its service would be attended with a heavy expense, by losing the labour of the men necessarily employed in conducting its operations.

“All which is respectfully submitted.

“E. W. THOMSON,

“CHAIRMAN.

“Committee Room, House of Assembly,

“16th February, 1838.”

“Mr. THOMSON, seconded by Mr. PARKE, moves, that the report of the Select Committee upon the Steam-Dredging Machine, be referred to a Committee of the whole House forthwith.

“Which was carried; and the House was put into Committee of the whole on the same accordingly.

“Mr. ARMSTRONG in the Chair.

“The House resumed.

“The Chairman reported, that the Committee had adopted the report.

“The report was received.”

C.

WELLAND CANAL OFFICE,  
ST. CATHARINES, 22nd December, 1838.

DAVID THORBURN, Esquire,  
*Queenston :*

SIR,

Your account for the service of the Steam-Dredge, at Port Dalhousie, was laid before the Board of Directors on the 21st; and I was desired to inform you, that they consider the sum of five pounds per day, for one hundred and thirty-one days, (which you originally mentioned as the sum you would charge,) to be amply sufficient for the work performed—and in case you do not agree to that proposition, that the matter should be left to the Legislature to settle.

An answer will oblige,  
Your most obedient Servant,

GEORGE PRESCOTT,  
*Secretary, W. C. C.*

D.

QUEENSTON, 1st January, 1839.

DEAR SIR,

I have your letter of the 22nd ultimo, which informs me of the decision of the Board of Directors, on the account I rendered against the Company, for the services of the Provincial Steam-Dredge, at Port Dalhousie; that the sum of five pounds per day, for one hundred and thirty-one days, the Board considers amply sufficient for the work performed, and cannot agree to the amount—"but that the matter should be left to the Legislature to settle."

I have no alternative but to submit to have the difference between us left to be decided by the Legislature; my report, accompanying the account, contains the reasons, and shews the necessity for my making the charge I have done. I do not admit of having given any assurance that I would not charge over five pounds per day; in some works, such a sum would doubtless be ample—the charge must obviously depend upon the result of the wear and tear incident to the performance of the job. However, the difference can be settled by the Legislature, and to this arbitrament I am content; in the mean time, will you inform me if you are prepared to pay the sum admitted—or when you will, or can do so, as the money is wanted to pay off debts that will not admit of a delay: you will oblige me by informing me of this, so that I may know how to regulate the promises of payment to parties concerned.

I am,

Dear Sir,

Your obedient Servant,

(Signed) DAVID THORBURN,  
*Acting Commissioner,  
Provincial Steam-Dredge.*

To GEORGE PRESCOTT, Esquire,  
*Secretary,  
Welland Canal Company,  
St. Catharines.*

E.

CANAL OFFICE,  
DUNDAS, 28th January, 1839.

DAVID THORBURN, Esquire,  
Queenston:

DEAR SIR,

Yours of 2nd instant, was duly received, but delayed in replying to, from the want of a meeting of the Board of Directors; I am desired by the President to say, that the amount of your claim against the Company, with interest, will be remitted you from funds to be collected latter end of next month, or early in March, by the Company's Law Agent. The amount of tolls, &c. collected by me, for last season, I found it necessary, with the advice of the Directors, to lay out in making such improvements in the Canal navigation as was absolutely wanted.

I am,

Your most obedient,  
Humble Servant,

JOHN DICKIE,  
Secretary, D. C. C.

STATEMENT of monies paid by the Secretary of the Welland Canal Company, for the services of the Steam-Dredge, in the season of 1838.

Cash paid the Steam-Dredge Master, per sundry receipts .....	£196 10 0
Cash remitted David Thorburn, Esquire, per order for the Master.....	75 15 0
Cash paid at the Canal Office, for repairs during the summer.....	160 9 11½
Cash remitted David Thorburn, Esquire .....	222 5 0½
CR. By 131 days, at £5 per day,.....	£655 0 0

I declare, that the above is truly copied from the Welland Canal Company's books.

GEORGE PRESCOTT,  
Secretary, W. C. C.

ST. CATHARINES, 20th February, 1839.

**INTEREST ACCOUNT.**

Interest on £112 8s. 8d. for 14 months .....	£7 17 7
Interest on £ 65 15s. 9½d. for 2½ months } .....	2 18 8½
Interest on £ 32 8s. 2d. for 13 months } .....	
	£10 16 3½

WILLIAM CHISHOLM, Esquire, in account with the Commissioner of the PROVINCIAL STEAM-DREDGE, for 1833.

		£	s.	d.			£	s.	d.
From 1st May, } To 31st " }	To dredging in the Oakville Harbour,.....31 days				28th Jan...	Cash paid to the Master, on account, .....	5	0	0
	Less stoppages and } .. 9¼ "				May..	Do. paid ditto, on account for himself,.....£10 13 1			
	Sundays, } .. 21½ days					For the Fire-men.. 9 12 6			
						Amount of bill of repairs during the winter, at Oakville,..	148	18	0½
9th June,..	Accepted his draft at 90 days, for..... £75 0 0						£	174	3 7½
19th Oct...	Do. do. for 25 0 0								
		100	0	0					

THE WELLAND CANAL COMPANY, in account with the Commissioner of the PROVINCIAL STEAM-DREDGE, for 1838.

From 1st June }  
To 31st Oct. } To 131½ days chargeable for the use of the Machine, at 125s. per day,..... £821 17 6  
inclusive.

Cr.

By received 100s. per day, for 131 days—(see their account herewith,) ..... 655 0 0  
Due the Commissioner,..... £166 17 6

ABSTRACT ACCOUNT.

	£	s.	d.		£	s.	d.
Amount still due Messrs. Lyon & Howard, as per account rendered in last annual return .....	125	0	0	Cash in hand of the Commissioner, as per new account .....	6	11	0
Amount still due to the Commissioner, as rendered last annual return .....	50	5	6	Balance to settle old accounts.....	168	14	6
	£	175	5 6		£	175	5 6
Amount still unaccounted for, due by the Desjardins Canal Company, as rendered in last annual return.....					52	17	9
Amount claimed by the Commissioner from the Welland Canal Company, to be decided by the Legislature, as agreed on by the parties.....					166	17	6
Amount estimated as necessary to put the Machine in a proper working condition, at the opening of the ensuing navigation.....					150	0	0
The account between Wm. Chisholm, Esquire, and the Commissioner of 1837 and 1838, not yet adjusted.....							

Errors excepted.

DAVID THORBURN,  
Commissioner.

TORONTO, 13th March, 1839.

GENERAL ACCOUNT OF RECEIPTS AND DISBURSEMENTS.

1839.	£	s.	d.	1838.	£	s.	d.
March 5, Amount of Postage acc't.....	0	13	7	Jan. 28, Received from Col. Chisholm, on account .....	5	0	0
Interest paid for discount of—'s note at 90 days, and premium for a draft on New-York, to remit the proceeds to Charles De Berard, on his account ....	3	14	2½	Mar. 6, Received from E. W. Thomson, Esquire, a draft at ninety days, for..... £69 10 0			
Amount of sundry expenses, including Stationery .....	3	6	0	Cash from ditto ....	5	10	0
Paid Cha's. De Berard, the Superintendent, in full of old acc't. with 50s. of an omission on settlement.....	111	3	11½	Sept. 8, Cash from the Welland Canal 1839. Company .....	75	0	0
Paid balance due ditto on settlement, 26th November last ....	44	11	10	Jan. 16, Ditto from ditto....	75	15	0
Paid Col. Chisholm on account of bill of repairs at Oakville, previous to renewing operations therein, on the 1st May last..... £75 0 0				Feb. 9, Ditto from ditto....	147	5	0½
Paid do. on acc't. of do. 25 0 0	100	0	0		298	0	0½
Paid Mr. Hall old account, per receipt .....	43	10	0				
Paid Joseph Clark, for a Blacksmith's bill for work in the fall of 1837, and spring of 1838, per receipt .....	18	13	2				
Paid Mr. Hall, for professional services for 1838, per receipt..	10	0	0				
Paid interest on certain debts till paid.....	10	16	3½				
Commissioner, for services.....	25	0	0				
Balance to new account .....	6	11	0				
	£	378	0 0½		£	378	0 0½

REPORT AND ESTIMATE,  
OF ENGINEER ON THE  
SURVEY OF PORT DALHOUSIE.

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HEAD QUARTERS,  
MONTREAL, 21st *January*, 1839.

SIR,

I have the honour to transmit to Your Excellency, the accompanying copy of a communication from the Secretary of State for the Colonies, requesting the General Commanding-in-Chief, in compliance with a joint Address of the Legislative Council, and House of Assembly of Upper Canada, to issue the necessary instructions, that a duly qualified Officer may be ordered to make a survey of the Harbour at Port Dalhousie, on Lake Ontario—and an estimate of the expense of improving that Harbour, so as to render it safe and commodious for steam-boats and vessels of war; and I am directed to acquaint you, that His Excellency the Commander of the Forces having selected Captain McKenzie, of the Royal Engineers, for this service, that Officer has, with considerable labour and assiduity, completed the accompanying survey and estimate, which I am commanded to forward to you, for the purpose of being submitted to the Legislature of Upper Canada.

With reference to the annexed extract of a letter from Captain McKenzie, requesting that the sum of £57 5s. 5d. Sterling, (item 4, of the estimate,) may be paid to the Ordnance Store-keeper, at Kingston, to defray the expense of the survey, I am desired to state, that as this service has been performed in compliance with the wishes of the Legislature, the Commander of the Forces does not doubt, that Your Excellency will feel authorised to advance the above sum from the Provincial funds.

I have the honour, &c.

(Signed) WILLIAM ROWAN,  
M. S.

P. S.—A copy of Captain McKenzie's letter, of the 12th December, is enclosed for Your Excellency's perusal.

His Excellency Major General

SIR GEORGE ARTHUR, K. C. H.

&c. &c. &c.

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(Copy.)

DOWNING STREET,  
30th *April*, 1838.

MY LORD,

The Legislative Council, and House of Assembly of Upper Canada, having concurred in a joint Address to the Throne, praying that the Commander in Chief of Her Majesty's Forces in Canada, may be instructed to despatch a duly qualified Officer to make a survey of the Harbour at Port Dalhousie, on Lake Ontario, and an estimate of the expense of improving that Harbour, so as to make it safe and commodious for steam-boats and vessels of war; I have to request, that Your Lordship will issue the necessary instructions to Lieutenant General Sir J. Colborne, for complying with the wishes of the Legislature of Upper Canada.

I have, &c.

(Signed) GLENELG.

General Lord HILL, G. C. B.

&c. &c. &c.

*Extract of a letter from Captain McKenzie, Royal Engineers, to Colonel Rowan, C.B.  
Military Secretary, dated Fort George, 1st January, 1839.*

"I will thank you to obtain authority of His Excellency, for the sum of £57 5s. 5d. Sterling, (item 4, of the estimate,) being paid to the Ordnance Store-keeper, at Kingston, or his Deputy at this Post, being to defray the expense of the survey."

(Copy.)

ROYAL ENGINEER OFFICE,  
FORT GEORGE, U. C. 12th December, 1838.

SIR,

In obedience to the instructions of His Excellency Sir John Colborne, the Commander of the Forces, communicated in September last, I do myself the honour to transmit herewith an estimate for constructing, at Port Dalhousie, on Lake Ontario, a safe and commodious harbour for steam-vessels and ships of war, amounting to the sum of £58,599 17s. 3½d. Sterling.

After a lapse of seven or eight years, an additional outlay would be required to render this work durable and creditable of (possibly) £27,253 18s. 7¾d. Sterling.

In laying this estimate before His Excellency, I beg you will have the goodness to explain, that the urgency of the special service in the Western District, has prevented my submitting duly the estimate for this service; fully aware of the great responsibility, and deeply impressed with a grateful feeling for the high honour conferred in being called upon on this occasion. I have been anxious to bestow every care to acquit myself to the satisfaction of the Commander of the Forces.

The amount of this estimate will, possibly, appear higher than expected; I have gone into every detail on each step on the spot, and made myself acquainted with all the particulars of each item of labour and material: and although under the eye of a responsible executive office, very considerable savings might be realized, still, taking into consideration the many contingencies, and accidents liable to hydraulic operations, the amounts are such as I would feel myself justified to execute upon—and in my report is stated the several items whereby a due conversion of materials savings are to be made for guidance of the executive.

In conclusion, as regards this estimate, I will only add, that frequently called to direct and execute other services, from the inexperience of the engineer's establishment, and on many occasions called to distant parts of the country, the orders of His Excellency on this service have not been executed with that promptitude, that on first being charged with them, I had fully resolved to manifest.

A complete survey of the harbour has been made, and of the country to a distance judged expedient; on this is laid down the soundings as taken by myself. In this operation, as well as the land survey, I have availed myself of the co-operation of a respectable Deputy Surveyor, recommended from Toronto, to enable me, by delegating to him certain details, to carry on at the same time the duties of my own department. The survey is packed in a tin case for transmission to you, but I beg to consult on the safest mode of forwarding it to Montreal, lest it should, as has been much the case, go astray or be long detained.

Awaiting your orders on this point, whether a careful person should be sent to take charge of the survey,

I have, &c.

(Signed) C. McKENZIE,  
CAPTAIN,  
Royal Engineers.

Colonel ROWAN,

Military Secretary,

&c. &c. &c.

ROYAL ENGINEER OFFICE,  
FORT GEORGE, 1st December, 1838.

ESTIMATE, for constructing at Port Dalhousie, on Lake Ontario, in Upper Canada, a safe and commodious Harbour, for Her Majesty's Steam-vessels and Ships of War, pursuant to a communication from the Secretary of War, conveyed through Lord Hill to His Excellency Sir John Colborne, Bart. K.C.B. Commander of the Forces in the Canadas, and His Excellency's authority to Captain McKenzie, Royal Engineers, dated Kingston, 29th August, 1838, to survey the Harbour, and frame an estimate of the expense.—Amounting to £58,599 17s. 3½d. Sterling.

## REPORT.

### Item 1.—Dredging to form the Harbour.

The price of 1s. per cubic yard for Dredging is here inserted—after having maturely weighed and considered the various means that have been adopted for this item in the formation of the present Welland Canal.

The material to be got up is, we are informed by the persons on the spot who performed the work, of a three-fold description, viz.—1st, and the most formidable, a stiff old deposit of blue clay, resembling in appearance a smooth level stratum of rock, and of an indurated texture. Piles have been driven 3 feet through this substance—the hammer of the machine weighing 1,300 lbs.; it is worked by 1 horse and 3 men, and belongs to the Welland Canal Company, who have entered into a contract with a person, who engages to furnish and drive the piles 3 feet into this stratum, for 2½ dollars, or 12s. 6d. each.

A bar crossing the harbour in a line from Reid's Point, on the west side, to a similar projecting point on the east, and at about a like distance from the mouth of the Creek, is much spoken of, and said to be composed of the stiff clay in question; being desirous to judge myself of the existence of this bar, as well as to ascertain the actual state of the bottom of the Lake, I had a probe made of round iron, with a wooden handle, which was let down at every sounding. In this manner, in conjunction with the soundings, my field-book showed the probings: from which a result was obtained, differing widely from the "on dits" of the place. In almost every instance, the iron probe went down from 12 to 15 feet deep, through the mud or gravel, as the case might be—and in many instances so deep, as to require the greatest efforts of a very powerful man, who was employed, to draw it out. So far as the proposed outer harbour is concerned, I look upon the bar to be a bug-bear; possibly one foot may have to be dredged towards the outer passage, in some few parts of this stiff clay—and towards the shore, on approaching to the entrance to the inner harbour, after removing the mud and gravel superincumbent, there may be here also a portion of the stiff clay to be removed, although my poles went deep into the mud here. To remove this stiff clay there are two modes: that used in forming the present entrance to the Canal was by means of an instrument called a Bull-plough, worked by two capstans and horses—one at each end of a large scow; the two dredges are much in the shape of a common plough, working at angles, very slightly inclined to the horizon, or nearly parallel with a trough behind, to collect the ploughings of the instruments, which, when filled, is brought up through a well in the scow. The first cost of this apparatus complete, with capstans, windlass, cables and scow complete, is £125; it is worked with two horses, 5s.; 1 driver, 5s.; and 5 men, 25s.—or at a rate per diem of 35s.: excavating from 20 to 25 cubic yards per diem—being at a cost of 1s. 7½d. per yard. A dredge is at present employed clearing the channel of a delta of sand, but not of sufficient power to dredge the stiff clay in question: it is between 15 and 22 horse power.

The hire of this dredge, including master, engineer and fire-man, is per diem . . .	£ 5	0	0
When in full operation, will require 13 men, of whom 5 at 5s. . . . .	£1	5	0
	13 at 4s. 4½d.	2	16 10½
		4	1 10½
In full operation, she will consume 4 cords of wood per day: pine is the best, and may cost 10s. . . . .		2	0 0
Daily expense . . . . .	£11	1	10½

She has dredged 240 yards per day, so that each yard cost 11d.; but  $\frac{1}{3}$  may be deducted for stoppage, to repair machinery, casualties of the weather, &c. in which case the quantity excavated would be only 160 yards, at 1s. 4 $\frac{1}{2}$ d. per yard.

A machine of greater power, say 10 horse more, would excavate, it is supposed, full  $\frac{1}{3}$  more, or 320 yards. Such a machine could be worked at the same expense—therefore the cost of each yard would be 8 $\frac{1}{2}$ d.; making the same allowance for repair of machinery, and casual stoppages, each yard would cost 1s. 0 $\frac{1}{4}$ d. The machine being supposed to be new, it is thought  $\frac{1}{4}$  would be sufficient for stoppages—thus the cost per yard would be 11d.

*The result.*—an average by the present machine of 1s. 1 $\frac{3}{4}$ d. per yard.

By a new machine and of greater power, 9 $\frac{1}{2}$ d.; looking forward, however, to the following probabilities:

- 1.—That but little of this stiff stratum will turn up in excavating for the harbour.
- 2.—That all the stone dredged will be available for loading the cribs of the piers.

3.—That the mud will be alike available, in forming the great embankment for the first lock, proposed to be constructed so much higher up than the present, by the Canal Company. I have been induced to estimate the cost of dredging throughout at an average of 1s. per yard. It is ascertained, on the undisputed authority of all the masters of schooners I have consulted, and (many of whom have frequented the Canal from its opening,) that for many years back no difference is visible on the bar, as to position or soundings. The banks of the lake are composed of a similar substance, and so hard as to splinter like rock, under the smart blow of a hammer.

**Item 2.—Stones for loading Cribs.**

In the western pier the average sounding is .....	12	8
The height proposed above water .....	4	6
Allowance for settlements in the mud, &c.....	2	10
<hr/>		
Depth required.....	20	0
Breadth .....	25	0
Length .....	1750	0
<hr/>		

Deducting the space occupied by the oak cribs, the quantity estimated will be required; and the price is that at which it can be delivered into the cribs coming from the quarries of the Canal Company, 2 miles above St. Catharines, on the banks, duty free.

Although I have taken this as data for framing my estimate, I do not recommend that description of stone for this service. I see it has been used this year in reforming the pier at Port Dalhousie, which was carried away last year; but as it is a flat slaty stone, (*lamellar prature*,) not packing well, I would infinitely prefer bolders, could they be found in sufficient quantity, and the system I would propose would be this: to range the stones in long piles—the largest at one end, gradually diminishing, till at the other end the smaller stones are found; so that in loading the cribs, the boats shall bring the large stones first, and the smaller following, to roll into the spaces left between: leaving thus no openings at the top which may be almost gravel, which it might be well to render with a good thick coat of *Concrete*, of which the elements are to be found in this country, viz. good lime-stone is abundant in the country—the shores of the Lake furnish good ballast in abundance. At Lockport, in the United States, a water-lime is manufactured and sold: delivered, including Custom-house duty, at 15s. Currency, per barrel, of 300 to 350 lbs. I am informed, this lime possesses considerable hydraulic properties; I have moreover reason to believe, that in this neighbourhood cement stone may be found. I have had no leisure to explore the vicinity as yet, but the mud of the Lake at Port Dalhousie, resembles so much that of the Medway and the Thames, in Great Britain, and like the clay in the bed of those Rivers, is also impregnated with lime; passing, as do the waters of this creek, over a lime-stone District in the interior, I have little doubt but cement could be manufactured here, as by Colonel Pasley, on the Medway, and by Messrs. Francis & White, of Nine-Elms, Vauxhall, at their new establishment, near Gravesend, from Dorking lime and River mud, kiln dried and ground, and mixed in a Pugg-mill with the Dorking or Halling lime, in certain proportions. Could the presence of oxide of iron be detected in the

clay at Port Dalhousie, I have little doubt but the manufacture of artificial cement could be successfully effected here, as in England—where it undersells the Harwich cement by a great deal. In the few cases of building on the Welland Canal, I have seen the want of hydraulic lime has been a great source of failure; the waste water weir lately constructed near St. Catharines, promises in like manner not to be durable, from not having used water-cement in its construction. The surface of the new pier might thus, instead of a covering of 3 inch plank, be finished as a walk of *Concrete*, and I think it would stand the climate and the washing of the Lake sufficiently.

### Item 3.—Eastern Pier.

In the eastern pier the average soundings is .....	11	0
The height proposed above water .....	4	6
Allowance for settlement in mud, &c.....	1	0
<hr/>		
Depth estimated to be laid .....	16	6
Breadth.....	25	0
Length of pier .....	2230	0

**OAK CRIBS.**—The price estimated for hewed timber is taken from the books of the Welland Canal Company, as paid this year for renewing their eastern pier, carried away the preceding winter; it was not charged toll for coming down the Canal—and for 9d. per foot cube, pine and oak hewed timber was supplied, averaging from 14" × 12" to 18" × 14"—the smaller sizes for ties, the larger for face timbers. This price includes all materials and labour of rafting, framing into cribs, and laying down in their places on the pier, ready to receive the stone, including tree-nails—but spikes and iron tree-nails were charged extra: 1s. will cover all expenses. The mode I would suggest would be to enter into a contract with the lumberers upon the Grand River, for the supply at Port Dalhousie, (duty free,) of the hewed timbers.

At Caledonia, on that River, 28 miles above Dunnville, I am informed, of a Government reserve, well stocked with good timber. A contract for felling, hewing and delivery, on the banks of the River, should be made with competent parties, and a second for rafting it to Port Dalhousie, where the framing would be performed.

In the section submitted, 4 feet 6 inches is allowed above the water line, to allow for taking in fuel and stores, &c. as well as for the rise and fall of the Lake, whose level varies from 3 to 4 feet.

According to the report of Mr. Barrett, of Lockport, who was sent by the Government of the United States for the purpose last autumn, the water on the lower mitre sill of the lock at Port Dalhousie, was 12 feet in 1827, as measured by him—(he was Engineer to the Welland Canal.) In August, 1838, it was 15 feet 9 inches; on the 3rd of October, I found it to be 14 feet 8 inches. The Canal Company, in renewing their eastern pier this summer, have raised it 5 feet above the water line.

### Item 4,

Provides for the wages of a Surveyor, and his attendants; the prices are sanctioned in the Surveyor General's Department of the Province. Their employment on this occasion was resorted to, on account of the urgent special services ordered to be done by the Engineer Department. The soundings of the harbour, and probings, required strong hands—and several duplicate plans were necessarily made by the Surveyor, in addition to the survey transmitted herewith, which it became necessary to take anew, owing to the inaccuracy of those taken heretofore, and a desire that this should be final.

### Addenda to Page 10, of Estimate,

Provides for saturating, by submersion in Ryan's Patent Liquid, the timbers of the piers where exposed to alternations of air and water; the Board of Ordnance have so far approved of this late discovery, as to have entered into contracts with the Patentee, for a supply of the article, at the principal Engineer Yards in England: at Woolwich, a tank has been constructed

in the Engineer Yard, and regularly supplied by the Patentee, in which all the timber of the Department, used for outside work, is submersed. The only objection to the employment of this acid is its property of promoting, as it does, the corrosive decay of nails and iron. As oak tree-nails are chiefly used in the work estimated for Port Dalhousie, this objection will not operate; and I now recommend that the timbers from the tier below the surface of the water upwards, be submitted to the process of Ryan's Patent. And this being the great outlet from the Grand River, a more eligible place for an ante dry-rot tank cannot well offer than Port Dalhousie, where the rafts are launched into Lake Ontario; but if the process of Ryan's Patent should add five years to the durability of the work, it will be a point gained of more value—and afford moreover a very interesting experiment, on a large scale, of a discovery that has occupied much the attention of Parliament of late years. The most favourable experiments have been made, and its utility admitted by the first scientific men of the day; possibly a tank of larger dimensions will be required at Port Dalhousie, to expedite a work promising the most beneficial results to the Province. The very great patronage of the Welland Canal by the United States, speaks much in favour of the live, in a commercial light; and the comfortable shelter afforded to crafts by the present wretched pier, in a gale, I have witnessed sufficiently to give fair promise from a proper harbour being constructed, with sufficient space between the piers for ships entering with much way and a side wind, the want of which in the present pier is an universal cause of complaint by the masters of crafts—all of whom speak favourably of the harbour generally; I have spoken to many who have frequented it since the first opening the Canal.

This estimate may be under the mark, as it provides only for saturating the side pieces, or great outside frame of the piers: the cost of the whole process at the Company's tanks is, in England, 20s. per load of 50 cubic feet; but as  $1\frac{1}{2}$  lbs. is requisite of the corrosive sublimate at 4s. per lb. (to 15 gallons of water) for a load—and the Company is willing to grant licenses to the Government to any extent in England, at the rate of 5s. per cubic foot, measured in the clear of the tank, I will adopt this mode of estimating the cost, and make no doubt the Company will extend to an eligible opening in this country the full benefit of their patent, on the most favourable terms.

In eight or nine years the decay of the timbers exposed to the alternate vicissitudes of water and air, may be looked for; good seasoned oak might last longer, but many side pieces will perish in this time. The Welland Canal affords a good case in point, faced with oak as are the locks. This Canal has been seven years in operation—and although in some instances decay between water and air is visible, the lock-gates at Port Dalhousie exhibit many sound pieces of the original timbers. In submitting the piers constructed as proposed of oak cribs, I have been influenced by the following considerations:

1st—The practice of the country affords every facility, as regards workmen and materials, for a pier of this description; in fact, no stone pier (so far as I can learn) has yet been built, with the exception of that at Buffalo, so much vaunted, but unjustly—and it may be well to give a slight description of this national work:

The pier at Buffalo was first constructed with cribs by Mr. Adam Smith, an inhabitant of the place, according to the only practice of the country; exposed, however, as it is to gales from the south-west, or from Long Point, driving waves against it with an impetus scarcely to be imagined by those who have not witnessed it, the inefficiency of such a pier was soon felt: all manner of expedients were resorted to—ranges of piles, inside and outside, were driven; they only acted as a lever, with the ice, to breach the pier. The bottom here was sand, which was dredged out before building: and shifting deltas, constantly forming, required to be as often removed—it was at length resolved to astonish the New World with a stone pier, and Mr. Adam Smith was charged with this public undertaking. I visited the work in September last, and the following seems to be the section:

There is a circular horizontal platform at the outer extremity, on which stands an octagonal light-house, of wrought stone, 100 feet high; perceiving a list on this building, I was led to a closer examination, and discovered that already settlements have taken place, and with such violence, that the sill at the entrance is transversely cracked—and almost every angle of the octagon shews cracks in the masonry, evidently from settlements in the foundations. My first care was to discover, if possible, the cause of this: and on examination of the extreme outer end, led to a supposition, which I afterwards ascertained to be the case, that the stone pier had been erected upon the remains of the old crib pier, which, having been enlarged at different periods, different settlements ensued; that a considerable widening had been necessary at the outer end, to afford space for erecting the stone light-house, which we are now told at Buffalo, is to bid eternal defiance to the elements!

The section the pier has now attained was, by Mr. Adam Smith, deemed proof against the violence of the elements: but, like the light-house, has proved fallacious—for a considerable portion of the sea-pavement, through to the parapet, had been violently carried away transversely the last spring, and it was undergoing a repair whilst I was there. The same storm breaking over the high parapet also, with such violence as to have ejected many of the large lime-stone flags of the pier-walk, by which I was enabled to make a further discovery, that the whole masonry and flagging had been built by handy-men, and no journeyman's work is visible on the pier. The whole masonry is built with lime-stone, (of which very extensive quarries have been opened in the vicinity, with promise of an abundant supply of very fine stone, to answer all the purposes of building and burning,) from the State's quarry, at Black Rock; but the edges of the flags not being wrought, the openings admit the water, as a powerful lever, to dislodge them.

Another expedient has now been resorted to at Buffalo, and is in progress, viz. the construction of a sea wall, extending along the shore a great length to windward. It is well to see the effects of the elements on this pier, although they are not apprehended at Port Dalhousie, to the extent, by a great deal: indeed the oldest residents and mechanics acquainted with the inroads of the lake at this Port, pronounce a pier of 20 feet wide, with a sea pavement of one and a half base, would be quite sufficient to resist the violence of the storms.

As a national undertaking, a stone pier, regularly built by the diving bell, would be more consonant with European practice. The paucity of mechanics, the quarries yet unopened, beyond surface rubble stone, (whereas for sea pavement stones of great size are essential,) the great expense of conveyance,—all conduce to give a preference to the plan here proposed, in the infantine state of this section of the peninsula; the expense will be more within the means of the Province, and will at once afford full benefit of the harbour to the shipping of the lake, until after a lapse of time the resources of the country shall be more fully developed. The quarries on the mountain opened to afford proper materials, which by the re-construction of the Canal, will also be more readily transported, and an increased population will have produced contractors and workmen in proportion. One journeyman to five handy-men will suffice to construct the pier proposed, and the framing would progress in the winter, whereas artisans of the first class would be required to build a stone pier, and at very high wages, as the mason cannot work for five months during the winter, and his wages during the other seven, are proportionably high. The decayed face timber might then be replaced with wrought stone, laid in cement upward from the water line, and the sea pavement being finished with a low parapet, as shewn in this sketch, the settlements ere this having taken place as far as to be apprehended; there is a hard bottom of stiff clay under the superincumbent gravel and mud. The cost of this reform and repair is here estimated, exhibiting thus the final expense of the whole work proposed. It is deemed probable that by a due regard to the appropriation of the debtais from dredging, some saving may arise; but on the other hand, the estimate of 1s. low—1s. 3d. is more likely to be the cost of dredging mud and gravel, and 2s. 6d. that of stiff clay, per yard.

A due regard by the Executive to the tenders for lumber, and a good system in maintaining a salutary check on the Contractors, as regards materials, and workmen also, will go far to keep under the estimate; but in water works, where the contingencies of damage by gales; delays from causes beyond controul; the uncertainty of the upshot of the nature of the substratum—all tend to induce the Engineer to look forward to economise in progress of the execution, rather than under estimate.

An estimate framed under such circumstances—secing also in this young country, the fluctuating price of every article in the market—must ever be submitted with much diffidence, even after every inquiry has been made.

It might be well here to record a few of the current prices not quoted.

Lime, per bushel, . . . . .	15 cents, or . .	£0	0	9
Lumber, per 1,000 feet sup'r., . . . . .	from 35s. to 60s.	3	0	0
Journeymen Carpenter, . . . . .	6s. 9d. to . . . .	0	7	6
Mason, Bricklayer, Plaster, . . . . .	7s. 6d. to . . . .	0	10	0
Board of a man, per week, . . . . .	10s. to . . . . .	0	12	6
according to the price of pork and flour.				
Wheel-barrow, . . . . .	17s. 6d. to . .	1	0	0
Shovels, best American manufacture, exclusive of duty, per dozen . . . . .		4	0	0
Pick-axes, per lb. . . . .		0	0	5
Castor—a tool for excavating stiff clay, with handle complete—costs		0	5	0

The opposite items will be required, but should be borne by the Canal Company, who have estimated them as here stated.

A considerable quantity of land on the banks will be flooded, above the first lock, where a rise of six feet is to be given to this water;—a compensation of £12 10s. per acre will in all probability be claimed for the damage.

<b>Estimate to Item 1.</b>		£	s.	D.	£	s.	D.
<i>Outer Harbour, 50 Acres.</i>							
To be dredged 14 feet deep—the average depth to be dredged will be 3 feet only—242,000 cubic yards, at 1s.....		12,100	0	0			
<i>Inner Harbour, 34½ Acres.</i>							
A passage through it of 11 acres, is proposed to be dredged to a depth of 12 feet—the average to come out will be 4' 6", by the soundings marked on the survey; but this basin will fall 3 feet, on removing the present lock higher up, as is proposed: the average depth to come out will thus be 7 feet 6 inches, 133,100 cubic yards, at 1s. ....		6,655	0	0			
* Total—Item 1.....					18,755	0	0
<b>Estimate to Item 2.</b>							
WESTERN PIER.							
<i>Stones, for Sinking the Cribs.</i>							
5,456 cords of stone, at 22s. 6d. ....		6,138	0	0			
Oak in cribs; for do. in string-pieces, ties, cross-pieces, flooring-boards and bearers, to cribs; boarding over the pier, &c. &c.; all labour and materials, hewing, rafting, framing, floating out and sinking, including oak and iron tree-nails, spikes, and all fastenings, &c. 297,952 cubic feet, at 1s. ....		14,897	12	0			
Total—Item 2.....					21,035	12	0
<b>Item 3.</b>							
EASTERN PIER.							
<i>Oak in Cribs.</i>							
310,986 cubic feet, at 1s. ....		15,549	6	0			
Stone for sinking do.—6,272 cords of stone, at 22s. 6d. . .		7,056	0	0			
Protecting western side of inner passage, and the present pier—1,300 cords of stone, at 22s. 6d. ....		1,462	10	0			
Total—Item 3.....					24,067	16	0
License for a tank, 60 feet long, 8 feet wide, and 6 feet deep, in the clear, of 2,880 cubic feet, at 5s.....		720	0	0			
Corrosive sublimate for 955 loads, at 1½ lbs. per load, 1,432½ lbs. at 4s. ....		286	10	0			
Add for delivery at Fort George, on advance proportionate to that on the other articles of export.....		191	0	0			
		£ 1,197	10	0			
Add ⅓ for contingencies .....		119	15	0			
		£ 1,317	5	0			
Sterling ..		£ 1,317	5	0			
C. McKENZIE, CAPTAIN, Royal Engineers.							
Carried forward .....		£63,858	8	0			

Brought forward,.....		£63,858 8 0
<b>Item 4.</b>		
<i>Surveying the Harbour.</i>		
49 days a Deputy Surveyor, a 16s. 6d.....	40 8 6	
24 days, two Chain-bearers, a each 5s. 3d.....	12 12 0	
23 do two Axe-men, a each 3s. 9d.....	8 12 6	
Hambro' lines, 20, a 2s. 6d.....	£2 10 0	
Panderolls and Probing-rods,.....	1 5 0	
Tin Map-cases, 2, a 7s,.....	0 14 0	
Stationery, drawing-paper,.....	2 12 6	
	<u>7 1 6</u>	
Total Item 4,.....		68 14 6
Add contingencies, $\frac{1}{10}$ ,.....		63,927 2 6
		<u>6,392 14 3</u>
Total, Halifax Currency,.....£		70,319 16 9
British do. ....£		<u>58,599 17 3½</u>

Amounting to fifty-eight thousand, five hundred and ninety-nine pounds, seventeen shillings and three pence half-penny, British Currency, Dollars at 4s. 2d.

C. McKENZIE,  
CAPTAIN,  
Royal Engineers.

12th December, 1838.

Amount of the present Estimate for the Harbour,.....		£58,599 17 3½
<b>Estimate for Repair and Reform, after a lapse of eight or nine years.</b>		
<b>WEST PIER.</b>		
Sea pavement, 4,102 cord stone, a 22s. 6d.....	4,614 15 0	
Masonry in parapet, 5,303 perches, a 10s.....	2,651 10 0	
Add wrought fair on face, 10,500 feet, sup'r. a 2s. 6d. ....	1,312 10 0	
Do. inside retaining wall, 6,364 perches, a 10s.....	3,182 0 0	
Do. for face wrought fare, 10,500 feet sup'l. a 2s. 6d.....	1,312 10 0	
Total—West Pier, £13,073 5s. 0d.		
<b>EASTERN PIER.</b>		
Sea pavement, 5,226½ cord stone, a 22s. 6d.....	5,879 16 3	
Parapet 6,758 perches masonry, laid in mortar, joints in cement, a 10s.....	3,379 0 0	
Add fare on face, (wrought) 13,380 feet, a 2s. 6d.....	1,672 10 0	
Do. inside retaining wall, 8,109 perches, a 10s.....	4,054 10 0	
Do. wrought on face above water line 13,380 feet sup'l. a 2s. 6d.....	1,672 10 0	
Total—Eastern Pier, £16,658 6s. 3d.		
Add contingencies, $\frac{1}{10}$ ,.....	29,731 11 3	
	<u>2,973 3 1½</u>	
Halifax Currency,.....	32,704 14 4½	
British do. ....		27,253 18 7¼
Ultimate cost,.....		<u>85,853 15 11¼</u>
No. 1 Steam-boat lock,.....	1,020 0 0	
Excavation of lock-pits, 25,000 yards, a 1s.....	1,250 0 0	
Embankment across No. 1. Lock, 36,565 yds, a 9d. ....	1,371 11 3	
Waste Wier, Sluices, Bridge, &c.....	500 0 0	
Light-house, with lanthorn complete,.....	550 0 0	
Leading lights,.....	75 0 0	
	<u>£ 4,766 11 0</u>	

## SECOND REPORT OF COMMISSIONERS

OF

# YONGE-STREET MACADAMIZED ROAD,

FOR THE YEAR 1838.

*To His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of Upper Canada, Major General Commanding, &c. &c. &c.*

The Trustees appointed for the improvement of Yonge-street, under the Act of 7th Wm. IV. respectfully report to your Excellency, for the consideration of the Legislature, as by law required :

That when they made their last report, the sum of two thousand nine hundred and eighty pounds, eight shillings and eight pence, remained at their credit in the Bank of Upper Canada, on the 1st January, 1838, as will appear by their balance sheet—since which, they have received from the Receiver General, three thousand three hundred and thirty-three pounds, six shillings and eight pence. They applied to the Executive for further aid, but in consequence of the Government having thought it expedient for the public interest to suspend the issue of Debentures, they found themselves, as the summer advanced, without the necessary funds to prosecute the work, and with a large number of labourers, (many of whom had been discharged from the Provincial Corps,) whom they could not well discharge; add to which, much of the road was in a half finished state, that could not be left, without much damage to the work, and impediment to the public. In this state of things, they had no other alternative than borrowing money upon their personal security; they therefore obtained in this way, from the Bank of Upper Canada, the sum of three thousand nine hundred and fifty pounds, for which sum they have become personally liable, by notes of hand to that institution, and from which they now beg to be relieved, by a credit for that amount with the Receiver General. The receipts from tolls, amount to one thousand and thirty-five pounds, fourteen shillings and three pence; and from statute labour, one hundred and thirty-four pounds, twelve shillings and eight pence; and for balance due from the west road, fifty-one pounds.

The total of these various sums, amounting to £11,494 2s. 3d.—which, with a debt due to Mr. McArthur, for mason-work, of £245 16s. 9d., have been expended in the following manner:—£8,515 6s. in making and draining the road a quarter of a mile south of Sheppard's Tavern, to Thornhill, (with the exception of about three quarters of a mile, called Morgan's hill.) In this distance of road, four substantial stone bridges, and several culverts, have been built, and the south hill at Thornhill, and Morgan's hill, have been reduced—the former, so as to lay on the stone, and the latter requiring but little to be done previous to laying on the metal bed.

They have the satisfaction to report, that the road made by them the past season, is sixteen feet wide, well drained, and made in the most permanent manner, notwithstanding they had much difficulty to contend with in obtaining the material, much of it having been carted from three to four miles, from the back concession, with an untoward season, from the continued rains in the early part of it. This section of the road is more destitute of stone than any upon the whole line—so much so, that they almost despaired at one time of obtaining it. It was only by perseverance and great exertion in getting the material, (which they estimate must have cost ten dollars per toise,) that they have succeeded. They estimate that one thousand pounds more will complete the road to Thornhill, which will make the whole cost of four miles and a half of road, (through a country almost without material near the work,) £9,500, including bridges, and taking down two considerable hills. As stone is more abundant, and will consequently be obtained at a cheaper rate, as they advance to the north, they are of opinion that the road will not cost over two thousand pounds per mile, and some sections less; they therefore feel confident that the last grant will be sufficient to continue the road to its termination. They also feel confident that the tolls, without being oppressive upon the farmer, will be adequate to the payment of interest and repairs, and they hope will provide a sinking fund. But they would observe, that keeping the road in a good state, by a judicious expenditure in timely repairs, is most essential, as they consider that a permanent work like a stone road, will always be worth the money

expended in its construction, and like other species of fixed property, will advance in value and increase in revenue with the prosperity and settlement of the country. It has none of those casualties which belong to many in this Province. In an agricultural country, a well made road can scarcely fail, as its income must be devolved with the resources of the country that surrounds it.

The statute labour on a well settled line of road, is considerable, and being gradually on the increase, may ultimately prove sufficient for the repairs.

It will be seen by our balance sheet, that our income derived from this source, is £134 12s. 8d. whilst our expenditure is £199 2s. 11d. Some more summary way than the present law affords, of collecting the statute labour, is necessary to enable the Trustees to avail themselves fully of this branch of income.

From the very imperfect way in which the bridge at the blue hill was originally constructed, the Trustees regret to say that the arch fell in last spring, together with the abutments, and that in re-building them, they were obliged to incur an expense of £623 1s. 3d. and a further expenditure of £172 2s. 2d. to secure the foundation of the bridge at Mr. Hogg's, the mill-dam having given way in a great freshet, and lowered the water below the level at which it was when the bridge was built. The sum of £34 4s. 6d. has been expended in fencing.

We beg leave to call the attention of Government to the debased state of the Copper Currency, by which we have this year sustained a loss of £21 10s. as will appear by the balance sheet.

The sum of £243 5s. 3d. has been expended in repairing the road south of the first toll-gate, within the liberties of the City, the Corporation having refused, after repeated applications, to make good the road; and the interest of the public, and the state of the road from the neglect of the City Corporation, rendering such expenditure indispensable.

The Trustees desire some relief on this matter, and that the City may be compelled to do what is just and right.

The sum of £1,660 12s. 10d. has been expended in the payment of interest, whilst the receipts for tolls are one thousand and thirty-five pounds, fourteen shillings and three-pence; and the sum of six hundred pounds is due to the Trustees for toll-gate at the entrance of the City, which was let up to 1st May, to John Marsh—which sum is secured by the bond of Jacob Snider, against whom they instituted a suit to recover the same.

The whole amount of money obtained for this road, and for which it is liable for interest to the Government and Bank of Upper Canada, is about £36,770—the interest of which, at six per cent, is about £2,200. The tolls at the present rate of four-pence at each gate, may be estimated at—

First Gate .....	£ 900	0	0
Second Gate .....	450	0	0
Third Gate.....	350	0	0
	£1,700 0 0		

By raising the tolls to six-pence at each gate, or fifty per cent upon the present rates, which the Trustees consider will eventually be necessary, and which they think would be moderate for the advantages the public derive from this work, an income of £2,550 would be produced; and the Trustees are of opinion, that it will go on to increase. With such prospects before them, they trust that they will experience every facility in obtaining the necessary funds to carry on the work; the uncertainty of obtaining which, has prevented their entering into favourable contracts for materials, and of availing themselves of the winter roads. When it is considered that the road under their charge is composed of granite boulders, collected from the surface of the earth, and these brought a considerable distance from the back concessions, the loss of the sleighing season is attended with much inconvenience and delay, besides adding to the cost of the material, as few farmers can be induced in the summer season to turn their attention to the procuring it. The Trustees estimate that a saving of between two and three hundred pounds per mile might be effected, could they at all times be sure of money for the purchase of stone.

All which is most respectfully submitted.

(Signed) JOHN BARWICK,  
CHAIRMAN.

YONGE-STREET, 13th March, 1839.

**ABSTRACT,**

*Shewing the sums expended in improving Yonge-Street, to the 1st January, 1839.*

Under Act 3rd Wm. IV. ....	£10,000	0	0
Of which Yonge-Street received .....	£ 5,600	0	0
Act 6th Wm. IV. ....	15,000	0	0
Act 7th Wm. IV. there has been received :			
1837—September 9th .....	£5,000	0	0
November 16th .....	3,888	17	9
1838—July 31st .....	3,000	0	0
August 18th .....	333	6	8
Amount borrowed by the Commissioners, on their personal security .....	12,222	4	5
	3,950	0	0
Whole amount expended.....	£36,772	4	5

In which is included the sum of about £4,000, in erecting several bridges, levelling hills, purchase of materials, &c. &c. for which no return of interest is yet made.

The interest on the above sum, at 6 per cent, is .....	£ 2,206	6	8
The amount of the present tolls, about .....	1,700	0	0
Deficiency.....	£ 506	6	8

* If 50 per cent were added to the present tolls, the amount would be ....	£ 2,500	0	0
Interest as above .....	2,206	0	0
Leaving a surplus of .....	£ 344	0	0

The present Board of Commissioners, under the Act 7th of William IV. have expended as follows, viz:

Amount issued by Receiver General, from sale of Debentures .....	£13,222	4	5
Amount borrowed.....	3,950	0	0
	£17,172	4	5

Which may be estimated as under :

Finishing embankment at Hogg's Hollow .....	£ 5,000	0	0
Making 5½ miles of road, and building sundry bridges .....	10,250	0	0
Repairing bridges at Blue Hill, Hogg's Hollow, and Thornhill, and the road within the City .....	1,140	0	0
Amount expended on the hill at St. Albans, Thornhill, Morgan's hill, &c....	782	4	6
	£17,172	4	5

\* This would make it equal to the rates now collected at the east and west roads.

Dr.		Balance Sheet, Yonge-Street Commissioners.			Cr.				
		£	s.	d.			£	s.	d.
1838.	To balance of last account,.....	2	10	0	1838.	By balance in Bank of Upper			
Jan. 1					1839.	Canada.....	2989	8	8
1839.	Labourers' account.....	2184	12	4	Jan. 1	Toll-gate No. 1, rec'd. since			
Jan. 1	Carting.....	1798	15	10		1st May last.....	550	19	7
	Teaming.....	95	16	4		Toll-gate No. 2, rec'd. since			
	Blacksmiths &c.....	113	1	2		1st January, 1838, nett....	416	9	4
	Carpenters &c.....	109	15	0		Toll-gate No. 3, rec'd. since			
	Stone purchased.....	1626	17	3		13th October last.....	68	5	4
	Stone breaking.....	1807	19	7		Receiver General, amount of			
	Do. Mr. Pearson.....	11	12	0		Debenture, £3,000 Stg. ...	3333	6	8
	Stone raising.....	26	2	6		Statute labour received on			
	Clearing and fencing road...	34	4	6		account of commutation...	134	12	8
	Bridges.....	273	17	9		Trustees of west road, rec'd.			
	Repairing road.....	199	2	11		in settle't. grant of £10,000			
	Repairing bridge at Thorn-					Notes payable for this sum			
	hill, by fire.....	24	19	10		borrowed from the Bank of			
	Awards for damages to Mr.					Upper Canada, on Com-			
	Hogg.....	50	0	0		missioners' joint security..	3950	0	0
	Contingent account.....	10	10	0		Peter McArthur, being the			
	Superintendence.....	192	1	3		balance of account due to			
	Engineer's account.....	12	10	0		him for building and re-			
	Repairing bridge at blue hill..	623	1	3		pairing bridges.....	245	16	9
	Draining account.....	199	17	2					
	Forage for Oxen.....	51	17	10					
	Repairing bridge at Hogg's								
	Hollow.....	172	2	1					
	Repairing road near city....	243	5	3					
	Loss on bad copper taken at								
	toll-gates.....	21	10	0					
	Interest on loans.....	1660	12	10					
	Bank of Upper Canada, for								
	balance of account.....	140	4	3					
	Commercial Bank, balance of								
	account.....	9	19	1					
	Balance in hands of Sec'y. ...	43	1	0					
		£ 11,739	19	0			£ 11,739	19	0

YONGE-STREET, 1st January, 1839.

REPORT OF TRUSTEES,  
OF THE  
**WEST TORONTO MACADAMIZED ROAD.**  
FOR THE YEAR 1838.

*To His Excellency SIR GEORGE ARTHUR, Lieutenant Governor of the  
Province of Upper Canada, &c. &c. &c.*

THE Trustees appointed by an Act of the Provincial Parliament, to Macadamize, and otherwise improve the Dundas Road, from the City of Toronto to the western limit of the Home District, beg leave to report:

That having obtained a further sum of money, a portion of that granted by Parliament, they last summer commenced their improvements upon that road, by Macadamizing that part of it lying between the Mimico and Etobicoke Creeks, in the Township of Etobicoke: a piece of road heretofore the most impassable in bad weather upon the whole route, and which they have succeeded in completing this season, though not without having been compelled to effect a loan of £1,500, upon their own individual responsibility, to enable them to do so. The Trustees however would, at the same time, impress upon Your Excellency their earnest desire, that Your Excellency would be pleased to take into your earliest consideration such steps as would tend to relieve them from this personal responsibility imposed upon themselves, through a sincere desire to complete a work which they were aware would be of such infinite benefit to the western part of the District generally.

This, with a few other improvements made in the Township of Toronto, in turnpiking and graveling the old road, and making a good substantial foundation for a stone road hereafter, now affords an excellent route, fit for any description of travelling, for the distance of about sixteen miles west from the City.

They have also made considerable improvements upon the Lake road, pursuant to the Act passed last Session of Parliament, for completing the improvements commenced during the summer of 1837.

The Trustees have of late had but one toll-gate, for collecting tolls upon the road, and that within the City of Toronto; they however now have three other gates, in order to meet the demands upon them for interest by the Receiver General, to which the tolls collected at the one gate during the last summer are inadequate.

The amount of money expended in improvements this season is £3,927 14s. 2d.: which amount (with the exception of £1,477 6s. 4d.—the proceeds upon the £1,500 raised by the Trustees,) was received from the Receiver General, on account of Debentures.

The amount of tolls collected at the gate near the City, from the 14th day of November, 1837, to the 14th day of November, 1838, is £805 19s. 1d. (though the collection was smaller than usual on account of the rebellion,) and the interest upon the total sum expended upon the whole line of road since the commencement, for that period, is £1,400: making the tolls received unequal to the interest due, which will be remedied by putting into operation the other two gates.

The following is a statement of the manner in which the sum of £3,927 14s. 2d. received this season, as above-mentioned, has been expended:

For repairing the road previously made, and making the new road between the Etobicoke and Mimico Creeks .....	£ 2,116 16 1 $\frac{1}{2}$
For graveling and improving the road in the Township of Toronto .....	596 10 10 $\frac{1}{4}$
For completing the Lake road .....	656 13 8 $\frac{1}{2}$
For damages done to private property by the public, when road repairing; for purchasing gravel, &c.; and all charges not included under the heads of labour, stone breaking and stone hauling .....	557 13 5 $\frac{1}{2}$
Total.....	<u>£ 3,927 14 2</u>

The Trustees would beg to say, before closing this report, that all interest, and arrears of interest, are now paid, and that nothing is now due for interest to the Receiver General.

All which is respectfully submitted.

(Signed) THOMAS FISHER,  
CHAIRMAN.  
FRANCIS LOGAN,  
A. LEWIS,  
JACOB COOK,  
JOHN McFARLANE.

**THIRD REPORT OF THE TRUSTEES**  
OF THE  
**EAST TORONTO MACADAMIZED ROAD,**  
FOR THE YEAR 1838.

*To His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of  
the Province of Upper Canada, and Major General Commanding Her  
Majesty's Forces therein, &c. &c. &c.*

The Trustees appointed by the 6th Wm. IV, for continuing the improvement upon the Eastern Road, in submitting their third report, have much pleasure in stating that the contracts entered into last year, for straightening, leveling and turnpiking several miles of road, have, with few exceptions, been satisfactorily completed. That they have been enabled to complete five and a quarter miles and fifty-one links, of the plank road, and have sufficient material upon the ground, and contracted for, for finishing three additional miles, so soon as the frost is out of the ground the ensuing spring. The dangerous, and almost impassible state of the Highland Creek bridge and hill, has unavoidably attracted the attention of the Trustees, with a view to their improvement, when, upon examination, it was found expedient to erect a new bridge across the Creek, and to contract for cutting down and levelling the eastern hill. The bridge constructed of timber, upon cedar abutments, twenty-six feet above the level of the water, to correspond with the rise of the hill, has been satisfactorily completed.

That in consequence of the Legislature having granted a large sum of money for cutting a straight road through the eastern hill at the Rouge, and which was expended under the superintendence of Mr. Weller, the Trustees deemed it prudent not to deviate from that line, from whence they have removed several hundred yards of earth, which the action of the frost upon the side banks, (having been left in too perpendicular a state,) had caused to cave in. They proceeded nearly half through the hill, when, from the early frosts in the month of November, they were compelled to discontinue for the season. They feel assured, however, that the expense of lowering that hill in order to make it passable, will be more than they shall feel themselves justified in withdrawing from the funds at their disposal, appropriated for the general improvement of the main road, and would therefore respectfully suggest the propriety of the Legislature providing by special grant for the improvement of that hill, and the erecting of a bridge over the river, as the one partially erected by Mr Weller will be of no avail to the public, further than to facilitate the removing of the earth when excavated, to the west side, where it will be required, to raise the necessary embankment. The Trustees would further suggest, that any bridge to be erected over the Rouge, should rest upon stone foundations, with projecting wings or abutments of the same material, which, from reports and estimates received, they are of opinion will cost, together with excavation required to make the hill passable, and to finish the whole in a substantial and lasting manner, not less than £2,000.

The Trustees further beg leave to state, that from the many defects in the Act of Parliament by which they are appointed, they have been unwillingly compelled to establish another toll-gate within a short distance of the one erected in 1836, in order to enable them to collect the tolls during the winter months, which would otherwise be lost, the travel being altogether upon the ice. To remedy this evil, and to avoid the defects existing in the present laws, the Trustees are preparing a bill, to be submitted to the Legislature at its next session, for its consideration.

Exhibits No. 1 and 2, show the amount of money received, and expenditure of the past year; the amount of tolls collected; and the expense incurred in keeping that part of the road which has been Macadamized in repair. The latter charge has exceeded what the Trustees could have anticipated, and has mainly arisen, we are inclined to believe, from there not having been a sufficient quantity of metal laid down in the first instance, to resist the injurious actions of the narrow wheels universally used in this country.

For any further information respecting the relative cost between a Macadamized and a planked road, the Trustees beg to refer your Excellency to their former reports.

(Signed)

**CHARLES C. SMALL,**

CHAIRMAN.

1st January, 1839.

Dr.		Exhibit No. 1.			Cr.				
		£	s.	D.					
To Planking 5 1/4 miles, and 51 links, at £550 per mile...		2773	7	3	By balance in hand at last report.....	£	2254	6	2 1/2
" Amount of Contracts paid..		648	2	6 1/2	" Amount received since that date from Receiver Gen'l.		5672	8	9
" Amount expended on Rouge hill .....		348	14	0					
" Ditto Highland Creek hill..		90	0	0					
" Ditto for bridge for Creek..		250	0	0					
" Sundry accounts .....		271	0	1					
" Dan'l. Knowls, balance of acc't. for completing road at Rouge .....		23	18	9					
" Repairs on Macadamized road .....		343	3	0 1/2					
" Stone, and breaking stone for repairs .....		262	12	6 1/2					
Total expenditure...£		5010	18	2 1/2					
Balance of cash in hand,		2915	16	9					
	£	7926	14	11 1/2		£	7926	14	11 1/2

Dr.		Exhibit No. 2.			Cr.				
		£	s.	D.					
To balance in hand at last report.....		118	5	0	By amount paid Receiver Gen'l.	£	347	10	0
" Amt. of toll rec'd. from Foley		614	1	8	Do. do. Foley .....		75	0	0
" Do. do. Columbus,		225	1	1	Do. do. Columbus....		50	0	0
" Do. do. at Rouge,		42	16	7	Do. do. Receiver Gen'l.		432	13	4
" Do. do. commuted stage .....		20	0	0	By Expenses .....		36	7	6
					Balance .....		78	13	6
	£	1020	4	4		£	1020	4	4

**SECOND REPORT OF COMMISSIONERS**  
OF  
**KINGSTON AND NAPANEE MACADAMIZED ROAD,**  
FOR THE YEAR 1838.

SIR,

NAPANEE, April 1st, 1839.

I have the honour of enclosing to you, the Report of the Commissioners of the Macadamized Road from Kingston to Napanee, as drawn up by their Engineer, James Cull, Esq. The cause of its not being sent sooner, arose from the circumstance of Mr. Cull being at Brockville doing duty, and it seems he could not complete it at an earlier period.

We have four toll-bars on the road. The one next Kingston is rented at £500 per annum—and the others are doing better of late: but I am not exactly prepared to say what they yield.

I have the honour to be,  
SIR,  
Your obedient Servant,  
(Signed)

**ALLAN MACPHERSON,**  
CHAIRMAN OF THE TRUSTEES.

The Hon. JOHN MACAULAY, &c.  
Toronto.

## ENGINEER'S SECOND REPORT.

THE first report of the Engineer was made up to the 18th of November, 1837, at which time the works on the road generally ended for the season. It was found however that it was practicable, without any sacrifice as to expense, to continue removing the hills, which led to the contemplated swamp road, during the winter—where a few more men were employed, with equal, if not greater advantage, than they could have worked in the summer months.

As soon as the ice was strong enough, which, from the mildness of the season, was very late, a close examination was made of Mr. McGuin's swamp, which it had been determined the road should cross: and which, when accomplished, would be a great public improvement—shortening the distance nearly one-fifth between Powley's and Daley's; would render unnecessary the building two expensive bridges: avoiding a right angle in the road, which led by the Widow Adzit's—making nearly a straight road, or so slight an angle as to be of no consequence whatever as to any increased distance by it.

On examining the swamp, however, it proved to be of a very different character than common report had given it; instead of being, as had been represented, occasionally so firm that heavy cattle might be driven over it, it turned out, on examination, to be a swamp of unusual depth, and such as is rarely to be met with in Upper Canada.

A difference of opinion having existed as to the necessity of piling, a description of the swamp, with the Engineer's view of it, were laid before Colonel Bonycastle, R.E. with a request that he would be pleased to give his opinion, which he was good enough to do; and which recommended, under the circumstances, the adoption of piling as a foundation. A pile engine was immediately constructed; but it was late in February before the ice was strong enough to support it—which left barely time to finish the work, as the ice broke up early in March. The piles were driven by a ram of 1,500 lbs. weight, falling from a height of 45 feet; and some of them went to a depth of 70 feet—and on an average, from 35 to 50 feet. Above 500 piles were driven: and had it been possible, a greater number would have been still better.

Upon the piles were laid strong string-pieces, with cross-timbers of equal dimensions; the openings between them were filled in with logs resting on the ice, and across the whole were laid logs notched down upon the frame-work, which was mortised on the head of the piles. Above this, and in the contrary direction, was laid brush-wood, well plaited, about 18 inches in thickness—and on the whole was laid a bed of clay, from the hills leading to the swamp, about 12 inches in depth: thus raising the surface of the bed of the road full 3 feet above the high water mark of the swamp. To prevent the clay (which forms the sides and abutments of the road) from washing off by heavy storms, a fence of stout wattling has been made, mostly of cedar, which will afford an opportunity of planting willows, which will form a living protection to the abutments when the wattling decays.

The piles on the side of the river went down 70 feet—and it was impossible to have obtained a foundation which would have supported a stone bridge, but at a very heavy expense, and at a great sacrifice of time. It was therefore determined to substitute an arched cedar bridge, which is supported on piles, the logs of which are hewed to a pattern: and being of large dimensions and well dowelled, forms a cheap, though substantial substitute for a stone bridge, which it is believed will last for many years to come. Cribs, however, have been sunk on each side of the bridge, and loaded with stone, which will form sufficient abutments for a stone bridge, should it be found desirable to substitute one for the cedar bridge at any future time. This piece of road is considered generally as a great public improvement: and notwithstanding the difficulties of its construction, has not cost more (if so much) as it would have cost to have made it on the site of the old road, considering the extra distance, and the two bridges which would have been indispensable in that direction, and the lowering two hills, both of which were chiefly formed of solid rock.

A substantial stone bridge has been erected over the Marsh Creek, and from the excellent quality of the stone found in the immediate vicinity, is a handsome piece of masonry, adapted to stand for ages; and although of much larger dimensions than the bridge at Mill Creek, which was built by contract, has not cost so much by upwards of £40.

A bridge about 3 miles from Napanee, is also completed, consisting of 2 arches. This bridge is built of rubble stone, but will prove a substantial and permanent erection.

Five bridges are already built on this line of road, together with a capacious culvert at Warner's hill. It will be seen by a reference to the annexed accounts, that these bridges, with their approaches, including the dry and wing walls, have cost £1,957 6s. 5d.—certainly a large item in the general outlay; but in a great public work intended for posterity, it is presumed that it would have been very mistaken economy to have built such bridges as would have been disreputable in point of appearance, or wanting in stability or permanence. All the hills on this line of road, between Kingston and Napanee, a distance of 24 miles, are lowered, and the greatest average ascent does not exceed 1 in 25. The entire cost, as will be seen by the general statement, has been £3,881 12s. 1d.; and it is believed, large as this item of expenditure is, that the advantages will be considered by the public as fully commensurate—because however good the road may be, the benefit to the public would be greatly circumscribed, if any of the intervening hills were so steep as to prevent animals from dragging up the load they had conveyed on level ground, except by an exhaustion of strength more than equal to that expended in the whole journey; nor is it yet generally known in this country, how injurious it is to the feet of horses to descend steep hills, on a hard road, with a heavy load behind them. The system of draining which has been adopted, has been attended with considerable benefit to the occupiers of the land through which the road passes, and it is believed, meets with the entire approbation of the public. Not only do the wide ditches on the sides of the roads completely take off the water from them, but they afford great facility for winter travelling: they become filled with snow so soon as any falls, and will remain filled so long as any snow remains, so as greatly to extend the sleighing season. Several very deep, and as it was believed, irreclaimable swamps have been drained effectually—and at so small an expense, compared with the advantage derived, that it is believed the system will be generally adopted, to the great benefit of the agricultural interest of the Province.

There are now something above 15 miles of road completed out of 24, being the entire distance between Kingston and Napanee. It will be seen by a reference to the general statement, that independently of bridges, hills and lateral draining, the entire 15 miles have cost, on an average, about £1,420 per mile; and when it is recollected, that on upwards of 3 miles the metal was laid 20 feet wide: that the expense of all tools and implements is included in this sum: and also that, except to the Engineer, the work was new to every one on the road: that by far the most difficult part of the line is done, including that across Mr. McGuin's swamp, it is presumed that it will bear comparison, on the score of expense, with any similar work in the Province.

Under the head "Engineering," it will be seen that the sum expended is £521 9s. 2d. which is probably less than has ever accompanied the expenditure of £30,000 in a public work, it being only about 1½ per cent: and this is the whole cost of running lines, drawing plans and sections, drawing specifications, as well as drawing every contract which has been entered into, together with travelling expenses, (except a sum of about £26, charged as incidentals)—a subject to which your Engineer is the more desirous of referring, because it is believed that an impression exists, that the charge of this department has been extravagant: whereas the contrary is the fact, 5 per cent being usually considered the lowest rate of charge for Engineering.

It is satisfactory to be able to state, that during the last winter, not the smallest part of the road was affected by the frost. For several miles, where it was first made, it is become compact and firm, and in high estimation; but until the sides of the road are ground down, so that the traveling will not be confined to the centre, it will require occasional raking in, to fill the slight ruts which are thereby made.

Many persons having expressed their wishes that a quantity of clay or other material should be laid on the metal, for the purpose of making the road more agreeable and easy to travel upon when first made, and such applications having been in all cases resisted, your Engineer gladly avails himself of the opportunity which this report affords him, of giving publicity to his reasons for objecting to the measure.

The essential difference between Macadamized and all other stone roads is, that the stones of which the former are composed, are designed to form a solid and impenetrable body, *by uniting by their own angles*. Now it is obvious, that if sand or clay be put on the stones, it will pass between them and keep them apart, instead of allowing them to unite; and although for the time it will make the road more agreeable to travel upon, yet as the material used is affected by both wet and dry weather, it is obvious that the road cannot become settled till all such materials have found their way to the bottom of the bed, which, in all cases, is the part of the road which first becomes solid—the road, therefore, in dry weather, is *loose*:

and in wet, *shifting and muddy*. Nor is this all; all soils have, especially in Canada, more or less of argilicious or clayey matter in them—clay has a great affinity for water, which it retains with considerable tenacity. If clay be placed between the stones of a Macadamized road, the frost seizes the water contained in the clay, and causes it to expand with a force irresistible, which is observable in roads made of a mixture of clay and stones. The road necessarily “*lifts,*” and when the thaw comes is a *shaking, shifting, mass of mud and stones*: the specific gravity of the stone being greater than that of the clay or the water, they descend to the bottom, and the clay, in the character of mud, remains at the top. No doubt, cements may be advantageously used, but the expense would be large. The refuse of gas manufactories would form an excellent cement, but that in this country, at this present time, cannot be obtained; the best substitute would be a thin layer of stones, broken very small—the largest to pass through an inch ring. This would make a smooth road almost immediately, and be wholly free from the foregoing objections.

The amount of the item “*Compensation,*” is smaller than is usual, in so extended a line of road—especially when it is recollected that its original width was only 40 feet: whereas, the Trustees have now, by the provisions of the Act, taken 60 feet—consequently, all the fences had to be removed, and that frequently on both sides of the road; and it must be obvious that the removal of 15 miles of fence alone, and where on both sides, at the rate of 30 miles, (less than £10 per mile,) is exceedingly moderate: besides which, several buildings which stood in the road have been removed, the expense of which is also included in this amount. It is considered that the small amount of compensation claimed, is a proof of the estimation in which the road is held, and that the proprietors of property generally are aware that the advantages greatly overbalance the disadvantages.

It is also observable, that where in one or two cases large compensation has been demanded, it has been claimed, and appeals to juries threatened, by persons whose property is the most increased in value by the Macadamized road. This circumstance, it is imagined, will be considered worthy the attention of the Legislature in passing any new road Acts, or in amending old ones. As the law now stands, persons consider themselves entitled, (by what is called the jury clause) to compensation for land taken for the use of the road, or any injury done, although the advantages are far greater in amount than the disadvantages. For instance, if a person through whose land the road passes, sustains a loss of two or three acres of land, which have cost the proprietor four dollars per acre, but may now be worth twenty dollars per acre, he claims the amount, whereas it is probable that his whole estate is doubled in value, in consequence of the road. It is submitted as a remedy, that in all cases where an appeal to a jury is made, they shall be directed to take into account any increased value of the estate, in consequence of the formation of the road; and if it shall appear that the benefit derived exceeds the disadvantage, a decision shall be given accordingly.

In pursuance with the resolution of the last Board, a survey has been made of that part of the road which yet remains to be completed. The shortness of the time allowed, together with other necessary avocations, has prevented its being so minute as could be desired.

There remain about nine miles to be Macadamized; the first two miles, commencing at Mill Creek bridge, have nothing difficult in them. The country is nearly a dead level, and the draining therefore more important, and in unskilful hands, more difficult, yet can be easily effected by persons properly qualified, and at little expense. If it should be found expedient to use *Brulé* gravel, instead of broken stone, these two miles of road may be made for two hundred pounds per mile less than any mile of road hitherto made;—and it is believed, that if that material is properly selected, and well screened from earth or mould, it will make a permanent road. The adjoining three miles will cost more, because if lime-stone is used, it is not to be got within from half to three-quarters of a mile of the line of road; the surface of the ground, however, is covered with granite boulders, like those used in the construction of the Yonge-street road, and which are decidedly better than lime-stone, and which it is presumed the farmers will readily collect, on being paid the price of collecting, which may be estimated at from one to two dollars per toise, and placed in heaps by the side of the road, where they may be thrown on by the labourers when broken. These boulders cost about twenty-five shillings the toise to break them, so that the cost will not exceed the average price which has been paid for broken lime-stone upon the part of the road already completed.

It would, however, be very desirable, if the Trustees intend to finish the road next season, that both the *Brulé* gravel and the boulder should be collected this winter, before the frost sets in or the snow falls; and it is believed there will be little difficulty in obtaining contractors who will engage to do so, and agree to be paid out of the proceeds of the Debentures to be obtained during the coming session of Parliament.

The remaining four miles are over formations of lime-stone near the surface, which can be supplied on the sides of the road at a moderate price.

The only part of the road which will require an extra outlay for cartage, is about the sixth mile board, and this can be advantageously avoided, by changing the direction of the road a few degrees south, instead of north, as at first proposed, and which will be an improvement, as well as a saving of expense.

A bridge will be required, to cross the stream near Mr. Fralick's, and if a short cut is made, to direct the two streams which now cross the road into one channel, on the north side, one bridge only will be necessary. Arched culverts will be all that will be necessary, besides the bridge just alluded to at Mr. Lewis Fralick's, and a short piece of under-ground draining may be necessary near Mr. John Fralick's.

It is believed that there is no intention on the part of the persons through whose lands the road will pass, to claim any compensation, except for removing fences, and two or three wooden buildings. It is believed that a Contractor may be found who will complete the whole for TEN THOUSAND POUNDS, or if the broken metal be provided by the Trustees, which considering the circumstances of the country, and the importance of giving persons living on the line the advantages of carting, &c. which could not be controlled if in the hands of a Contractor, independently of broken stone, the work may be completed for six thousand five hundred pounds.

It will be necessary, in a very few years, to build a new bridge over the Napanee River, and this item, with unforeseen contingencies, may render it expedient to apply for a further sum of twelve thousand pounds.

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### Third, or Napanee Section.

The road on this section is fully completed to very nearly three miles of distance from the village.

The hill near Napanee, which was composed of solid rock, presenting an acclivity in some parts of one in eight, is now reduced, on the average, to one in twenty-two, and although attended with a heavy expense, yet it is believed that less ought not to have been done. The road for nearly two miles beyond the hill, ran through a deep swamp, which is effectually drained; proper culverts are made with the necessary side ditches: all the logs and large stumps are removed, and the bed raised sufficiently high to ensure stability and permanence to the road.

A bridge with two arches has been built across the Spring Creek, about three miles from the village; a considerable rise near Dempsey's tavern, has been lowered, and the earth taken into the swamp below, by which the bed of the road has been raised.

It is satisfactory to be able to add, that the difficulties upon this section of the road are now surmounted. The succeeding mile will be made for full £300 less than any that has preceded it, and there is no other hill of any consequence to lower, or bridge to build in this section. It is also believed that the following two miles are very favourably situated for obtaining stone of a good quality at a reasonable price—certainly as low, if not lower than the lowest price hitherto paid upon the line.

The road is highly valued by the public in general, and may be truly said to have removed all the prejudices which had existed against the work, before the road was commenced; and probably a better proof of this could scarcely be given, than the very small amounts which have been claimed for compensation.

A toll-gate has been erected about a quarter of a mile from the village, but for so short a time as to prevent giving any detail of its receipts.

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### Toll-Gates.

Upon the whole line of 24 miles, there will be six toll-gates. Four are already erected, and in the receipt of tolls. The gate near Kingston has been in the receipt of tolls for above a year, and has been lately let by tender for the coming year, for above five hundred pounds,

with proper securities for the payment of the money. The rate of tolls is exceedingly moderate, being only—

- 7½d. for a Double Team.
- 4d. for a Single do.
- 2d. for a Horse.

The tolls are paid with cheerfulness, and the public are generally convinced of the general utility of the road. The whole line of road will cost about £40,000. The repairs will be trifling for some years to come; and when it is recollected that the tolls on good roads will not only not be diminishing, but on the contrary, constantly increasing with the improved state of the country, it is believed that there will be little difficulty in making the receipts equal to the expenditure, without calling upon the District for assistance. But should this be necessary, the high value set upon the road, and the advantages derived from it, will prevent its being considered a grievance.

As application to Parliament must, of necessity, be made, it is respectfully suggested that the present Act should be amended in the following particulars:

*First*—As before alluded to, requiring Juries, in cases of claims for damage done, to take into their consideration, evidence as to the increased value of the property of the claimant, which increase has arisen out of the construction of the road.

*Second*—A power to be granted to the Trustees to take earth, stone or other materials, as they may require for the formation of the road, from adjacent properties, on the payment of damage done, or the value thereof: such value to be ascertained by Commissioners to be afterwards named, similar to the power given to the Trustees in the Act for making a road from Brockville to St. Francis, &c.

*Third*—To make it compulsory on persons whose property adjoins the road, to construct proper drains or culverts across the ditches or water-courses leading to their fields or houses, made by the Trustees to drain the road, after they are made by the Trustees, or if not, to make them, in the first instance, to keep them in repair.

*Fourth*—To prevent persons from doing injury to the road, by driving on foot-paths, or in the water-courses, except in the sleighing season; by driving off the metal bed in muddy weather; by dragging timber, or other materials, on the road; requiring all carriages to take their proper side of the road; and requiring slower vehicles to allow lighter and swifter ones to pass, by breaking out of the road; preventing racing on the public roads, either with horses or carriages, with a penalty for wilfully or carelessly driving against another horse or carriage, as well as for removing such guards as the Trustees may think proper to place upon the roads, or otherwise obstructing or doing injury to the Macadamized road.

**General Summary of Expenditure on Sections Nos. 1 & 2, February 1st, 1839.**

<b>BRIDGES.</b>		£	s.	D.
No. 1, bridge near Kingston, one arch, .....	}	1,757	6	5
" 2, bridge over the Cataraqui River, one arch, .....				
" 3, bridge at Marsh Creek, four arches, .....				
" 4, bridge over Mill Creek, three arches, .....				
" 5, large double culvert, at Warner's hill, including dry walls, forming abutments, making approaches, railing, pickets, and every expense except stoning, .....				
<b>LOWERING HILLS.</b>				
No. 1—Hill near Werden's, 2½ miles from Kingston, .....	}	2,727	6	1
" 2—McMichael's hill, 3 miles from do. ....				
" 3—Hill at Waterloo, .....				
" 4—Hill near Warner's farm, .....				
" 5—Hill east of McGuin's swamp, .....				
" 6—Hill west of do. do. and at Parley's, .....				

		£	s.	D.
<b>DRAINING.</b>				
Open and underground draining, exclusive of side ditches, including the draining of the Waterloo Hill .....		956	7	7
One mile 166 yards of road, including culverts and side ditches near Frazer's, made for the purpose of ascertaining the cost .....		1,377	5	6
One-quarter of a mile near Mill Creek bridge, made by Mr. Benjamin, by contract .....		180	0	0
Three-quarters of a mile adjoining, made by contract, by Mr. Russell .....		756	2	2
<b>BROKEN STONES.</b>				
Three miles 629 yards of road, 20 feet wide, 11 inches deep.....	}	7,442	16	0
Six miles 1,137 yards of road, 16 feet wide, 10½ inches deep.....				
The whole distance of road completed being 12 miles 166 yards.				
Paid for labour; carting; foreman's wages; incidental expenses; shanties; grubbing; pickets, including piling, and making the road across McGuin's Swamp .....		5,901	0	0
Paid for tools and implements, &c. &c. ....		933	1	2
Paid compensation for removing fences; purchase of land; removing buildings, &c. so as to widen the road from 40 to 60 feet .....		262	4	2
Paid for erecting three toll-houses and toll-gates, &c. &c. ....		302	10	10
Paid Engineer his salary, from 6th of May, 1837, to November 1st, 1838, eighteen months, including horse hire and expenses.....		521	9	2
Total amount of 1st and 2nd Sections.....		£23,117	9	1
<b>NAPANEE, OR THIRD SECTION.</b>				
<b>BRIDGES AND CULVERTS.</b>				
A large arched culvert, near Napanee, with dry stone walls, parapets and approaches, to the Napanee bridge.....	}	649	12	0
A bridge with two arches, three miles distant, with dry walls, approaches, pickets, &c. ....				
<b>LOWERING HILLS.</b>				
No. 1—Hill near Napanee, being of solid rock .....	}	1,154	6	0
No. 2—Hill at Dempsey's .....				
<b>DRAINING.</b>				
Making two lateral drains, east and west, by which the swamps were drained.		42	0	0
Paid for tools, wheel-barrows, implements and plank, of which the present value is estimated at £100.....		282	5	9
Paid for shanties, for labourers, now on hand .....		£192	4	11
Deduct therefrom, received for rest, &c. ....		62	11	6
		130	13	5
Paid for quarrying, and for broken stones for three miles of road .....		1,295	0	0
Paid for labour, in grading side ditches; grubbing; removing old cross-ways; underbrushing; covering with earth, and laying on metal; including foreman's and clerk's salaries .....		2,701	16	1
Paid incidental expenses, office rent, stationery, fire-wood, &c. ....		46	3	6
Paid for toll-house, which was made out of one of the shanties .....		10	14	10
Paid for broken stone, now on hand .....		157	10	0
Sum total expended .....		£29,587	10	8
<b>ON HAND.</b>				
Tools at Napanee, estimated.....		£100	0	0
Shanties .....		130	0	0
Broken stone.....		157	10	0
		£387	10	0

All which is respectfully submitted.

REPORT OF TRUSTEES  
OF  
**MACADAMIZED ROAD FROM BROCKVILLE TO ST. FRANCIS,**  
FOR THE YEAR 1838.

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*To His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of  
the Province of Upper Canada, and Major General Commanding Her  
Majesty's Forces therein, &c. &c. &c.*

THE Trustees appointed under the Act authorizing the construction of a Macadamized road, from Brockville to St. Francis, and other places in the District of Johnstown, beg leave to report for the information of Your Excellency—

That in the autumn of 1837, they received a check upon the President, Directors and Company, of the Bank of Upper Canada, for £1,000, upon which a premium of £25 was received, making the sum of £1,025; but owing to the unsettled state of the country, they proceeded no further in the work, at that time, than the survey of the first section, from Brockville to Unionville, about 11 miles. In the spring following, a further sum was received, which, after deducting the interest to be paid thereon for six months, amounts to £5379 13s. 3d. A further sum of £9 17s. 6d. commutation of statute labour, has also been received. An Engineer was employed, and during the last summer, a distance of 5 miles was finished, at an expense of £6,573 10s. 10d. A toll-gate has been erected, and since the first day of January last, when tolls were first exacted, the sum of £42 5s. 7d. has been received. It is, however, to be observed, from the excellence of the roads in every part of the District in the winter, the inhabitants who do not reside immediately upon the road, have been induced to avoid it, which will not be the case at any other season.

There is now due by the Trustees, to different persons, the sum of £158 19s. 8d.; and as the tolls received can be applied to no other purpose than paying the interest on the principal sum borrowed, and towards the liquidation of that principal, a further sum, to the amount last mentioned, will be required, to settle all demands against the Trustees for that part of the road finished. The road is opened sixty feet wide, and the metal to the depth of ten inches, and sixteen feet wide, has been laid upon it. No claims for damages have been taken into consideration, the Trustees deeming it better to defer the investigation of this subject until the road be finished, as in all probability the advantages arising from the road will then be sufficient to counterbalance any inconvenience caused by it to the claimants.

A considerable sum was expended in purchasing utensils for the use of the labourers, which, together with the fact that obstacles, such as filling up and draining swamps, and blasting rocks, were encountered in the section finished, (which the Trustees are led to believe will not be met with to any serious extent hereafter,) induces the Trustees to think that the remaining part of the road between this place and St. Francis can be constructed at a less expense per mile.

It gives the Trustees great pleasure to state, that the road is highly popular, and their conviction, that when it is completed as far as St. Francis, so as to afford an easy communication between the River St. Lawrence and the Rideau Canal, a sum by way of tolls will be received, sufficient not only to pay yearly interest on the money borrowed, but effect a yearly decrease in the principal.

HENRY JONES,  
CHAIRMAN.

BROCKVILLE, 23rd February, 1839.

ANNUAL REPORT OF TRUSTEES,  
OF  
**QUEENSTON AND GRIMSBY MACADAMIZED ROAD,**  
FOR THE YEAR 1838.

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*To His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of  
the Province of Upper Canada, Major General Commanding Her  
Majesty's Forces therein, &c. &c. &c.*

THE Trustees appointed to carry into effect the provisions of the Act 7th William IV. chap. 82, entitled, "An Act to raise a sum of money to Macadamize the Main-road from Queenston to the West Boundary-line of Grimsby, in the Niagara District, and for other purposes therein-mentioned," in conformity with the 15th section thereof, respectfully beg to make the Second Annual Report of their proceedings.

Since the last report, on the 18th April last, a further issue of Debentures, to the extent of £7,500, Sterling, has been made, and the money has been advanced by, and received from the Gore Bank. This seasonable supply enabled the Trustees nearly to complete the road from Queenston to St. David's, (a distance of 3 miles,) and also to place under contract a further distance of 4½ miles, extending from St. David's to the Ten-mile Creek Hills, (1 mile each)—the 3 worst on the entire route. All these the Contractors were bound to finish and complete by the 1st day of June next.

The present state of the several sections of work under contract, will be seen from the report of the Engineer hereto appended, and marked A. It will appear from that report, that a sum of £6,212 7s. 8½d. will be required to finish the work now in progress.

The Trustees beg reference to their balance-sheet, and accompanying abstract of the same, marked B. They are ready, at all times, to lay before Your Excellency the vouchers for the payments made, and give every explanation which may be required.

The document marked C. shews the sums due by the Trustees, and amounts to £1,201 3s. 10½d. It will also appear from this document, that the Treasurer has advanced £27 4s. 3½d. beyond what he has received.

From the several documents referred to, it will appear that the Trustees are liable for the sum required to complete the contracts . . . . . £6,212 7 8½  
And for the debts due . . . . . 1,201 3 10½

Making together the sum of . . . . . £7,413 11 7

For which amount the Trustees earnestly and confidently hope Your Excellency will issue your Warrant to the Receiver General, in order that the necessary steps may be taken to realize the funds, so that the works may be completed.

The Trustees beg respectfully to urge Your Excellency, to issue your Warrant to the Receiver General, for the remainder of the sum voted by the Provincial Parliament, in order that they may proceed, during the ensuing season, to carry into effect the duty imposed upon them.

It appears to the Trustees almost unnecessary to remark, that the large amount already expended, will be of little or no avail to the public, unless the amount required to complete the contracts is placed at their disposal. The sum of £1,715 14s. 6d. for stone delivered along the line of road, from the Ten-mile Creek to Grimsby, will be altogether lost. The inconvenience to which the public is subjected, by the present incomplete and dangerous state of the road, is very generally complained of; of this Your Excellency has had an opportunity of judging, in Your Excellency's recent journey along the line of road.

The Trustees would wish to call your Excellency's attention to the fact that, by the contracts into which they have entered, they are liable to an action for breach of contract, as well as for the balances now remaining due.

In conclusion, the Trustees are gratified to be able to state, that the part of the road which has been nearly completed, gives satisfaction to the public.

All which is respectfully submitted.

GEORGE ADAMS,

CHAIRMAN.

ST. CATHARINES, 7th March, 1839.

**A.**

*To the President and Board of Trustees for making and maintaining a Road from Queenston to Saltfleet, District of Niagara.*

GENTLEMEN :

Upon the close of road operations for the season, I beg leave to submit the following report :—

It appears that early in April last, that portion of the road between Queenston and St. David's was placed under the direction of one of your Trustees, as an experiment, to test by labour and superintendence, the actual expense of road making, in all its parts, in which office he continued until the first of August.

Upon the first day of July, the reporter was placed by the Board in charge of this part of the work, as also of the several divisions to be placed under contract, from St. Davids to the southern bank of the Sixteen-mile Creek, as follows :—

Section 1.—From Front-street, Queenston, to concession south of St. David's, by labour and superintendence, length.....	3 miles.
“ 2 & 3.—From St. David's concession to Ten-mile Creek—to Messrs. Tucker & Duffen, by contract, .....	4 $\frac{1}{4}$ “
“ 4.—Across valley of Twelve-mile Creek—to B. H. Boyle, by contract, ...	1 “
“ 5.—Across valley of Fifteen-mile Creek—to Daniel Beamer, by contract, ..	1 “
“ 6.—Across valley of Sixteen-mile Creek—to Abraham Lampman, by contract, .....	1 “
Extent in all equal to about.....	<u>10 <math>\frac{1}{4}</math> miles.</u>

**Work done upon those Divisions.**

SECTION No. 1.—From Queenston to St. David's concession may be considered nearly finished in all its parts, including or comprehending bridges, culverts, cross and side drains, excavation, embankment, and metal bed.

When this division, 40 bridges and culverts, have been constructed, and thirty-five hills reduced from inclinations varying from 1 foot in 6, 8, 9 and 10, to 1 foot in 25, 30, 35, &c. to one in 140, minor inclinations have been so arranged that all surface water must pass to the nearest cross drain, at declivities from one in 140 to one in 180, diminishing thereby unnecessary encroachment of floods upon the formed side-paths.

Upon the whole extent of this section, 3 miles, the metal bed has been kept full in dimensions, viz. 14 feet width of metal bed, and ten inches deep, as determined by the Board, and has required seven cords of broken stone per lineal chain, or at the rate of 560 cords per mile. The total expense of this division, including superintendence, iron, tools and fencing, is at the rate of £2,488 per mile.

To account, in part, for this unusual expenditure, it may here be remarked, that during the commencement and part of the progress of the work, stone-breaking by the day cost *six dollars per cord*—four dollars by contract; and lately the same could be done, either by the day or by contract, from \$2 to \$2  $\frac{1}{2}$  per cord.

SECTIONS No. 2 & 3.—Extending from St. David's concession to the Ten-mile Creek, was contracted for on 21st July; at present, one-half the grading, cutting and embankment, is done, including bridges and prepared road metal—excessive drought during the latter part of the season preventing the completion of several of the largest bridges upon these sections: water for lime mortar could not be obtained within a reasonable distance, for prosecuting the works. Expense of work done, £1,975 5s.

SECTION No. 4.—Extending from Market-square, St. Catharines, across the valley of Twelve-mile Creek, to Haining's concession, was let by contract upon the 9th August. The quantity of work executed amounts to £1,696 11s. 1d.; inclinations across the valley of the Twelve-mile Creek and Welland Canal, are reduced from 1 in 6, 7, 8 and 10, to 1 in 16.

SECTION No. 5.—Contract commenced upon the 9th August, and extends from the right bank of Fifteen-mile Creek, at Mr. McCarty's well, and across the valley of Fifteen, to Mr. Johnston's tavern; upon this section a bridge of solid masonry is three-fourths completed—span 25 feet, and height above surface of stream, 22 feet. The cuttings and embankments of this valley are far advanced; inclinations of former road, 1 foot in 6, 7 and 8—present improvement, 1 foot in 18 and 20. Estimate of work done is £1,214 1s. 10d.

SECTION No. 6.—Contract commenced 9th August, extending across valley of the Sixteen-mile Creek, besides deep cutting and embankment. A bridge of solid masonry, 20 feet span, and 22 feet rise, has been executed to within two-thirds of finish; inclinations by present road, across this valley, 1 foot in 6, 7 and 10—present, 1 foot in 18, upon one side, and 1 foot in 22, upon the opposite. Estimated work done upon this section is £988 4s. 3d.

ABSTRACT of work done upon all the foregoing Sections, and money required for their completion, according to contract.

Number of Section.	Estimate of work done.	Amount paid.	Amount retained until complete of contract.	Amount required to complete the contract.
1 .....	£ 7,465 12 8	£ 7,465 12 8	£ 0 0 0	£ 210 0 0
2 .....	1,212 15 0	1,052 10 1	166 3 6	1,231 8 6
3 .....	732 10 0	680 12 6	67 7 6	2,430 10 0
4 .....	1,696 11 1	1,310 2 11	419 18 10	681 0 7½
5 .....	1,214 1 11	912 5 0½	301 16 10	803 9 1
6 .....	988 4 3	810 10 0	177 14 2	855 19 6
Stones delivered upon } residue of the Line, }	0 0 0	1,715 14 6	0 0 0	0 0 0
Total amounts ....	£13,309 14 11	£13,947 7 8½	£1,133 0 10	£6,212 7 8½

By the above statement, it appears that work to the amount of £13,309 4s. 11d. has been performed during the year, and £13,947 7s. 8½d. has been paid to contractors and labourers; that the sum of £6,212 7s. 8½d. will be required to finish all the sections now in operation, according to the contract rates.

In conclusion, it may be satisfactory to remark, that the above sections, although the most expensive, and in execution the most difficult upon the line, have all been contracted for by competent individuals, considerably below my estimated price; and I have no doubt they will be *successfully executed* in all parts, should funds be duly provided.

Respectfully submitted, by

FRANCIS HALL,  
CIVIL ENGINEER.

ST. CATHARINES, 7th March, 1839.

QUEENSTON AND GRIMSBY MACADAMIZED ROAD TRUSTEES' BALANCE SHEET.

	£	s.	d.		£	s.	d.
4 Surveyor and Engineer.....	430	7	10½	1 Cash .....	27	4	3½
5 Trustees' expenses.....	138	0	0	7 Provincial Government.....	15,168	17	9½
6 Contingencies.....	303	0	1½	24 Francis Hall.....	24	5	5
8 Stone .....	3765	12	1½	59 Commutation of statute labour .....	12	17	6
23 Joseph Weyun.....	25	0	0	60 John Clarke.....	16	13	4
26 Daniel Beamer.....	1	13	7½				
43 Interest.....	431	2	7½				
45 Bills of Materials.....	252	3	8				
46 Bills of Labour.....	9565	6	2½				
51 William Duffin.....	115	15	0				
56 A. Lampman.....	69	6	10				
57 Land appropriated.....	15	10	0				
58 James Tucker.....	137	0	3				
	15,249	18	3½		£ 15,249	18	3½

E. E.

GEORGE ADAMS,

CHAIRMAN.

JOHN CLARK,

SECRETARY.

St. CATHARINES, 7th March, 1839.

ABSTRACT OF THE PRECEDING EXPENDITURE.

From Queenston to St. Davids.....		£ 7,465	12	8
" St. Davids to Ten Mile Creek.....		1,733	2	7
Twelve Mile Hill to St. Catharines.....		1,310	2	11
Fifteen Mile Hill.....		912	5	0½
Sixteen Mile Hill.....		810	10	0
Stone delivered along the line of road.....		1,715	14	6
		£ 13,947	7	8½
Surveying and Engineering.....	£430	7	10½	
Trustees' attendance and expenses.....	138	0	0	
Interest.....	431	2	7½	
Contingencies, including salaries of £100 each, per annum, to Secretary and Treasurer	303	0	1½	
		1,302	10	7½
		£ 15,249	18	3½

DEBTS DUE BY THE QUEENSTON AND GRIMSBY MACADAMIZED ROAD TRUSTEES.

James Tucker, Contractor.....	£ 166	3	6
William Duffin, do.....	67	7	6
Richard M. Boyle, do.....	419	18	10
Daniel Beamer, do.....	301	16	10
Abraham Lampman, do.....	177	14	2
Francis Hall, Engineer.....	24	5	5
George Adams, Treasurer.....	27	4	3½
John Clark, Secretary.....	16	13	4
	£ 1,201	3	10½

GEORGE ADAMS,

CHAIRMAN.

St. CATHARINES, 7th March, 1839.

# REPORT OF TRUSTEES

OF

## DUNDAS AND WATERLOO MACADAMIZED ROAD,

FOR THE YEAR 1838.

*To His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.*

The Trustees for superintending the construction of the Dundas and Waterloo Macadamized road—

### RESPECTFULLY REPORT :

That notwithstanding the distracted state of the Province since they commenced operations, the work under their superintendance has progressed beyond what might have been reasonably expected,—fourteen and one-fourth miles being, with a trifling exception finished, and open to public travel; and two and three-fourth miles more in a state of forwardness,—making a distance of seventeen miles that will be finished early in the ensuing summer, and on which toll-gates will be established as soon as the spring opens.

The Trustees finding at the commencement of the work that the loan authorized would not be sufficient to complete the whole route, were induced to select a part of the road—a distance of six miles, to be left until a future loan might be obtained, for which purpose they petitioned the Legislature at its last session, which loan, they regret to say, was not authorized; but they trust an application at its next session, may be more successful.

The Trustees feel more confidence in urging a further loan, as it is their opinion that no similar work in the Province will so soon repay the original cost, or be of more public benefit.

The Trustees, in their last report, suggested the necessity of their being empowered to cause the trees, for a distance of one hundred feet on each side of the road, through uncultivated lands, to be cut down;—this they would still recommend to be done.

With this report, the Trustees beg to submit, for the information of the Legislature, an abstract of receipts and disbursements, and an estimate of the work done, contracted for, and not yet contracted for.

ANDREW T. KIRBY,

CHAIRMAN,

*Dundas and Waterloo Macadamized Road.*

DUNDAS, 5th January, 1839.

### GENERAL ABSTRACT of Receipts and Disbursements, for Macadamizing the Dundas and Waterloo Road, 1838.

	£	s.	d.		£	s.	d.
To paid Contractors, per Vouchers.....	15,279	19	2½	By balance on hand, as per abstract of			
Do. Damages .....	203	0	0	1837 .....	930	4	9
Do. Supervisor's account.....	176	4	1	Government Debentures .....	16,000	0	0
Do. Contingent expenses.....	0	8	0				
Do. Engineering & salary, per ac't.	205	0	0				
Do. Of Interest.....	494	5	4				
Balance on hand, 5th Jan. 1839 .....	571	8	1½				
	£	16,930	4 9		£	16,930	4 9

ABSTRACT of the Estimated Expense of completing the Dundas and Waterloo Macadamized Road, January, 1839.

Sections.	CONTRACTORS' NAMES.	Estimate of Work not contracted for.			Work contracted for not yet done.			Estimate of Work done.			
		£	s.	d.	£	s.	d.	£	s.	d.	
1	James Thorpe, for part.....	852	13	6	743	18	6	102	4	0	
2	Do. & Milward & Yeoman.....				633	2	7½	893	3	11½	
3 & 4	William McDonnell.....							1,643	11	4½	
5	B. Collins & John Hall.....							819	9	2	
6	John Hall.....				52	15	0	1,210	4	6½	
7	Do. ....				238	9	4½	881	4	9	
8	Do. ....				574	14	0	747	16	0	
6, 7, 8	Do. Culverts.....				25	3	1½	325	5	7½	
9 & 10	Trotter & Young, & A. Cornell.....				100	10	0	3,057	16	4½	
11	William Trotter.....							1,081	0	9½	
12 to 16	Michael Cryan, for Culverts on those Sections.....	4800	0	0				257	14	3½	
17	John Ennis.....							1,336	14	8½	
18 & 19	Chapman & Moeran.....				100	0	0	2,085	12	6	
20	Welsh & Hinslewood, for Excavation.....	761	17	0	20	0	0	463	15	1	
21	James Wylie.....							1,482	19	4½	
20, 21, 23 & 24	Do. for Culverts.....				25	0	0	458	1	3	
22	Wylie & Ramsay.....							889	15	9	
23	Trotter & Young.....							840	8	1½	
24	Welsh & Hinslewood.....							1,837	9	3½	
		£	6414	10	6	2513	12	7½	20,414	6	11½
Estimated amount of work done.....					£20,414			6 11½			
Do. do. do. contracted for.....					2,513			12 7½			
Do. do. do. not yet contracted for.....								22,927 19 7			
								6,414 10 6			
								£ 29,342 10 1			
Add 10 per cent. on £6,414 10s. 6d. for contingencies.....								641 9 0			
Five toll-gates, say.....								660 0 0			
Engineering, and Office expenses.....								1,526 15 11			
Damages.....								253 0 0			
Supervisor's account.....								400 0 0			
								£ 32,828 15 6			
Interest already paid.....								494 5 4			
								£ 33,318 0 10			

ROBERT W. KERR,  
ENGINEER,  
For the Dundas and Waterloo Macadamized Road.

DUNDAS, 1st January, 1839.

**REPORT OF COMMISSIONERS,**  
OF  
**WEST GWILLIMBURY ROAD AND BRIDGE,**  
FOR THE YEAR 1838.

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SIR,

The Commissioners appointed under the authority of an Act passed in the sixth year of the reign of His Majesty William the Fourth, for the improvement of the West Gwillimbury Road and Bridge, of the County of Simcoe, report as follows:

The Commissioners met at George Playter's Inn, in the Township of West Gwillimbury, on the twelfth day of September, in the year of our Lord one thousand eight hundred and thirty-six, and William Laughton, Esquire, was appointed Chairman. The Commissioners, by their Chairman, lost no time in making arrangements to carry the intention of the Act into effect, but met with much difficulty in obtaining money to enable them to do so; indeed it was only effected by the Chairman and the Commissioners becoming personally responsible to the Bank of Upper Canada, for the first five hundred pounds which they obtained.

The Commissioners have great satisfaction in now being able to state, that the work has been done in the best manner, under the superintendence of Mr. Richard T. Willson; and that the public have, for the last year and a half, had the benefit of the improvement, on paying a toll so moderate, as to cause dissatisfaction to no one.

The sum of one thousand pounds has been expended on the above work; the interest on the whole amount expended has been paid punctually—and the sum of ninety-seven pounds, one shilling and three farthings, deposited with the Receiver General, towards the liquidation of the principal.

The accounts herewith transmitted, will show, in detail, the manner in which the money has been expended.

Your obedient Servants,

**W. LAUGHTON,**  
CHAIRMAN.  
**GEORGE PLAYTER,**  
COMMISSIONER.  
**JOHN FLETCHER,**  
COMMISSIONER.

To Honourable JOHN MACAULAY,  
*Private Secretary.*

Dr.		West Gwillimbury Road and Bridge.		Cr.	
		£	s. d.		
1837.	To cash paid John Edmondson, for plank, as per contract ...	231	13 9	1837.	By cash received of the Receiver General .....
	To cash paid Richard Mayer, for timber for plank .....	12	10 0		1,000 0 0
	To cash paid Richard T. Willson, for timber, as per contract .....	198	19 10 <sup>3</sup> / <sub>4</sub>		By cash for one yoke of oxen..
	To erecting toll-house and gate,	38	2 4 <sup>1</sup> / <sub>2</sub>		20 0 0
	To workmen's wages in October and November, 1836, and March, April, May, June, July, August, 1837 .....	377	5 2 <sup>1</sup> / <sub>4</sub>		By proceeds of sale of tools, &c. sold after the work was completed .....
	To tools, black-smiths' work, &c. ....	34	12 7		21 1 0 <sup>1</sup> / <sub>2</sub>
	To provisions, &c. ....	98	13 11 <sup>1</sup> / <sub>2</sub>		
	To hauling do. and other incidental expenses .....	1	5 6		
	To Stationery .....	0	10 0 <sup>3</sup> / <sub>4</sub>		
	To cash paid William Molloy, rent of house for men .....	1	5 0		
	To one yoke of oxen .....	20	0 0		
	To cash paid Thomas Shaw and James Kemp, for inspecting plank and timber .....	0	10 0		
	To Chairman of Commissioners, expenses while doing the business of the road .....	5	0 0		
	To cash paid Bank of Upper Canada, for discounting two notes, of £100 and £150 ...	3	15 6		
	Cash on hand .....	16	17 2 <sup>3</sup> / <sub>4</sub>		
		£1,041	1 0 <sup>1</sup> / <sub>2</sub>		£1,041 1 0 <sup>1</sup> / <sub>2</sub>

Dr.		West Gwillimbury Toll-Gate.		Cr.	
		£	s. d.		
1839.				1839.	
Feb. 9 ..	To cash paid to the Receiver General, being the interest on the loan up to 31st December, 1838 .....	101	16 2		By Balance remaining on hand of the £1,000 received from the Receiver General .....
					16 17 2 <sup>3</sup> / <sub>4</sub>
Feb. 22 .	Cash paid William McKie, gate-keeper, for 21 months wages, from 22nd May, 1837, to 22nd February, 1839, at £5 per month .....	105	0 0	Feb. 22 .	Amount of toll received from the 22nd May, 1837, to 22nd February, 1839 .....
					290 10 0
	Cash on hand .....	100	11 0 <sup>3</sup> / <sub>4</sub>		
		£307	7 2 <sup>3</sup> / <sub>4</sub>		£307 7 2 <sup>3</sup> / <sub>4</sub>
					RECEIVED from William Laughton, Esquire, Commissioner of the West Gwillimbury Road and Bridge, by the hands of Basil Rowe, Esquire, the sum of one hundred and one pounds, sixteen shillings and two-pence, currency, being for interest on advance to the said work, up to 31st December, 1838, inclusive.
					For the Receiver General,
					(Signed) B. TURQUAND, Senior Clerk.
					£101 16s. 2d. Currency.

ACCOUNT OF WORK

Done on the West Gwillimbury Road, under the Superintendence of R. T. WILLSON, in the months of October and November, 1836.

NAMES.	No. of Days.	REMARKS.	AMOUNT.		
			£	s.	D.
R. T. Willson, .....	25	.....	9	7	6
George McCarty, .....	23½	.....	7	1	0
Jerome McCarty, .....	6½	.....	0	15	0
Garret Vanslyke, .....	12	.....	4	1	3
R. T. Willson, .....	19	For one Yoke Oxen, .....	4	15	0
George McCarty, .....	21	For one Yoke Oxen, .....	4	0	0
Hugh Benderman, .....	11½	.....	1	5	2½
Thomas Kilkaney, .....	4	.....	0	8	5
Donald Benderman, .....	4	.....	0	9	2½
John Matheson, .....	4	.....	0	9	2½
William McMulkin, .....	21	.....	2	8	1½
James Cam, .....	13½	.....	1	11	2
John Cam, .....	13½	.....	1	11	2
Daniel Kelly, .....	20½	.....	2	3	3½
Henry Huff, .....	20½	.....	2	11	3
Mrs. Hail, .....	3	Cooking, .....	0	2	6
John Seals, .....	3	.....	0	6	11
Conway Bunton, .....	7¾	.....	0	17	9
William Coleman, .....	10½	.....	1	4	0
Patrick Flynn, .....	16½	.....	1	16	8
Robert Strong, .....	9½	.....	1	1	9½
Nathan Pegg, .....	5½	Himself, Boy and Oxen, .....	2	14	0
Archibald Stewart, .....	5	.....	0	8	9
Darby O'Connor, .....	14	.....	1	12	3½
Andrew Coleman, .....	3½	.....	0	7	7
Arthur Wilkinson, .....	13	.....	1	10	0
John Strong, .....	8	.....	0	18	4½
John Cameron, .....	10½	.....	0	17	9½
Hugh Cameron, .....	7½	.....	0	17	3½
Alexander McDonald, .....	6	.....	0	13	9
Samuel Cameron, .....	6½	.....	0	15	0
William Garbet, .....	3	.....	0	6	6¾
			59	7	9¾

Work continued under the Superintendence of R. T. WILLSON, March, 1837.

NAMES.	No. of Days.	REMARKS.	AMOUNT.		
			£	s.	D.
R. T. Willson, .....	18	..... 7s. 6d.	6	15	0
George McCarty, .....	16	..... 6 0	4	16	0
R. T. Willson, .....	5½	For one pair Horses, .....	6	0	0
Do. do. ....	1	Do. do. .... 10 0	0	10	0
George McCarty, .....	1	For one yoke of Oxen, .....	5	0	0
David St. Clair, .....	10	Boarded himself part of the time.	1	11	0
Henry Huff, .....	5¼	..... 2 6	0	13	1½
Mary Ann Higgins, .....	15	Cook, .....	1	5	3
John McPhee, .....	8	..... 2 6	1	0	0
William Stiles, .....	7½	..... 1 7¼	0	12	3½
John Huff, .....	7	..... 2 6	0	17	6
Carried forward, .....		.....	19	14	2

Work continued under the Superintendence of R. T. WILLSON, March, 1837.

NAMES.	No. of Days.	REMARKS.	AMOUNT.
		Brought forward,.....£	19 14 2
William Riley, .....	8½	Boarded himself, ..... 4s. 6d.	1 18 2
William McPhee, .....	1	..... 1 3	0 1 3
Peter Higgins, .....	9	Boy, ..... 0 9¼	0 6 11¼
Henry Robins, .....	3¾	..... 2 6	0 9 4½
John Reynolds, .....	4	..... 2 6	0 10 0
William Ferguson, .....	4	..... 2 6	0 10 0
Daniel Williams, .....	4	..... 2 6	0 10 0
Dennis Kelly, .....	3¾	..... 2 6	0 9 4½
James Cummings, .....	3¾	..... 2 0	0 7 6
Alexander McKay, .....	3¾	..... 2 6	0 9 4½
William Kerns, .....	3½	..... 2 2	0 7 7
James Jones, .....	3	..... 2 6	0 7 6
Robert McMahon, Jun'r. ....	3½	..... 2 6	0 8 9
James Porter, .....	3¾	..... 2 6	0 9 4½
Michael Fox, .....	3½	..... 2 6	0 8 9
Lawson Smith, .....	3½	..... 2 1¼	0 7 4½
Peter Lyons, .....	4	..... 2 6	0 10 0
James Robins, .....	3½	..... 1 0	0 3 6
Henry Robins, .....	3½	One yoke of Oxen, ..... 7 6	1 6 3
William McMulkin, .....	4	..... 2 6	0 10 0
Joseph Shaw, .....	3	..... 2 6	0 7 6
Thomas Declair, .....	3	..... 2 6	0 7 6
			31 0 2¾

Continued, April, 1837.

NAMES.	No. of Days.	REMARKS.	AMOUNT.
R. T. Willson, .....	31	(One day in March,) ..... 7s. 6d.	£ 11 12 6
George McCarty, .....	25½	..... 6 0	7 15 0
William McMulkin, .....	24¼	..... 2 6	3 0 7½
Joseph Shaw, .....	1	..... 2 6	0 2 6
Thomas Declair, .....	19	..... 2 6	2 7 6
David Sinclair, .....	21½	Boarded himself, ..... 4 0	4 6 0
William Stiles, .....	2½	..... 1 7¼	0 4 0¾
John Huff, .....	21¾	..... 2 6	2 14 4½
William Riley, .....	17	Boarded himself, ..... 4 6	3 16 6
John McPhee, .....	3½	..... 2 6	0 8 9
Henry Robins, .....	½	..... 2 6	0 1 3
John Reynolds, .....	1	..... 2 6	0 2 6
William Ferguson, .....	2	..... 2 6	0 5 0
Daniel Williams, .....	2	..... 2 6	0 5 0
Alexander McKay, .....	1½	..... 2 6	0 3 9
William Kerns, .....	6	..... 2 2	0 13 0
Robert McMahon, Jun'r. ....	6½	..... 2 6	0 16 3
James Porter, .....	10½	..... 2 6	1 6 3
Peter Lyons, .....	22¼	..... 2 6	2 15 7½
Mary Ann Higgins, .....	30	Cook, ..... 1 5	2 3 11
Peter Higgins, .....	8	Boy, ..... 0 9¼	0 6 2
Jerome McCarty, .....	½	..... 2 6	0 1 3
William Stiles, .....	2½	..... 1 7¼	0 4 0¾
James Kemp, .....	14¾	Carpenter, ..... 5 0	3 13 9
		Carried forward,.....£	49 5 7

April, 1837—Continued.

NAMES.	No. of Days.	REMARKS.	AMOUNT.		
			£	s.	D.
		Brought forward,.....	£ 49	5	7
Robert Little, .....	9½	.....	2s.	6d.	1 3 9
James Porter, .....	2	.....	2	6	0 5 0
James Earls, .....	12	Carpenter, .....	3	9	2 5 0
Michael Kernan, .....	9½	.....	2	0	0 19 0
Richard Hunt, .....	8½	.....	2	6	1 1 3
James Robins, .....	3	.....	1	0	0 3 0
Henry Robins, .....	3	One yoke of Oxen, .....	7	6	1 2 6
Wildridge McDowal, .....	5½	Carpenter, .....	5	0	1 7 6
John Molloy, .....	5½	Do. ....	5	0	1 7 6
Henry Huff, .....	6	.....	2	6	0 15 0
Garret Vanslyke, .....	2	.....	2	6	0 5 0
Garret Vanslyke, .....	2	One Yoke Oxen, .....	7	6	0 15 0
H. T. Willson, .....	2	.....	2	6	0 5 0
R. T. Willson, .....	2	For one span Horses, .....	10	0	1 0 0
David St. Clair, .....	1½	Boarded himself, .....	4	0	0 6 0
John Huff, .....	1	.....	2	6	0 2 6
			£	62	8 7

Continued—May, 1837.

NAMES.	No. of Days.	REMARKS.	AMOUNT.		
			£	s.	D.
R. T. Willson, .....	31	.....	7s.	6d.	11 12 6
George McCarty, .....	21	.....	5	0	5 5 0
David St. Clair, .....	12¾	Boarded himself, .....	4	0	2 14 0
Thomas Declair, .....	10½	.....	2	6	1 6 3
Do. do. ....	5½	Boarded himself, .....	4	0	1 2 0
Peter Lyons, .....	18¾	.....	2	6	2 6 10½
William McMullin, .....	16¼	.....	2	6	2 0 7½
John Huff, .....	20	.....	2	6	2 10 0
James Porter, .....	2	.....	2	6	0 5 0
James Earls, .....	4	Carpenter, .....	3	9	0 15 0
William Riley, .....	17¾	Boarded himself, .....	4	6	3 19 10½
Richard Hunt, .....	3¾	.....	2	6	0 9 4½
Michael Kenon, .....	23¾	.....	2	3¾	2 14 8¾
Mary Ann Higgins, .....	31	Cook, .....	1	5	2 5 2½
Wildridge McDowal, .....	5½	Carpenter, .....	5	0	1 5 4½
John Malloy, .....	5½	Do. ....	5	0	1 5 4½
William McCullagh, .....	17	.....	2	3¾	1 19 3¾
William Cossgrove, .....	7¼	.....	2	3¾	0 16 9¼
Lawson Smith, .....	12¾	.....	2	3¾	1 9 5
Francis Shiner, .....	4¾	.....	2	6	0 11 10½
George Baley, .....	7¾	.....	2	6	0 19 4½
John McNabb, .....	10	.....	2	6	1 5 0
Thomas Wilkinson, .....	2	.....	2	6	0 5 0
Peter Higgins, .....	15	Boy, .....	0	9¾	0 13 0¼
Hugh T. Willson, .....	1¾	With Horses, .....	10	0	0 17 6
George Cossgroves, .....	8	.....	2	3¾	0 18 6
Alexander McKay, .....	9	.....	2	3¾	1 0 3
Alexander Brown, .....	9	.....	2	3¾	1 0 3
William Brown, .....	9	.....	2	3¾	1 0 3
		Carried forward,.....	£	54	13 9½

May, 1837—continued.

NAMES.	No. of Days.	REMARKS.	AMOUNT.		
			£	s.	D.
		Brought forward,.....	54	13	9½
Alexander McCullagh, .....	5½	.....	2	3¾	0
John O'Donald, .....	5¾	.....	2	3¾	0
William Garbut, .....	7¾	.....	2	0	0
Robert Gradon, .....	4	.....	2	0	0
Patrick Logley, .....	7¼	.....	2	3¾	0
James Robins, .....	1	With Oxen,.....	7	6	0
			£	58	7 5

Continued—June, 1837.

NAMES.	No. of Days.	REMARKS.	AMOUNT.		
			£	s.	D.
R. T. Willson, .....	6	.....	7s.	6d	2 5 0
George McCarty, .....	3½	.....	5	0	0 16 3
William Riley, .....	3¼	Boarded himself, .....	4	6	0 14 7½
Thomas Declair, .....	3¾	.....	2	6	0 9 4½
John Huff, .....	2¾	.....	2	6	0 6 10½
Michael Kenon, .....	3¾	.....	2	3¾	0 8 8
William McMulin, .....	2	.....	2	6	0 5 0
George Bailey, .....	4	.....	2	6	0 10 0
Peter Logans, .....	3	.....	2	6	0 7 6
Lawson Smith, .....	3	.....	2	3¾	0 6 11¼
William Garbut, .....	3	.....	2	0	0 6 0
Alexander McKay, .....	4	.....	2	3¾	0 9 3
Patrick Logely, .....	3¾	.....	2	3¾	0 8 8
Peter Higgins, .....	4	Boy, .....	0	9¾	0 3 3
James Robins, .....	1¾	With one Yoke Oxen, .....	7	6	0 12 1½
Henry Robins, .....	1½	Do. do. ....	7	6	0 11 3
George McCarty, .....	¾	Do. do. ....	5	0	0 3 9
Neil McKenney, .....	1	.....	2	6	0 2 6
R. T. Willson, .....	24	.....	7	6	9 0 0
George McCarty, .....	18¼	.....	5	0	4 11 3
William Riley, .....	15¼	Boarded himself, .....	4	6	3 8 7½
Thomas Declair, .....	16¼	Do. do. ....	4	0	3 5 0
John Huff, .....	14½	Do. do. ....	4	0	2 18 0
Michael Kenon, .....	15¾	Do. do. ....	3	9	2 17 2¼
George Bailey, .....	14½	Do. do. ....	4	0	2 18 0
Peter Lyons, .....	14¼	Do. do. ....	3	9	2 13 5½
Lawson Smith, .....	16	Do. do. ....	3	9	3 0 0
William Garbut, .....	8½	Do. do. ....	3	6	1 9 10½
Alexander McKay, .....	9¼	Do. do. ....	3	9	1 11 9
Patrick Logely, .....	¾	Do. do. ....	3	9	0 2 10½
Peter Higgins, .....	4	Boy, and boarded, .....	0	9¾	0 3 1
James Robins, and Oxen, .....	3¼	Board himself, .....	8	3	1 6 9
R. T. Willson, and Oxen, .....	14	.....	5	0	3 10 0
Henry Robins, .....	½	Board himself, .....	3	9	0 1 10½
George McCarty, and Oxen, .....	15¼	.....	5	0	3 18 9
Neil McKenny, .....	9½	Board himself, .....	3	9	1 15 7½
Jerry Lonord, .....	1¾	Do. do. ....	3	9	0 6 6¾
William Lenord, .....	1¾	Do. do. ....	3	9	0 6 6¾
Henry Palmer, .....	9¾	Do. do. ....	3	9	1 16 6¼
		Carried forward,.....	£	60	8 9¼

June, 1837—continued.

NAMES.	No. of Days.	REMARKS.	AMOUNT.		
			£	s.	D.
		Brought forward, . . . . .	60	8	9 $\frac{1}{4}$
Henry Palmer, . . . . .	5 $\frac{1}{4}$	Boarded himself, . . . . . 4s. 0d.	1	1	0
John Bell, . . . . .	9	Do. do. . . . . 3 9	1	13	9
John Bramer, . . . . .	13 $\frac{1}{4}$	Do. do. . . . . 3 9	2	17	2 $\frac{1}{2}$
Garret Vanslyke, . . . . .	9 $\frac{1}{4}$	Do. do. . . . . 3 9	1	14	10 $\frac{1}{4}$
William McMulkin, . . . . .	15 $\frac{3}{4}$	Do. do. . . . . 3 9	2	19	0 $\frac{3}{4}$
Anthony Foshy, . . . . .	11 $\frac{1}{4}$	Do. do. . . . . 3 9	2	2	2 $\frac{1}{4}$
Daniel McPhadon, . . . . .	5	Do. do. . . . . 3 9	0	18	9
Thomas Mathews, . . . . .	5 $\frac{1}{4}$	Do. do. . . . . 3 9	0	19	3
John Chapmad, . . . . .	2 $\frac{1}{2}$	Do. do. . . . . 3 6	0	8	9
Susannah Higgins, . . . . .	16	Cook, . . . . . 0 8	0	10	8
Duncan Gilchrist, . . . . .	5 $\frac{1}{2}$	Boarded himself, . . . . . 3 9	1	0	7 $\frac{1}{2}$
Edward Sheldon, . . . . .	3 $\frac{1}{2}$	Do. do. . . . . 3 9	0	13	1 $\frac{1}{2}$
John Curry, . . . . .	2 $\frac{1}{2}$	Do. do. . . . . 3 9	0	9	4 $\frac{1}{2}$
David Curry, . . . . .	2 $\frac{1}{2}$	Do. do. . . . . 3 9	0	9	4 $\frac{1}{2}$
William Higgins, . . . . .	2	Do. do. . . . . 3 9	0	7	6
John Willson, . . . . .	$\frac{1}{2}$	Do. do. . . . . 3 9	0	1	10 $\frac{1}{2}$
			£	78	16 1 $\frac{3}{4}$

Continued—July, 1837.

NAMES.	No. of Days.	REMARKS.	AMOUNT.		
			£	s.	D.
R. T. Willson, . . . . .	29	. . . . . 7s. 6d.	10	17	6
George McCarty, . . . . .	11 $\frac{1}{2}$	. . . . . 5 0	2	17	6
William Riley, . . . . .	19 $\frac{1}{2}$	Boarded himself, . . . . . 4 6	4	7	3
Thomas Declair, . . . . .	19 $\frac{1}{2}$	Do. do. . . . . 4 6	4	7	3
Michael Keenan, . . . . .	16 $\frac{3}{4}$	Do. do. . . . . 3 9	3	2	9 $\frac{3}{4}$
Peter Lyans, . . . . .	17	Three days a 4s. & fourteen, a 3 9	3	4	6
Lawson Smith, . . . . .	12	Boarded himself, . . . . . 3 9	2	5	0
John Bramer, . . . . .	20	Do. do. . . . . 3 9	3	15	0
Garrett Vanslyke, . . . . .	3 $\frac{3}{4}$	Do. do. . . . . 3 9	0	14	0 $\frac{3}{4}$
William McMulkin, . . . . .	6 $\frac{1}{2}$	Do. do. . . . . 3 9	1	4	4 $\frac{1}{2}$
Susannah Higgins, . . . . .	9 $\frac{1}{4}$	Cook, . . . . . 0 8	0	6	6
Duncan Gillness, . . . . .	4 $\frac{3}{4}$	Boarded himself, . . . . . 3 9	0	17	9 $\frac{3}{4}$
Edward Sheldon, . . . . .	4	Do. do. . . . . 3 9	0	15	0
David Curry, . . . . .	5	Do. do. . . . . 3 9	0	18	9
John Curry, . . . . .	5	Do. do. . . . . 3 9	0	18	9
William Higgins, . . . . .	6 $\frac{3}{4}$	Do. do. . . . . 3 9	1	5	3
John Willson, . . . . .	4 $\frac{1}{4}$	Do. do. . . . . 3 9	0	17	9 $\frac{3}{4}$
George McCarty's Oxen, . . . . .	14 $\frac{3}{4}$	5 $\frac{3}{4}$ days, a 3s. 9d. & 9 days, a 5 0	3	6	3
R. T. Willson, . . . . .	16 $\frac{3}{4}$	5 $\frac{3}{4}$ days, a 3s. 9d. & 11 days, a 5 0	3	16	6 $\frac{3}{4}$
Henry Huff, . . . . .	9 $\frac{1}{4}$	Boarded himself, . . . . . 3 9	1	16	6 $\frac{3}{4}$
Darby O'Connor, . . . . .	3 $\frac{1}{2}$	Do. do. . . . . 3 9	0	13	1 $\frac{1}{2}$
David Willson, . . . . .	2 $\frac{1}{2}$	Do. do. . . . . 3 9	0	9	4 $\frac{1}{2}$
William Garbut, . . . . .	5	Do. do. . . . . 3 9	0	18	9
Hugh Willson, . . . . .	12 $\frac{1}{8}$	With Horses, . . . . . 12 6	7	17	9
Robert McMahan, . . . . .	8	Do. . . . . 12 6	5	0	0
Patrick Gillogley, . . . . .	5	Boarded himself, . . . . . 3 9	0	18	9
Francis Lachappel, . . . . .	9	Do. do. . . . . 3 9	1	13	9
John Lachappel, . . . . .	8	Do. do. . . . . 3 9	1	10	0
Robert McMahan, . . . . .	3	Do. do. . . . . 3 9	0	11	3
			£	71	7 3

Continued—August, 1837.

NAMES.	No. of Days.	REMARKS.	AMOUNT.
R. T. Willson.....	15	..... 7s. 6d.	£ 5 12 6
William Riley .....	10½	Board himself..... 4 6	2 6 1½
Thomas Declair .....	4½	Do. do. .... 4 6	1 1 4½
John Bramer.....	4½	Do. do. .... 4 0	0 19 0
Francis Lachappal.....	3½	Do. do. .... 3 9	0 12 2½
John Lachappal .....	4½	Do. do. .... 3 9	0 15 11½
Robert McMahon .....	3½	Do. do. .... 3 9	0 13 1½
Joseph Ellesmore .....	3	Do. do. .... 3 9	0 11 3
R. T. Willson.....	4½	One yoke Oxen..... 5 0	1 3 9
Hugh Willson .....	1	With Horses ..... 10 0	0 10 0
			£ 14 5 3
R. T. Willson, for fixing and pinning Plank, &c. &c. &c. ....			£ 1 5 0
Lincoln Weatherall, 2 days, for fixing Bridge, November 24th, 1838.....			0 7 6
			£ 1 12 6
<b>TOTAL OF WORKMEN'S WAGES.</b>			
Money expended for work in October and November, 1836.....			£ 59 7 9½
Do. do. do. March, 1837 .....			31 0 2½
Do. do. do. April, do. ....			62 8 7
Do. do. do. May, do. ....			58 7 5
Do. do. do. June, do. ....			78 16 1¾
Do. do. do. July, do. ....			71 7 3
Do. do. do. August, do. ....			14 5 3
			1 12 6
			£ 377 5 2½

RICHARD TITUS WILLSON, maketh oath and saith, that the above sum of Three Hundred and Seventy-seven Pounds, Five Shillings and Two Pence Farthing, has been paid according to the foregoing account of work done on the West Gwillimbury Road.

(Signed) R. T. WILLSON,  
OVERSEER.

Sworn before me at St. Albans, }  
23rd February, 1839. }

W. LAUGHTON, J. P.

**REPORT,**  
OF THE  
**BOARD OF INSPECTORS**  
OF  
**THE PROVINCIAL PENITENTIARY,**  
FOR 1838.

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THE Board of Inspectors of the Provincial Penitentiary, near Kingston, in submitting herewith, for the information of His Excellency the Lieutenant Governor, the annual returns of its proceedings during the fiscal year, ending October, 1838, and which many unavoidable circumstances have heretofore delayed, would most respectfully beg leave to observe, that the various documents marked from A. to K. together with the Warden's report, and those of the Chaplain and Surgeon, embrace so ample a statement, in detail, of the several matters connected with its management, as to need but little comment at their hands. There are, however, some questions bearing on its finances, that require something more than a passing remark—as the Board have had some difficulty in meeting the demands, from the circumstance of the last annual grant falling so far short of the amount estimated for its support. It may seem from document G. that the estimate for the support of the establishment for the present year is unusually large; but when the present state of the institution is duly considered, with reference to documents L. and M. it will be at once seen that the gain to the Province, in the actual value of the buildings now in the course of erection, and absolutely necessary to its success, does not fall far short of the several grants made by the Legislature for its support—and the Inspectors are of opinion, that if the like work had been done by contract, it would have cost a much greater sum. It is moreover essentially necessary, that whilst so large a portion of the available labour of the convicts is applied in the erection of the buildings required by the improved system of arrangement, that the annual appropriations should at least be commensurate with the unavoidable expenses of materials and superintendence, with the salaries of the officers of the institution.

The erection of an outer wall around the establishment is also an object of the greatest importance, and which the events of the last twelve months have brought prominently forward, shewing that it must not only embrace security against the escape of the convict from within, but sufficient to repel danger from without—the Inspectors having reason to believe, that the liberation of the convicts formed a part of the plans of the disturbers of the peace of the country. The fear of this has been a cause of the greatest anxiety to the officers in the immediate charge of the Penitentiary—calling for their utmost vigilance; increasing very materially their ordinary duties; and the relief afforded by extra night guards has added considerably to the general expense. An especial appropriation would appear to be required to meet this emergency—seeing, by the Warden's report, that by convict labour it could not be effected under a period of two years at least.

The Inspectors, keeping in view the spirit of the resolution of the Honourable the House of Assembly, that in the employment of the convicts, their labour might not be brought into injurious competition with the artizan and tradesman, have had under their consideration the propriety of establishing a rope work and duck factory—manufactures which they conceive can be carried on to an advantage by convict labour; would interfere with no present vested interests; and might be made subservient to the agriculturist, by promoting the cultivation of hemp in the country.

The Board would most respectfully ask the attention of His Excellency to that part of the Warden's report, soliciting a supply of the printed documents of the proceedings of the Institution, to enable them, by an exchange with similar establishments in other countries, to ask for the results of their experience, in the management of the great objects sought to be obtained by Penitentiary discipline.

All of which is most respectfully submitted.

**JAMES NICKALLS,**  
PRESIDENT OF THE BOARD OF INSPECTORS.

## TO THE INSPECTORS OF THE PROVINCIAL PENITENTIARY.

GENTLEMEN :

SINCE my last annual report, 105 male and 6 female convicts have been received into the Penitentiary, being an increase of 40 above the number of prisoners received in the preceding year. Of these, 7 male convicts are under second convictions, whose previous sentences did not average more than 17 months—a term that has been found by experience too short, in which to effect any lasting improvement in the habits of men who have lived in the commission of crime.

The return marked A. will shew the number of convicts received into the establishment from the several Districts during the last fiscal year, together with a statement of the crimes of which they have been found guilty, and the terms of their respective sentences.

The number of prisoners discharged from the Penitentiary during the preceding year is 80, of whom—

	66	were	by	expiration	of	sentence,
	10	“	“	“	“	pardon,
	4	“	“	“	“	death:

A statement of which is given in the return marked B. containing a full description of their persons; the Districts in which they were tried; the crimes for which they were convicted; and the terms of time for which they were severally committed.

In my last report, I stated that the prisoners on their liberation, were subjected to certain questions, in order to ascertain from them (so far as dependence can be placed in their statement) the advantages derived from the system of Penitentiary discipline in the punishment and reformation of convicts.

This practice has been continued, and with the like results.

In the return marked C. will be found a statement of the convicts in confinement on the 30th September last, with an account of their crimes; date of sentence; term of imprisonment; and the District from which they were sent. From this it appears there has been an increase of 36 convicts above the number stated in my last report, of whom 19 were for the crime of high treason. The average number of prisoners for the last year was 105, and that during the present is 153—being an increase of rather more than 45 per cent. over the year preceding. The total number of prisoners received into the institution since the prison was opened, in the year 1835, is 230—of which 8 are under sentence of second convictions.

During the past year the conduct of the prisoners has been generally good; and notwithstanding the great increase in the number of convicts received, the punishment which it has been necessary to inflict has not exceeded the average proportion of last year, when the number of prisoners received was far less: a sufficient proof that the discipline of the institution is still in a state of improvement, as it is generally found that a greater share of punishment is unavoidably inflicted upon those recently received into confinement, than upon convicts who have been longer in prison. There have been some few attempts to escape, the idea of which has no doubt been suggested by the apparent insecurity of the fence—the scaling of which would be of easy accomplishment, were there not other precautions taken, as well for their safe keeping, as for discovering their absence.

The labour of the convicts since last spring has been principally devoted to the erection of the east wing, and the completion of the roof and front of the north wing. The walls of the former, which were only commenced in the month of May last, are now carried to their proper height, with the exception of the cornice, which it is intended to complete next year—the stone for which will be prepared during the present fall and ensuing winter. As the number of cells in the south wing will, in a very short time, become too limited for the reception of the convicts who may be sent here, it was absolutely necessary that the building of the east wing should be commenced; for had it been longer delayed, it would have been impossible, with the small number of prisoners whose labour could be appropriated to this purpose, to complete it before it would be required for the reception of convicts.

In the statements of work done by the convicts since my last report, it will be seen, that as much as possible has been devoted to the support of the institution, although but a small amount in proportion to the annual expenditure of the establishment. The building operations

and other works carried on at the Penitentiary, during the present year, have been performed altogether by the labour of the convicts, whose proficiency in their several trades is such that the work performed by them is of the best description.

The return marked D. contains an account of the value of the labour of the convicts during the past year, describing what amount has been devoted to the building and support of the prison, and how much has been earned by the convicts who have been employed in the manufacture of articles made for sale. From this statement, it appears that the labour of the prisoners during the last year exceeds that of the preceding by  $4\frac{1}{2}$  per cent. per man.

The Board having directed that the labour of a certain number of convicts should be set apart for making shoes and boots for sale, a large quantity of these articles has been manufactured, which will, no doubt, meet a ready demand during the ensuing winter—as they are of a description more properly suited to that season.

The principal work to be performed during the present fall, should the season continue long open, will be the excavation for and building of the main drain, a work which is much required, as it is so essentially necessary to the health and cleanliness of the prison.

Much of the labour of the convicts during the ensuing year, will be required in fitting up the north wing, the lower floor of which is particularly required for the kitchen and dining hall, the present use of the areas in the south wing, for the latter purpose, being found to be extremely inconvenient, and the positions of the convicts at the dinner-table, as at present arranged, do not afford that facility of oversight which is desirable.

The cells of the east wing, the building of which it is proposed shall form part of the work of the convicts next year, will not probably be fit for occupation until the summer of the year after next, by which time, should the number of convicts increase in the same proportion as they have done during the past year, the south wing, which at present is the only one fit for the reception of prisoners, will not be sufficient to contain those that may be sent to the Penitentiary.

The gradual decay of the present wooden fence, as well as the safe keeping of an increased number of prisoners, will soon render it necessary to commence the building of the boundary wall, a work which, if performed by the labour of convicts, will require at least two years in its performance, as the number of men who can be employed as masons will be too few to complete it in a shorter period.

Before the labour of the convicts can be rendered available for the maintenance of the Penitentiary, it will become necessary to build the shops as originally designed, in order that the various branches of trade in which the convicts are to be employed may be successfully carried on. The only buildings so used at present, exclusive of the stone-shed, are the carpenter's, blacksmith's, and shoemaker's shops, which are put up in a slight, temporary manner, and the two latter will soon go to decay.

Some proportion of the labour of the convicts is continually required, for the immediate purposes of the prison. Several are employed in sweeping and cleaning the buildings, and providing the daily meals, besides those who are engaged in making and washing the clothing. The occasional making and repairing of prison furniture and utensils, also requires the employment of several of the prisoners during the year.

Until the buildings which are now in progress of completion, and the shops which it is intended to be built, can be finished, no amount of the labour of the convicts of any consequence can be devoted to the support of the Institution. To accomplish so desirable an end, it would require the constant labour of at least two hundred convicts to be set apart for that purpose.

The increased price of the necessaries of life, has caused a corresponding advance on the cost at which the provisions are now furnished for the support of the convicts.

The rations are divided into three classes, two of which are supplied at the rate of  $8\frac{1}{2}$ d. each, and the third at  $7\frac{3}{4}$ d. making an average of seven and *twenty-seven twenty-eights of a penny* per day. A diet-table agreeable to the scale recently adopted by the Board, is hereunto appended.

The disturbed state of the country during the last winter having required increased watchfulness for the protection of the Penitentiary, every precaution was taken to put the establishment in as fit a state of defence as the means placed at my disposal would admit.

The duty on the part of the Officers, for several weeks, was such as to require their services by night and by day; but this duty becoming too burthensome, and of a nature to unfit them for the proper discharge of their more appropriate services during the day, it was deemed advisable by the Board to employ an extra guard for the special purpose of attending to the outward protection of the Penitentiary by night. The number of men employed in this particular duty has been latterly reduced, and it would not perhaps be prudent to discontinue their services until a military guard be stationed in this neighbourhood, which it is to be hoped will soon be the case, as a guard-house, and barracks sufficient for the accommodation of forty men, have recently been erected on the Penitentiary ground, by direction of the Commander of the Forces. The presence of the small detachment of Militia, which was for a short time placed here, was found to be particularly serviceable, and had it been continued from the time the guard-house was completed, it would have saved the expense necessarily incurred in continuing the extra night guard.

By reference to the inventory of goods, materials, and other property on hand, it will be seen that the greater part of the tools and other articles in use at the Penitentiary, have been made by convict labour.

The statement marked G, describes the particulars of the estimate of the sum required for the support of the Penitentiary for the ensuing year. This amount appears larger than that of former years, but is not greater than is necessary to complete the buildings at present in an unfinished state, as well as to maintain the convicts and pay the officers and others engaged in carrying on the discipline of the Institution. The sum voted by the Legislature at its last session, was £1,377 2s. 1d. less than the estimate laid before Parliament.

This deficiency, together with the additional expense of building the east wing this year, for which no estimate was made, and the extra disbursements arising out of the disturbed state of the country, have created a debt against the institution amounting to £1,794 1s. 7d. including three months pay to the officers and guard of the establishment, which at present there are no means of discharging, as the funds of the Penitentiary are exhausted.

By the statute 4th Wm. IV. c. 37, I am directed to preserve in the Penitentiary at least one set of copies of all official reports made to the Legislature respecting the same, for which purpose, a suitable number of such reports, when printed, were to be supplied to me. These printed copies have never been furnished, and although copies of the same are carefully preserved in the books of the office, the want of a supply of the printed documents has hitherto prevented me from obtaining much valuable information in regard to matters connected with prison discipline, as I am unable to exchange reports with the officers of similar institutions in other countries.

An account of the various employments in which the convicts were engaged at the close of the last fiscal year, will be seen in the return marked H.

I beg also to lay before the Board my yearly general Accounts of Receipts and Disbursements on account of the Penitentiary.

The documents accompanying this report are as follow, and are severally marked as stated against each, viz:—

Return of Convicts received into the Provincial Penitentiary in the year, ending 1st of October, 1838,.....	Marked A.
Return of Convicts discharged from the Penitentiary during the year, ending 1st October, 1838,.....	“ B.
Return of Convicts now in confinement at the Penitentiary, 1st October, 1838,..	“ C.
Return shewing the value of the labour of the Convicts at the Provincial Penitentiary, from 1st October, 1837, to the 1st October, 1838,.....	“ D.
Diet-table, 1st October, 1838,.....	“ E.
Return of the Property of the Province on hand at the Penitentiary, 1st October, 1838,.....	“ F.
Estimate of the sum required for the support, &c. of the Penitentiary, for the year 1839,.....	“ G.
Return shewing the manner in which the Convicts are employed at the Penitentiary, 1st October, 1838,.....	“ H.
General Account of Disbursements during the year, ending 1st October, 1838,..	“ I.
General Account of Receipts and Disbursements at the Provincial Penitentiary, during the year, ending 1st October, 1838,.....	“ K.

All which is respectfully submitted.

H. SMITH, WARDEN.

## CHAPLAIN'S REPORT.

TO THE INSPECTORS OF THE PROVINCIAL PENITENTIARY.

GENTLEMEN :

The review of the past year is attended with mingled feelings of joy and sorrow ;—of joy, that melioration of the convict has been earnestly sought after ;—of sorrow, that so small a return has been made : still there is some encouragement to proceed in an undertaking accompanied by so many disappointments and difficulties ; for if even only one out of every fifty should be reclaimed, this would authorize the continuance of increased exertion in behalf of the rest.

The fact that several re-committals during the year now ended have been registered, may at first serve to call in question the utility of the institution ; but when the obduracy of the heart, enslaved for years, (and in many instances from childhood) is considered in connexion with the shortness of the term for which they were imprisoned, all doubts respecting the successful working of the establishment must vanish. Besides, the very circumstance that so very few have returned, out of the number discharged, is itself a decided proof, that some good has been effected.

The experience of the last year has satisfactorily proved, that a short sentence tends only to harden the heart and produce a repetition of crime ; for how can it be otherwise ? The prospect of a speedy liberation, alleviates the punishment, banishes reflection, by bringing before the mind the *scenes* of riot, so gratifying to their nature, and even encourages to form schemes which feed their passion, and render them, when released, a far more terrible scourge to society. If the evil habit, whether it be of drunkenness, theft or idleness, be not entirely broken, no change of heart *can* take place. I do not mean to say, that long sentences will entirely break the habit, and prevent a recurrence of crime, but that if good is to arise from the Penitentiary system, the object is more likely to be attained by long rather than by short sentences.

There exists a very serious evil, which ought, if possible, to be remedied—an evil which acts very unfavourably to the growth of those improved habits, which may have been acquired within the Penitentiary. It has happened frequently during the past year, that many convicts have been released, upon the expiration of their sentence, within a short time of each other, and have remained in the town. Independently of the danger to which society may be exposed from the union of these men, it is evident that temptations will arise peculiar to their situation ; the well-disposed become a prey to the designing, through fear of exposure,—and this is a very powerful instrument, when wielded by a base mind. They are induced to yield to their invitations to frequent the public house, under the hope, and with the inward feeling that no further temptation awaits them ; but when once the poisonous draft is tasted by those, who were previously addicted to intemperance, then the seeds of reformation are scattered to the winds, then the door is open for a fresh commission of crime. It moreover seems natural to convicts, upon finding themselves in possession of liberty, to celebrate their freedom from confinement in the first public-house that lies in their path. There is a possibility, if not a probability, that if one convict at a time were discharged, he might elude the temptation which might otherwise overcome him. I have seen the ill effects of this association, and have the testimony of a convict, who left the prison with a thorough determination to walk uprightly, but being waylaid by others, whose hearts were only hardened by their temporary deprivation of “liberty,” was unable, from the absence of a confirmed principle, to withstand the jeers and seductions of his companions. To this short indulgence he attributed his downfall.—I need not say, that now he is a drunkard.

As regards the duties of my office, I have endeavoured to impress upon the convicts the absolute necessity of an acknowledgment of their guilt, the *justice* of their punishment, as well as an undeviating *conformity* to the rules of the institution, laid down for their observance. Many, who at first boldly denied their guilt, have, upon reflection, made an ample confession, and acknowledged that punishment was not awarded according to their deserts.

I cannot complain in the least of the want of attention given to the word preached, or to advice offered for their consideration ; the chief cause of discouragement is, that so little profit has arisen. When in confinement, there seems to be something like inquiry about the

way in which they should walk; but so soon as all restraint is laid aside, and they become masters of their own actions, then vanishes speedily, in too many instances, the pleasurable prospect of a renewed spirit. The number admitted last year was 110; 80 have been dismissed; the re-committals have been 7, three of these under very aggravated circumstances.

In the majority of cases, the commission of crime is to be assigned to the want of religious instruction in childhood; in very many instances, evil habits have been strengthened by the immoral conduct of parents and guardians; some have been thrown upon the world, without a friend to counsel, and have unfortunately fallen into company, the very hot-bed of sin; some, disliking wholesome parental restraint, have unhesitatingly yielded themselves up to licentious living; some, by indulging their lustful passions, have attempted the most brutal deeds; some, by suffering *anger* to overcome *reason*, have been driven unwittingly to imbrue their hands in the blood of their fellows. The love of change, the encouragement of seditious meetings, and the attempt to revolutionize, have increased the number of the penitents; and the very means adopted for the suppression of rebellion, have also contributed to swell the lists of the prison. The enrolment of militia has produced crime; as sedition ceased, idleness ensued, and with it entered the prolific cause of evil—drunkenness.

The *discontinuance* of the school, though a matter of *expediency*, is nevertheless a subject of regret. The numerous applications daily made for instruction, afford a gratifying proof of the deep interest which a desire for learning has excited; and indeed what greater blessing can there be than a privilege of perusing the word of God, which proclaims the plan of salvation to the sinner? What can tend so effectually to alleviate the misery of silent solitude, as the undisturbed meditation of the wonders of redemption? This is a privilege to which the veriest outcast is entitled: as spiritual knowledge is the only means whereby we may hope to reform the the immoral. If it be true that knowledge is power, what mighty moral effects may be produced, if that knowledge be communicated to the convict, which will enable him both to discern the evil which disturbs his breast, as well as discover the antidote. It is to be hoped, that circumstances will soon allow the re-opening of the school on a more secure and approved plan.

Upon the whole, the friends of morality have no cause for complaint or despondency, if the extent of reformation meet not their utmost wishes; the attempt has been made—the opportunity has been afforded the culprit to consider his ways. If he has not encouraged reflection—if he has wilfully rejected the means whereby a change might be expected, his blood then rests upon his own head. A wide and daily extending field lies before us, which will require on our part increased exertion: disappointment often discourages a further effort—but the consideration, that it is not the will of *Man*, but of *God*, which bends the stubborn heart into subjection, bids us proceed, with the assurance, that in due time we shall reap, if we faint not.

W. M. HERCHMER.

15th OCTOBER, 1833.

## SURGEON'S REPORT.

GENTLEMEN:

I have the honour to report, that I have visited the prison, either in person, or when unavoidably absent, by the proxy of a qualified Medical Practitioner, daily, since my last annual report. Indeed, as I have noticed in my previous report to you, the disposition to “malingering” amongst the convicts is so great, that were not the visits of the Medical Officer known to be certain and daily, constant advantages would be taken of his non-attendance; and the discipline officers of the establishment would be constantly perplexed, as being liable to imposition by candidates for the sick list, who have often no other object but a temporary respite from labour. By the vigilance and discrimination of the Medical Officer of such an establishment as this, much imposition may be prevented, and a corresponding *quantum* of valuable labour secured for the public.

In my two former reports, I submitted at some length my views of the duties of the office which I hold; since then I have seen no cause to alter my opinions.

I hereto subjoin two returns—one of the patients treated in hospital, and another of those not so admitted. By the former it will be observed, that *three* deaths have taken place during the year. Their cases have been recorded, as well as those of all other hospital patients in the register, together with a *post-mortem* report of each.

In the latter return will be seen a list of 811 distinct applications for medical aid, by what are termed “cell” or “out” patients. In my last year’s report, I stated my reason for not admitting to hospital, any but those labouring under affections of the more serious nature. Of the diseases detailed in this return, many are of a species visible and demonstrable, while many others are of such a kind, that the assertion of the applicant is oftentimes the only evidence of their existence; and doubtless, successful deceit has frequently been practised on the Surgeon, while on the other hand, it is confessed, that more than once it has occurred, that applicants have been treated with suspicion, whose diseases in the sequel assumed a serious aspect.

I have the honour to be,

GENTLEMEN,

Your most obedient Servant,

JAMES SAMPSON,  
SURGEON,  
*Provincial Penitentiary.*

KINGSTON, OCTOBER, 1838.

No. 1.

RETURN OF CASES, *treated in the Hospital of the Provincial Penitentiary, between 30th September, 1837, and 1st October, 1838.*

DISEASES.	Remaining last Return.	Since Admitted.	Discharged.	Died.	Remaining.
Fever .....	2	11	11	1	1
Phrenitis .....	1	1	1	1	0
Pthisis .....	0	1	0	1	0
Bronchitis .....	0	1	1	0	0
Epilepsy .....	0	2	2	0	0
Lumbago.....	0	3	3	0	0
Dislocation .....	0	1	1	0	0
Injury of the Loins.....	0	2	2	0	0
Injury from rock-blasting .....	0	2	2	0	0
Total .....	3	24	23	3	1

JAMES SAMPSON,  
SURGEON,  
*Provincial Penitentiary.*

## No. 2.

RETURN OF CASES, not in Hospital, in the Provincial Penitentiary, between 30th Sept'r. 1837, and 1st Oct'r. 1838.

Slight Fever .....	31	Ear Ache .....	3
Rheumatic Affections .....	98	Tooth Ache (Teeth extracted) .....	40
Sore Throat .....	3	Excoriation .....	2
Inflamed Eyes .....	18	Dysuria .....	13
Local Inflammation (external) .....	3	Abscess .....	15
Catarrh .....	46	Itch .....	9
Headache .....	78	Boils .....	32
Indigestion .....	44	Herpes .....	3
Nausea and Vomiting .....	20	Hymosis .....	1
Flatulence .....	1	Hernia .....	2
Griping .....	44	Whitlow .....	3
Hæmorrhoids .....	4	Gonorrhœa .....	1
Diarrhœa .....	67	Warty Excrescences .....	1
Constipation .....	7	Tumor .....	1
Eruptions .....	14	Sprains .....	25
Cholic .....	6	Wounds .....	12
Asthma .....	3	Ulcerations .....	29
Hæmoptisis .....	1	Contusions .....	61
Palpitation .....	2	Injury of the Eye .....	2
Syncope .....	1	Do. do. Leg .....	3
Epilepsy .....	1	Do. do. Arm .....	3
Worms .....	1	Do. do. Testis .....	1
Vague Internal Pains .....	19	Diseased Knee .....	4
Lumbago .....	1	Do. Leg .....	6
Vertigo .....	6	Do. Eye-lid .....	4
Neuralgia .....	1	Do. Ankle .....	2
Prickly Heat .....	1	Do. Tibia .....	1
Ring-worm .....	1	Scalds .....	2
Scorbutic Affection .....	1	Punished Back .....	3
Shingles .....	1	Debility .....	4

JAMES SAMPSON,  
SURGEON,  
Provincial Penitentiary.

## A.

RETURN OF CONVICTS, received into the Provincial Penitentiary, in the Year ending 1st October, 1838.

No.	NAMES.	DISTRICT.	CRIME.	When Sentenced.	Term of Imprisonment.
170	Michael Fox .....	Bathurst .....	Assault with intent to ravish .....	Sept. 23 ..	Three years.
171	Patrick O'Brien .....	do .....	do do murder .....	do do ..	do
172	James McDonald .....	do .....	do do do .....	do do ..	do
173	Patrick Welsh .....	do .....	do do ravish .....	do do ..	Two years.
174	Thomas Burke .....	do .....	do do murder .....	do do ..	Three years.
175	William Read .....	Prince Edw'd. .....	Larceny .....	do 30 ..	One year.
176	John Flood .....	Eastern .....	do .....	do do ..	do
177	John Goodfield .....	do .....	do .....	do do ..	Two years.
178	George Coile .....	Western .....	Stealing a Pig .....	do 23 ..	One year.
179	George Wallace .....	do .....	Stealing a Horse .....	do do ..	Five years.
180	Alexander Cotton .....	do .....	Stealing Wearing Apparel .....	do do ..	Four years.
181	John Walker .....	London .....	Horse stealing and Larceny .....	Oct'r. 6 ..	Six years.
182	James Brown .....	do .....	Misdemeanor .....	do do ..	Two years.
183	John Harrison .....	Midland .....	Larceny .....	do 14 ..	One year.
184	Peter Beauchamp .....	do .....	Horse-stealing .....	do do ..	Three years.
185	James Lawrenson .....	do .....	Larceny .....	do do ..	Two years.
186	William Moon .....	do .....	Forgery .....	do do ..	do
187	Catharine Sullivan .....	do .....	Larceny .....	do do ..	One year.
188	Louis Baron .....	Johnstown .....	do .....	do do ..	Two years.
189	William Maley .....	do .....	Felony .....	do do ..	One year.
190	Susanna Drinkwater .....	do .....	Misdemeanor .....	do do ..	do
191	William Black .....	Midland .....	Stealing a Watch .....	do 24 ..	Two years.
192	Torence Lynch .....	do .....	do .....	do do ..	do
193	James Stephenson .....	Niagara .....	Larceny .....	do 4 ..	do
194	Richard Abbot .....	do .....	Horse-stealing .....	do do ..	Five years.
195	William Agar .....	do .....	Larceny .....	do do ..	One year.
196	Benjamin Abbot .....	do .....	Horse-stealing .....	do do ..	Five years.
197	Andrew McGitty .....	do .....	do .....	do do ..	Four years.

Return of Convicts for 1838—continued.

No.	NAMES.	DISTRICT.	CRIME.	When Sentenced.	Term of Imprisonment.
198	Augustus Anger	Niagara	Stealing an Ox	Nov'r. 4	Five years.
199	Joseph Leggatt	do	Horse-stealing	do do	do.
200	Ralph S. Springstead	do	Horse and Ox stealing	do do	Seven years.
201	James Meager	do	Larceny	do do	One year.
202	Jacob Marcelles	Gore	Felony	Nov. 11	Two years.
203	John Cormoody	do	Larceny	do do	do.
204	Laughlin McLean	do	Horse-stealing & breaking prison	do do	Five years & 6 months.
205	John Balding	do	do do	do do	Three do. do.
206	John Wright	do	Felony	do do	Two years.
207	Richard Kale	do	Larceny	do do	One year.
208	Charles Green	do	do	Oct'r. 12	do
209	John Bearcroft	Home	do	Nov. 18	Two years.
210	Henry Cleveland	do	do	do do	One year.
211	John Young	do	do	do do	Two years.
212	John Freeman	do	Accessory to a Larceny	do do	do.
213	William Harris	do	Larceny	do do	do.
214	Abraham Mitchell	do	do	do do	do.
215	John O. Strander	do	do	do do	One year.
216	James Hyatt	do	do	do do	do.
217	Thomas Dixon	do	do	do do	Three years.
218	John Jackson	do	do	do do	One year.
219	Daniel Sullivan	do	Assault with intent to murder	do do	Three years.
220	Mary Burnett	do	Larceny	do do	Two years.
221	Bridget Freeman	do	Accessory after the fact	do do	do
222	Michael Poire	Midland	Larceny	Apr. 25, '38	One year.
223	Cornelius Carroll	do	do	do do	do
224	Thomas Gavin	Newcastle	do	do 11	do
225	Michael Mahar	Johnstown	do	May 3	do
226	Ferdinand Morin	Midland	Larceny, and breaking prison	do 12	One year & six months.
227	Edward LaBaye	do	do do	do do	Two years.
228	Francis Papa	do	do do	do do	Two years & six months.
229	Prideaux Beaudrea	do	do do	do do	do do
230	Charles Monroe	do	Larceny	do do	Two years.
231	John Little	Home	do	June 2	One year.
232	Oliver Johnston	do	do	do do	Two years.
233	Patrick Tehally	do	do	do do	do
234	Jacob Shelar	Talbot	do	June 26	Two years.
235	Alfred Berry	do	do	do do	Four years.
236	Joseph Walker	do	do	do do	Three years.
237	Thomas Simpson	do	do	do do	One year & six months.
238	Jacob Walker	do	Misdemeanor	do do	Three years.
239	Jacob Dutcher	Niagara	Larceny	do 9	Five years.
240	Elias Morse	do	do	do do	Two years.
241	Peter Wilkins	do	do	Mar. 16	do
242	John Donagan	do	do	June 9	One year & six months.
243	John Johnston	do	do	Mar. 16	Two years.
244	Jane B. Briscoe	do	do	June 9	One year & six months.
245	Willson Hunter	Home	Manslaughter	do 7	One year.
246	John Gillespie	Midland	Larceny	July 11	Two years.
247	William Akin	do	do	do do	do
248	William Chamberlain	do	do	do do	One year.
249	John Wilkie	Home	High Treason	do 14	Three years.
250	Colin Scott	do	do	do do	do
251	Asabel H. Scott	do	do	do do	do
252	John Rummerfelt	do	do	do do	do
253	Peter Rogers	do	do	do do	do
254	Francis Robins	do	do	do do	do
255	George Lamb	do	do	do do	do
256	Thomas Watts	do	do	do do	do
157	Joseph Watson	do	do	do do	do
258	J. D. Staples	do	do	do do	do
259	John Robinson	do	do	do do	do
260	David Porter	do	do	do do	do
261	William Poole	do	do	do do	do
262	George Barclay	do	do	do do	do
263	Luther Elton	do	do	do do	do
264	Edward Cannan	do	do	do do	do
265	Jesse Doan	do	do	do do	do
266	Dawson Brunton	Gore	Manslaughter	May 31	do.

## Return of Convicts for 1838—continued.

No.	NAMES.	DISTRICT.	CRIME.	When Sentenced.	Term of Imprisonment.
267	George Buck.....	Niagara.....	High Treason.....	Aug. 22 ..	Three years.
268	Murdock McPhadden.....	do .....	do .....	do do ..	do
269	Peter Sands.....	do .....	Felony.....	do 18 ..	One year.
270	David Green.....	Johnstown ..	Stealing a Cow.....	do do ..	do
271	Willard Palmer.....	do .....	Stealing Flour.....	do do ..	Six months.
272	Edward Shields.....	Midland .....	Stealing a Watch.....	Sept. 22 ..	Two years.
273	James Wilson.....	do .....	do do .....	do do ..	do
274	James Johnston.....	do .....	Stealing Harness.....	do do ..	do
275	Bridget Donnelly.....	do .....	Stealing Silk.....	do do ..	One year.
276	Charlotte Marks.....	Niagara.....	Larceny.....	Aug. 4 ..	do
277	James McMann.....	do .....	do .....	Sept. 14 ..	do
278	Gordon McCoy Wilson..	do .....	do .....	do do ..	do
279	John Boyd.....	Ottawa.....	do .....	do 21 ..	Five years.
280	Jacob Ferguson.....	Prince Edw'd.	do .....	do do ..	One year.

H. SMITH,  
WARDEN.

PROVINCIAL PENITENTIARY,  
1st October, 1838.

## C.

## RETURN OF CONVICTS now in confinement at the Provincial Penitentiary, 1st October, 1838.

No.	NAMES.	DISTRICT.	CRIME.	When Sentenced.	Term of Imprisonment.
4	John O'Rorke.....	Home.....	Grand Larceny.....	Apr. 18, '35	Five years.
6	Joseph Bouchette.....	Newcastle ..	do .....	Jan. 14 ..	do
13	Isaac Paddock.....	Gore.....	Horse-stealing.....	Aug. 28 ..	do
14	Daniel McDougal.....	do .....	do .....	do do ..	do
24	Joseph Warriner.....	do .....	Uttering a forged note.....	do do ..	do
25	A. P. Van Every.....	do .....	Returning from banishment.....	do do ..	do
31	William McWhorter.....	do .....	Horse-stealing.....	do do ..	do
38	John Hopkins.....	Western.....	Grand Larceny.....	do 7 ..	Four years.
40	Joseph Duchesnay.....	do .....	Rec'g. stolen goods & horse-ste'g.	do do ..	Six years.
41	Thomas Nicholson.....	Johnstown ..	Horse-stealing.....	Sept. 5 ..	Five years.
46	James Ensign.....	Niagara.....	Sheep-stealing.....	do 14 ..	do
47	Chester Kingsley.....	do .....	do .....	do do ..	do
48	Rufus Westover.....	do .....	Horse-stealing.....	do do ..	Four years.
50	Daniel Cole.....	Midland .....	do .....	do 29 ..	Five years.
51	Alberzi Fakusilo.....	do .....	Grand Larceny.....	do do ..	Six years.
54	Robert Mathews.....	do .....	Forgery.....	do do ..	Five years.
62	Michael Hoary.....	Home.....	Grand Larceny.....	Oct'r. 19 ..	Three years.
65	Basil Amyott.....	do .....	Burglary.....	Nov'r. 7 ..	Seven years.
66	Michael Murphy.....	do .....	do .....	do do ..	do
81	Samuel McLeod.....	Gore.....	Horse-stealing.....	Aug. 12 '36	Five years.
82	Joseph Liekers.....	do .....	do .....	do do ..	do
83	John Wirrick.....	do .....	Ret'g. from banis't. & horse-st'g.	do do ..	Thirteen years.
84	Jacob Lounsbury.....	do .....	Grand Larceny.....	do do ..	Three years.
86	Reuben Babcock.....	Western.....	do .....	do 24 ..	Five years.
87	Alexander Dean.....	do .....	do .....	do do ..	Three years.
90	Heman Dodge.....	do .....	Forgery—(Coining).....	do do ..	Seven years.
97	W. H. Ross.....	London.....	Passing forged notes.....	Sept'r. 5 ..	Four years.
98	Silvester Phelps.....	do .....	Forgery.....	do do ..	Five years.
100	William Hurst.....	Newcastle ..	Larceny.....	Oct'r. 3 ..	Two years.
101	David Vanvolkenburg ..	Prince Edw'd.	Horse stealing.....	do 8 ..	do
102	Andrew Shore.....	Home.....	Grand Larceny.....	Nov'r. 1 ..	do
103	William Jepson.....	do .....	do .....	do do ..	Three years.
105	John Bell.....	do .....	Returning from Banishment.....	do do ..	do
112	Andrew Peterson.....	Gore.....	Rape.....	Oct'r. 12 ..	Five years.
113	Charles Flood.....	Bathurst.....	Assault, with intent to Murder..	Mar. 21, '37	Two years.
114	Patrick Barry.....	do .....	do .....	do do ..	do
119	B. R. Snow.....	Home.....	Larceny.....	April 14 ..	do
120	Thomas O'Hara.....	do .....	Forgery.....	do do ..	Three years.
123	Isaac Hall.....	do .....	Larceny.....	March 6 ..	Two years.
132	Thomas Delloway.....	Midland.....	do .....	April 26 ..	do

## Return of Convicts for 1838—continued.

No.	NAMES.	DISTRICT.	CRIME.	When Sentenced.	Term of Imprisonment.
141	F. Sheriphone .....	Niagara .....	Larceny .....	April 15 ..	Two years.
142	William Wintermute .....	do .....	do .....	do do ..	do
143	Abner Lee .....	Johnstown .....	Stealing a Cow .....	May 18 ..	do
145	Silvester Green .....	do .....	Stealing Goods and Money .....	do do ..	One year and 6 months.
146	Richard Magovern .....	do .....	Stealing a Cow .....	do do ..	Two years.
152	Daniel Barton .....	London .....	Horse stealing .....	do 25 ..	Three years.
153	Nathan Scott .....	do .....	do .....	do do ..	do
157	William Hallern .....	Newcastle .....	Larceny .....	July 12 ..	Eighteen months.
161	Charles Bell .....	Niagara .....	do .....	do 15 ..	Two years.
162	Alexander John .....	Johnstown .....	Stealing a Watch .....	Aug't. 10 ..	Fifteen months.
163	Daniel Gordon .....	Gore .....	Larceny .....	April 15 ..	Eighteen months.
169	William Lampson .....	Ottawa .....	do .....	Sept. 20 ..	Two years.
170	Michael Fox .....	Bathurst .....	Assault, with intent to Ravish ..	do 23 ..	Three years.
171	Patrick O'Brien .....	do .....	do do Murder ..	do do ..	do
172	James McDonald .....	do .....	do do do ..	do do ..	do
173	Patrick Welsh .....	do .....	do do Ravish ..	do do ..	Two years.
174	Thomas Burke .....	do .....	do do Murder ..	do do ..	Three years.
177	John Goodfield .....	Eastern .....	Larceny .....	do 30 ..	Two years.
179	George Wallace .....	Western .....	Stealing a Horse .....	do 28 ..	Five years.
180	Alexander Cotton .....	do .....	Stealing Wearing Apparel .....	do do ..	Four years.
181	John Walker .....	London .....	Horse stealing and Larceny .....	Oct'r. 6 ..	Six years.
182	James Brown .....	do .....	Misdemeanor .....	do do ..	Two years.
183	John Harrison .....	Midland .....	Larceny .....	do 14 ..	One year.
184	Peter Beauchamp .....	do .....	Horse-stealing .....	do do ..	Three years.
185	James Lawreuson .....	do .....	Larceny .....	do do ..	Two years.
186	William Moon .....	do .....	Forgery .....	do do ..	do
187	Catharine Sullivan .....	do .....	Larceny .....	do do ..	One year.
188	Louis Baron .....	Johnstown .....	do .....	do do ..	Two years.
189	William Maley .....	do .....	Felony .....	do do ..	One year.
190	Susanna Drinkwater .....	do .....	Misdemeanor .....	do do ..	do
191	William Black .....	Midland .....	Stealing a Watch .....	do 24 ..	Two years.
192	Terence Lynch .....	do .....	do .....	do do ..	do
194	Richard Abbot .....	Niagara .....	Horse stealing .....	Nov'r. 4 ..	Five years.
195	William Agar .....	do .....	Larceny .....	do do ..	One year.
196	Benjamin Abbot .....	do .....	Horse stealing .....	do do ..	Five years.
197	Andrew McGitty .....	do .....	do .....	do do ..	Four years.
198	Augustus Anger .....	do .....	Stealing an Ox .....	do do ..	Five years.
199	Joseph Leggatt .....	do .....	Horse stealing .....	do do ..	do
201	James Meager .....	do .....	Larceny .....	do do ..	One year.
202	Jacob Marcelles .....	Gore .....	Felony .....	do 11 ..	Two years.
203	John Cormoody .....	do .....	Larceny .....	do do ..	do
204	Laughlin McLean .....	do .....	Horse-stealing and break'g Prison ..	do do ..	Five years & 6 months.
205	John Balding .....	do .....	do .....	do do ..	Three do do do
206	John Wright .....	do .....	Felony .....	do do ..	Two years.
207	Richard Kale .....	do .....	Larceny .....	do do ..	One year.
208	Charles Green .....	do .....	do .....	Oct'r. 12 ..	do
209	John Bearcroft .....	Home .....	do .....	Nov. 18 ..	Two years.
210	Henry Cleveland .....	do .....	do .....	do do ..	One year.
211	John Young .....	do .....	do .....	do do ..	Two years.
212	John Freeman .....	do .....	Accessory to a Larceny .....	do do ..	do
213	William Harris .....	do .....	Larceny .....	do do ..	do
214	Abraham Mitchell .....	do .....	do .....	do do ..	do
215	John O. Strander .....	do .....	do .....	do do ..	One year.
216	James Hyatt .....	do .....	do .....	do do ..	do
217	Thomas Dixon .....	do .....	do .....	do do ..	Three years.
218	John Jackson .....	do .....	do .....	do do ..	One year.
219	Daniel Sullivan .....	do .....	Assault, with intent to Murder ..	do do ..	Three years.
220	Mary Burnett .....	do .....	Larceny .....	do do ..	Two years.
221	Bridget Freeman .....	do .....	Accessory after the fact .....	do do ..	do
222	Michael Poiré .....	Midland .....	Larceny .....	Ap'l. 25, '38	One year.
223	Cornelius Carroll .....	do .....	do .....	do do ..	do
224	Thomas Gavin .....	Newcastle .....	do .....	do 11 ..	do
225	Michael Mahar .....	Johnstown .....	do .....	May 3 ..	do
226	Ferdinand Morin .....	Midland .....	Larceny and breaking Prison ..	do 12 ..	One year and 6 months.
227	Edward LaBaye .....	do .....	do .....	do do ..	Two years.
228	Francis Papa .....	do .....	do .....	do do ..	Two years & 6 months.
229	Prideaux Beaudreau .....	do .....	do .....	do do ..	do do
230	Charles Monroe .....	do .....	do .....	do do ..	Two years.

## Return of Convicts for 1838—continued.

No.	NAMES.	DISTRICT.	CRIME.	When Sentenced.	Term of Imprisonment.
231	John Little .....	Home .....	Larceny .....	June 2, '38	One year.
232	Oliver Johnston .....	do .....	do .....	do do ..	Two years.
233	Patrick Fehally .....	do .....	do .....	do do ..	do
234	Jacob Shelar .....	Talbot .....	do .....	do 26 ..	do
235	Alfred Berry .....	do .....	do .....	do do ..	Four years.
236	Joseph Walker .....	do .....	do .....	do do ..	Three years.
237	Thomas Simpson .....	do .....	do .....	do do ..	One year and 6 months.
238	Jacob Walker .....	do .....	Misdemeanor .....	do do ..	Three years.
239	Jacob Dutcher .....	Niagara .....	Larceny .....	do 9 ..	Five years.
240	Elias Morse .....	do .....	do .....	do do ..	Two years.
241	Peter Wilkins .....	do .....	do .....	Mar. 16 ..	do
242	John Donagan .....	do .....	do .....	June 9 ..	One year and 6 months.
243	John Johnston .....	do .....	do .....	Mar. 16 ..	Two years.
244	Jane B. Briscoe .....	do .....	do .....	June 9 ..	One year and 6 months.
245	Willson Hunter .....	Home .....	Manslaughter .....	do 7 ..	One year.
246	John Gillespie .....	Midland .....	Larceny .....	July 11 ..	Two years.
247	William Aikin .....	do .....	do .....	do do ..	do
248	William Chamberlain .....	do .....	do .....	do do ..	One year.
249	John Wilkie .....	Home .....	High Treason .....	do 14 ..	Three years.
250	Colin Scott .....	do .....	do .....	do do ..	do
252	John Rummerfelt .....	do .....	do .....	do do ..	do
254	Francis Robins .....	do .....	do .....	do do ..	do
255	George Lamb .....	do .....	do .....	do do ..	do
256	Thomas Watts .....	do .....	do .....	do do ..	do
257	Joseph Watson .....	do .....	do .....	do do ..	do
258	J. D. Staples .....	do .....	do .....	do do ..	do
259	John Robinson .....	do .....	do .....	do do ..	do
260	David Porter .....	do .....	do .....	do do ..	do
262	George Barclay .....	do .....	do .....	do do ..	do
263	Luther Elton .....	do .....	do .....	do do ..	do
264	Edward Cannan .....	do .....	do .....	do do ..	do
266	Dawson Brunton .....	Gore .....	Manslaughter .....	May 31 ..	One year.
267	George Buck .....	Niagara .....	High Treason .....	Aug't. 22 ..	Three years.
268	Murdock McPhadden .....	do .....	do .....	do do ..	do
269	Peter Sands .....	do .....	Felony .....	do 18 ..	One year.
270	David Green .....	Johnstown .....	Stealing a Cow .....	do do ..	do
271	Willard Palmer .....	do .....	Stealing Flour .....	do do ..	Six months.
272	Edward Shields .....	Midland .....	Stealing a Watch .....	Sept. 22 ..	Two years.
273	James Wilson .....	do .....	do .....	do do ..	do
274	James Johnston .....	do .....	Stealing Harness .....	do do ..	do
275	Bridget Donelly .....	do .....	Stealing Silk .....	do do ..	One year.
276	Charlotte Marks .....	Niagara .....	Larceny .....	Aug't. 4 ..	do
277	James McMann .....	do .....	do .....	Sept. 14 ..	do
278	Gordon McCoy Wilson .....	do .....	do .....	do do ..	do
279	John Boyd .....	Ottawa .....	do .....	do 21 ..	Five years.
280	Jacob Ferguson .....	Prince Edw'd.	do .....	do 28 ..	One year.

H. SMITH,  
WARDEN.

PROVINCIAL PENITENTIARY,  
1st OCTOBER, 1838.

**D.**

STATEMENT shewing the value of the Labour of the Convicts at the Provincial Penitentiary, from the 1st October, 1837, to the 1st October, 1838.

	Labour devoted towards the Buildings, and support of the Prisoners.			Earnings of the Prisoners, by work done on Hire.		
	Days.	Rate.	Amount.	Days.	Rate.	Amount.
		S. D.	£ S. D.		S. D.	£ S. D.
Blacksmith and Tinsmith.....	3085	3 7 <sup>803</sup> / <sub>3367</sub>	555 17 9 <sup>1</sup> / <sub>2</sub>	182	3 7 <sup>803</sup> / <sub>3367</sub>	32 15 10 <sup>1</sup> / <sub>2</sub>
Stone-cutters, Masons and Lathers....	9743	3 5 <sup>222</sup> / <sub>8744</sub>	1674 18 8 <sup>4</sup> / <sub>4</sub>	3	3 5 <sup>222</sup> / <sub>8744</sub>	0 10 3 <sup>1</sup> / <sub>4</sub>
Carpenters, Painters & Wheel-wright,	4818	3 0 <sup>803</sup> / <sub>4879</sub>	735 6 3 <sup>4</sup> / <sub>4</sub>	61	3 0 <sup>803</sup> / <sub>4879</sub>	9 6 2 <sup>1</sup> / <sub>4</sub>
Tailors .....	1166	3 5 <sup>595</sup> / <sub>1166</sub>	201 13 5			
Shoemakers.....	920	1 9 <sup>102</sup> / <sub>920</sub>	80 18 9	1032	2 1 <sup>867</sup> / <sub>1032</sub>	111 2 3
Quarry-men .....	1741	2 6	217 12 6			
Labourers .....	16187	2 6	2023 7 6	489	2 6	61 2 6
Seamstresses .....	2353	1 0	117 13 0			
Cook .....	364	2 6	45 10 0			
Nurse .....	364	2 6	45 10 0			
Barber .....	312	2 6	39 0 0			
£			5737 8 0			214 17 1

H. SMITH,  
WARDEN.

PROVINCIAL PENITENTIARY,  
1st October, 1838.

**E.**

CONVICTS' DIET TABLE, at the Provincial Penitentiary.

SUNDAY RATION	WEDNESDAY RATION.	MONDAY, TUESDAY, THURSDAY, FRIDAY, AND SATURDAY.
<b>BREAKFAST.</b>	<b>BREAKFAST.</b>	<b>BREAKFAST.</b>
Brown Bread,..... $\frac{1}{2}$ lb.	Brown Bread,..... $\frac{1}{2}$ lb.	Brown Bread,..... $\frac{1}{2}$ lb.
Bresh Beef,..... $\frac{3}{8}$ "	Salt Pork,..... $\frac{3}{8}$ "	Fresh Beef,..... $\frac{3}{8}$ "
Potatoes,..... $\frac{1}{4}$ bush.	Potatoes,..... $\frac{1}{4}$ bush.	Potatoes,..... $\frac{1}{4}$ bush.
Salt,..... $\frac{3}{8}$ lb.	Salt,..... $\frac{3}{8}$ lb.	Salt,..... $\frac{3}{8}$ lb.
Pepper,..... $\frac{1}{4}$ oz.	Pepper,..... $\frac{1}{4}$ oz.	Pepper,..... $\frac{1}{4}$ oz.
Vinegar,..... $\frac{1}{4}$ pint.	Vinegar..... $\frac{1}{4}$ pint.	Vinegar,..... $\frac{1}{4}$ pint.
Molasses,..... $\frac{1}{16}$ "	Molasses,..... $\frac{1}{16}$ "	Molasses,..... $\frac{1}{16}$ "
Pease, for Coffee,.. $\frac{1}{8}$ quart.	Pease, for Coffee,.. $\frac{1}{8}$ quart.	Pease, for Coffee,.. $\frac{1}{8}$ quart.
<b>DINNER.</b>	<b>DINNER.</b>	<b>DINNER.</b>
Brown Bread,..... $\frac{1}{2}$ lb.	Brown Bread,..... $\frac{1}{2}$ lb.	Broad Brown,..... $\frac{1}{2}$ lb.
Fresh Beef,..... $\frac{3}{8}$ "	Salt Pork,..... $\frac{3}{8}$ "	Fresh Beef,..... $\frac{3}{8}$ "
Potatoes,..... $\frac{1}{4}$ bush.	Potatoes,..... $\frac{1}{4}$ bush.	Potatoes,..... $\frac{1}{4}$ bush.
Salt,..... $\frac{3}{8}$ lb.	Salt,..... $\frac{3}{8}$ lb.	Salt,..... $\frac{3}{8}$ lb.
Pepper,..... $\frac{1}{4}$ oz.	Pepper,..... $\frac{1}{4}$ oz.	Pepper,..... $\frac{1}{4}$ oz.
Vinegar,..... $\frac{1}{4}$ pint.	Vinegar,..... $\frac{1}{4}$ pint.	Vinegar..... $\frac{1}{4}$ pint.
Pease for Soup, ... $\frac{2}{6}$ quart.	Pease, for Soup, ... $\frac{2}{6}$ quart.	Pease, for Soup, .. $\frac{2}{6}$ quart.
Flour,..... $\frac{1}{15}$ lb.	Flour,..... $\frac{1}{15}$ lb.	Flour,..... $\frac{1}{15}$ lb.
Soup,..... 1 quart.	Soup,..... 1 quart.	Soup,..... 1 quart.
<b>SUPPER.</b>	<b>SUPPER.</b>	<b>SUPPER.</b>
Brown Bread,..... $\frac{3}{8}$ lb.	Indian Meal,..... $\frac{1}{8}$ bush.	Indian Meal,..... $\frac{1}{8}$ bush.
Molasses,..... $\frac{1}{16}$ pint.	Molasses,..... $\frac{1}{16}$ pint.	Molasses,..... $\frac{1}{16}$ pint.

H. SMITH,  
WARDEN.

PROVINCIAL PENITENTIARY,  
1st October, 1838.

## F.

RETURN OF THE PROPERTY OF THE PROVINCE, *on hand at the Provincial Penitentiary,*  
1st October, 1833.

	PURCHASED.				MADE AT PENITENTIARY.										
	£	s.	d.		£	s.	d.								
<b>BLACKSMITHS' STOCK.</b>															
English Bar Iron, . . . . .	14	7	2	15	a	22s.	6d. . . . .	323	11	9					
Swedes Iron, . . . . .	0	0	2	18	a	35s.	. . . . .	1	3	2					
Old Iron, . . . . .	1	0	0	0	a	50s.	. . . . .	2	10	0					
2 Iron doors, . . . . .	0	3	0	4	}	929 lbs.	a 6d. . . . .	23	4	6					
Iron railings, . . . . .	0	5	1	1											
5 cast-iron sills, . . . . .	0	4	0	14	a	30s.	. . . . .	6	3	9					
Cast-steel, . . . . .	0	1	0	12	a	1s.	1d. . . . .	6	14	4					
Blister do. . . . .	0	0	0	12	a	10s.	. . . . .	0	10	0					
New sheet-iron, . . . . .	0	1	0	2	a	42s.	6d. . . . .	2	3	3					
Old do. . . . .	0	1	2	10	a	2d.	. . . . .	1	9	8					
Iron wire, . . . . .	0	0	0	2	a	6d.	. . . . .	0	1	0					
1½ inch rod iron, . . . . .	0	0	0	20	a	3d.	. . . . .	0	5	0					
Bar lead, . . . . .	0	3	2	10	a	4d.	. . . . .	6	14	0					
1 military iron bedstead . . . . .													2	10	0
3 boxes tin, a £4; 1 lb. borax, a 2s. 3d. . . . .								12	2	3					
20 bushels charcoal, a 5d.; 150 bushels stone coal, a 1s. 7d. . . . .								12	5	10					
2 pairs bellows, } £8 . . . . .													16	0	0
3 do. do. } £3, £6, and £4 each . . . . .								18	0	0					
1 anvil each, 5, 4 and 3. . . . .								12	0	0					
2 anvil-blocks, a 20s.; 5 do. a 2s. 6d. . . . .								2	0	0			0	12	6
1 vice each, a 40s. and 20s. . . . .								3	0	0					
1 hand-vice, 7s. 6d.; 1 turning-lathe, £5 10s. . . . .								5	17	6					
1 spindle, 12s. 6d.; 1 grind-stone and crank, 10s. . . . .								1	2	6					
1 punching-machine. . . . .								5	0	0					
1 screw-plate, 2s. 6d.; 15 old files, a 6d. . . . .								0	10	0					
4 new files, a 1s. 3d.; 1 iron square, a 1s. 3d. . . . .								0	6	3					
1 trying-square, 2s. 6d.; 1 pair steelyards, 17s. 6d. . . . .								1	0	0					
1 patent beam . . . . .													1	5	0
24 iron turning-tools, a 1s. 9d.; 2 do. a 1s. 6d. . . . .													2	5	0
15 wood do. a 1s. 6d. . . . .													1	2	6
1 set stocks and dies, each 15s.; 35s.; and 40s. . . . .													4	10	0
15 screw-tops, a 2s.; 12 do. a 2s. 1d. . . . .													2	15	0
2 drill stocks, a 8s. 9d.; 28 pairs tongs, a 2s. . . . .													3	13	6
6 hand hammers, a 3s.; 3 rivetting do. a 2s. . . . .													1	4	0
12 drills, a 1s. 1d.; 13 do, a 1s. 6d. . . . .													1	12	6
2 iron cutting-shears, a 40s. . . . .													4	0	0
1 lock punching machine, 10s.; 1 do. press, a 17s. 6d. . . . .													1	7	6
6 do. patterns, a 1s. 6d.; 3 do. a 1s. 2d. . . . .													0	12	6
2 pairs plyers, a 5s.; 2 pairs clams, a 2s. 6d. . . . .													0	15	0
2 iron stakes, a 6s. 3d.; 20 bolt heading tools, a 2s. . . . .													2	12	6
2 press drill machines, a 20s. . . . .													2	0	0
1 pair callipers, 5s.; 3 iron braces, a 15s. . . . .													2	10	0
5 sledges, a 7s.; 1 brand iron, a 5s. . . . .													2	0	0
1 set of stamps, 15s.; 1 screw cutting machine, 20s. . . . .													1	15	0
1 sheet iron stove, 25s.; 1 set horse-shoeing tools, 15s. . . . .													2	0	0
1 writing-desk, 7s. 6d.; 1 set ox shoeing stocks, 30s. . . . .													1	17	6
2 pairs dividers, a 3s. 9d.; 2 rasps, a 3s. . . . .								0	6	0			0	7	6
4 water troughs, a 2s. 6d.; 4 axes, a 9s. . . . .													2	6	0
1 clock machine . . . . .													2	10	0
3 cow bells, a 5s.; 5 bushels moulding sand, a 1s. . . . .													1	0	0
5 hot iron punches, a 2s.; 3 oil cans, a 2s. . . . .													0	16	0
2 water buckets, a 2s.; 1 tin gallon, a 1s. 6d. . . . .													0	5	6
2 wash dishes, a 10d.; 5 wash tubs, a 1s. 3d. . . . .													0	7	11

## RETURN OF PROPERTY—(Continued.)

	PURCHASED.			MADE AT PENITENTIARY.		
	£	s.	D.	£	s.	D.
3 coal barrows, a 5s.; 2 soldering Irons, a 3s.....				1	1	0
12 grating rivetting dies, a 2s. ....				1	4	0
2 sets hammers, a 2s. 6d.; 4 swedges, a 2s. ....				0	13	0
4 stone tool swedges, a 2s. ....				0	3	0
4 fullers' do. a 2s.; 2 ox eye wedges, a 9s. ....				1	6	0
3 hammer wedges, a 2s. 6d.; 4 rivetting tools, a 3s. 1½d. ...				1	0	0
1 iron cutting saw, 5s.; 1 fiddle drill and stock, 7s. 5d. ....				0	12	6
1 stool, 2s. 6d.; 1 ladle, 3s. 9d.....				0	6	0
<b>CARPENTERS' STOCK.</b>						
11,000 one and a half inch plank, B. measure, a 40s.....	22	0	0			
5,660 two inch oak plank, do. a 75s.....	21	4	6			
42,000 laths, a 6s. ....	12	12	0			
1 pump augur, with bits .....				2	0	0
2 snipe bills, a 3s.; 6 match planes, a 5s. ....	1	16	0			
6 rabbit planes, a 2s. 6d.; 1 Dido, a 5s.....				1	0	0
2 Dido planes, a 5s.; 1 set brad do. 20s.....	1	10	0			
1 sash do. 7s. 6d.; 1 coaping tool, 2s.; 2 Astrigals, a 1s.....				0	11	6
1 Astrigal do. 2s.; 1 plough, with bits, 15s.....	0	17	0			
1 plough plane, with 7 bits .....				0	15	0
2 Philasters, a 7s. 6d. ....				0	15	0
1 sash plane .....	0	7	6			
10 moulding tools, a 5s.; iron cramp, 15s.....				3	5	0
1 turning lathe, and tools .....				3	0	0
15 hand-saws, a 5s.; 3 Tenon do. a 5s. ....	4	10	0			
1 turning saw, 2s. 6d.; 1 bow do. 2s. 6d. ....	0	5	0			
11 hollows and 11 rounds .....	3	0	0			
2 compass saws, 2s. 6d.; 1 cross cut do. 25s. ....	1	7	6			
1 pit do. 25s.; 1 framing square, 10s.....	1	15	0			
3 drawing knives, a 2s. 6d.; 9 spoke shaves, a 1s.....				1	9	0
8 trying squares, a 1s. 3d.; 2 shave horses, a 1s. ....				0	12	0
15 hammers, a 2s. 6d.; 3 adzes, a 5s. ....				2	12	6
4 axes, a 5s.; 8 augurs, a 2s. 6d. ....	2	0	0			
3 oil stones, a 10d.; 4 brad awls, 4d. ....	0	3	10			
1 glue pot, a 4s 6d.; 2 rules, a 2s. 6d. ....	0	9	6			
10 work benches, a 15s.; 1 screw machine, £6 10s.....				14	0	0
2 braces, with 40 bits.....	1	10	0			
4 rules, a 4d.; 1 tub and pail, 6s. 3d.; 2 writing desks, a 3s. 9d.				0	15	1
1 stove and pipes, 70s.; 1 grind stone, 20s. ....	4	10	0			
50 lbs. wrought nails, a 5d.; 460 lbs. cut do. 4d. ....	3	14	2			
4 lbs. rivets, a 6d.; 1 gross screws, 2s. 6d. ....	0	4	6			
408 lights circular sash, a 5d.; 306 square do. a 4d. ....				13	12	0
12 sash frames .....				4	10	0
5 fore planes, a 10s.; 5 Jack, and 5 smoothing do. a 10s. ...				5	0	0
7 do. do. 50s.; 7 do. and 7 do. 70s. ....	6	0	0			
1 toothing do. 4s. 6d.; 14 gouges, a 6d. ....	0	11	6			
10 wood squares, a 1s.; 17 single gages, a 6d.; 1 pannel do. 2s.				1	0	6
4 mortice gages, a 5s.; 2 trammel do. a 2s. 6d. ....				1	5	0
16 firmer chisels.....	0	1	0			
3 mortice do. a 1s.; 2 duck bills, a 1s.....	0	5	0			
11 gimblets, a 3d.; 4 compasses, a 1s. ....	0	6	9			
3 lbs. chalk, a 3d.; 1 pair pincers, a 1s.....	0	1	9			
2 wood rasps, a 6d.; 5 chalk lines, a 4d.....	0	2	8			
9 hand screws, a 2s. 6d.; 6 screw-drivers, a 2s. ....				1	14	6
18 small do. a 6d.; 1 mortice bench, 1s. ....				0	10	0
6 socket framing chisels, a 1s. 6d.; 4 mallets, a 9d.....				0	12	0
2 locks, a 8s. 6d.; 6 files, 4s.; 36 useless do. 1s. ....	1	2	0			

## RETURN OF PROPERTY—(Continued.)

	PURCHASED.			MADE AT PENITENTIARY.		
	£	s.	D.	£	s.	D.
<b>COOPERS' TOOLS.</b>						
40 lbs. hoop iron, 4d. ; 4 spoke shaves, a 2s. 1½d. ....	1	1	10			
1 smoothing plane, 4s. 6d. ; 1 axe and 1 adze, 7s. 6d. ....	0	12	0			
1 beak iron, 5s. ; 1 hammer, 2s. ....	0	7	0			
2 drawing knives, a 3s. ; 3 crooks, a 2s. 4d. ....				0	13	0
2 scrawls, a 1s. 6d. ; 1 pair compasses, a 2s. ....				0	5	0
1 jointer, 7s. 8d. ; 2 cold chisels ; 2 drills and 1 crose, 4s. 6d.				0	11	9
<b>PAINTERS' TOOLS.</b>						
1 quart turpentine, 2s. ; 8 gallons oil, 5s. ....	2	2	0			
4 lbs. white lead, a 10d. ; 4 lbs. Spanish brown, a 7½d. ....	0	5	10			
4 paint brushes, a 6d. ; 2 pencil do. a 9d. ; 2 putty knives, a 8d.	0	4	10			
2 paint kettles, a 2s. 3d. ; 2 oil cans, a 2s. ....	0	8	6			
1 jar, 2s. ; 1 diamond, 17s. 6d. ; 1 palette knife, 2s. 6d. ....	1	2	0			
1 paint stone, 1s. ; 2 Mullers, a 10d. ....	0	2	8			
<b>STONE SHED.</b>						
Cast steel tools, 466 lbs. a 2s. 4d. ....				54	7	4
Bushards, ..... 65½ } 370 lbs. a 6½d. ....				10	0	5
Masons and stone-breakers' hammers, 304½ } 48 stone-cutters' mallets, a 2s. 6d. ....				6	0	0
6 lathing hammers, a 1s. 6d. ; 3 masons' lines, a 4d. ....	0	10	0			
20 masons' trowels, a 3s. 6d. ; 2 plaisterers' do. a 3s. 6d. ....	3	17	0			
77 straight-edges, a 4d. ; 32 squares, a 2s. 6d. ....				5	5	8
40 rules, a 10d. ; 12 plumb rules, a 6d. ....				1	19	4
140 lbs. plugs and feathers, a 4d. ; 9 bevils, a 8d. ....				0	17	8
10 mortar boxes, a 6d. ; 1 large square, a 3s. ....				0	8	0
21 scaffold horses, 2s. 6d. ; 136 poles, a 2s. ....				16	4	6
11,500 feet scaffold plank, a 15s. ....				8	12	6
44 ledgers, a 1s. ; 11 hand-barrows, a 3s. ....				3	17	0
24 wheel-barrows, a 12s. 6d. ; 10 mortar-hods, a 1s. 3d. ....				15	12	6
2 windlasses ....				7	5	0
4 masons' levels, a 7s. 6d. ....				1	10	0
200 bushels lime, a 3d. ....				2	10	0
80 bushels hair, a 1s. 6d. ; 2 lime sieves, a 25s. ....	11	0	0			
Quarry picks, crow-bars, drills and sledges, 19 <sup>cwt.</sup> 2 <sup>qrs.</sup> 2 <sup>lbs.</sup> a 6½d.				59	4	1
37 shovels, a 4s. ; 4 spades, a 2s. 6d. ....	7	18	0			
25 lbs. Gunpowder, a 1s. ....	1	5	0			
2 stone wagons, £5 ; 2 pumps, 50s. ....				7	10	0
2 pair shear poles, with blocks and tackle. ....				5	15	0
139 lbs. chain, a 6d. ....				3	9	6
100 lbs. Manilla rope, a 1s. ; 666 lbs. tarred do. a 9d. ....	29	19	6			
6 wood saws, a 7s. 6d. ....	1	10	0	0	12	0
3 do. axes, a 7s. 6d. ; 1 ladder, 5s. ....				2	10	0
8 water pails, a 1s. 6d. ; 24 stone gauges, a 2d. ....				0	16	0
2,000 bricks, a 23s. ....	2	6	0			
500 feet hammer-dressed coursers lineal, 6d. ....				12	10	0
328 do. do. superficial, 1s. 3d. ....				20	10	0
182 do. ornamental cut stone, a 1s. 8d. ....				15	3	4
1,400 feet fine chiselled flagging, a 1s. ....				70	0	0
20 toise rubble stone, a 5s. ....				5	0	0
7 ornamental stone columns, a 10s. ....	3	10	0			
11,000 bushels road metal, a 1d. ....				45	16	8

## RETURN OF PROPERTY—(Continued.)

	PURCHASED.			MADE AT PENITENTIARY.		
	£	s.	D.	£	s.	D.
<b>FURNITURE.</b>						
9 metal stoves, a £5 .....	45	0	0			
4 sheet iron do. a 15s.; 312 lengths pipe, a 1s. ....				18	12	0
30 elbows, a 1s. 6d.; 25 water buckets, a 2s. ....				4	15	0
183 piggins, a 1s. 3d.; 179 tin cups, a 5d. ....				15	3	4
229 soup dishes, a 1s.; 245 tin plates, a 9½d. ....				20	19	9
6 tin dippers, a 1s. 3d.; 2 iron do. a 1s. 3d. ....				0	10	0
18 tin salts, a 3d.; 70 wood do. a 2d. ....				0	16	2
3 iron pans, a 2s. 6d.; 180 small spoons, a 1½d. ....	1	10	0			
5 large spoons, a 3d.; 1 chopper, 1s. 3d. ....	0	2	6			
2 dozen large knives, a 6s.; 1 dozen forks, a 5s. ....	0	17	0			
14 dozen knives and forks, a 7s. 6d. ....	5	5	0			
2 carving do. a 2s. 6d.; 1 beef fork, 1s. 3d. ....	0	6	3			
3 oil cans, a 2s. 6d.; 6 shaving brushes, a 10d. ....	0	12	6			
1 carving fork, 1s. 6d.; 3 iron pots, a 2s. ....	0	7	6			
1 iron saucepan, 2s. 6d.; 1 tin kettle, 5s. ....	0	7	6			
4 iron-boilers, for cooking, a 60s. ....	12	0	0			
4 tin boilers, a 20s.; 2 tin funnels, a 1s. 4d. ....				4	2	8
2 coffee mills, a 8s. 6d.; 2 coffee pots, a 5s. ....	1	2	0	0	5	0
2 large coffee boilers, a 15s. ....				2	5	0
6 grain measures, a 1s. 4d. ....				0	8	0
2 tin cannisters, a 2s.; 2 knife boxes, a 2s. ....				0	8	0
2 flat irons, a 2s. ....	0	4	0			
3 beaudets, a 12s. 6d. ....				1	17	6
1 standard measure, 2s. 6d.; 4 water yokes, a 1s. 3d. ....				0	7	6
14 wash tubs, a 4s.; 1 do. small, 2s. 6d. ....				2	18	6
180 small wash tubs, for cells, a 1s. 9d. ....				15	15	0
8 tin measures, a 1s. ....				0	8	0
2 coffee roasters, a 3s. 6d. ....				0	7	0
1 clock, £7 10s.; 3 writing desks, a 5s. ....				8	5	0
4 cupboards, a 10s.; 3 presses, a 10s. ....				3	10	0
2 water stands and basins, a 3s. ....				0	6	0
1 table in surgery, 10s.; 2 do. in hospital, a 8s. 9d. ....				1	7	6
4 hall cupboards, a 3s. 6d.; 1 pistol do. a 10s. ....				1	4	0
31 tables, a 4s.; 8 long forms, a 3s. 6d. ....				7	12	0
185 stools for tables, a 1s. ....				9	5	0
174 stools for cells, a 9d. ....				6	10	6
176 wash-tubs for cells, a 1s. 9d. ....				15	8	0
190 night-buckets, a 2s. 9d. ....				26	2	6
6 chairs, a 4s. ....	1	4	0			
1 set of weights, ....	0	10	0			
1 pair of scales, ....	0	7	6			
34 tin lamps, a 1s. 3d.; 1 barber's seat, a 2s. 6d. ....				2	5	0
5 shaving-cups, a 3d.; 2 meat safes, a 7s. 6d. ....				0	16	3
4 candlesticks, a 1s. 3d.; 1 pair snuffers, a 6d. ....	0	5	6			
200 rack combs, a 5d.; 145 small do. a 9d. ....	9	12	1			
10 pair of scissors, a 1s. 3d.; 4 Tailor's do. a 2s. 6d. ....	1	2	6			
19 pairs spectacles, a 1s.; 2 looking-glasses, a 1s. 3d. ....	1	1	6			
26 glass lamps, a 5s.; 1 lanthorn, a 2s. 6d. ....	6	12	6			
1 hone, 2s. 6d.; 20 razors, a 10d. each, ....	0	19	2			
7 scrubbing brushes, a 1s. 6d.; and 2½ lbs. twine, 2s. ....	0	15	6			
17 raw-hides, a 6d. ....	0	8	6			
100 Bibles, a 4s. 6d.; 55 Testaments, a 2s. 3d. ....	28	13	9			
88 spelling-books, a 7½d.; 4 ink-stands, a 9d. ....	2	18	0			
2 sieves, a 2s.; 1 lye-tub, 3s. ....	0	7	0			
6 water-barrels, a 2s.; 5 white-wash brushes, a 3s. 6d. ....	1	9	6			

## RETURN OF PROPERTY—(Continued.)

	PURCHASED.			MADE AT PENITENTIARY.		
	£	s.	D.	£	s.	D.
1 cullender, 1s. 6d. ; 6 packing-needles, a 2d. ....	0	2	6			
4 rulers, a 3d. ; 12 spit boxes, a 6d. ....				0	7	0
1 leech trough, 15s. ; 1 kneading trough, 15s. ....				1	10	0
2 yeast tubs, a 2s. 6d. ; 1 strainer, 1s. ....				0	6	0
1 paddle and 4 scrapers, 1s 3d. ; 5 iron pokers, 5s. ....				6	3	0
6 wooden trays, a 3s. 6d. ; 6 tin basins, a 1s. 6d. ....				1	10	0
3 setting peels, a 6d. ; 6 foot scrapers, a 10d. ....				0	6	6
31 potatoe nets, a 1s. 6d. ....				2	6	6
<b>CLOTHING.</b>						
184 men's cloth caps, a 1s. ; 120 stocks, a 3d. ....				10	14	0
157 pairs woollen trowsers, a 10s. ; 141 jackets, a 13s. ....				170	3	0
145 linen jackets, a 3s. 4d. ; 170 pairs trowsers, a 1s. 2d. ....				34	1	8
257 linen waistcoats, a 1s. 1d. ; 81 pairs flannel drawers, a 2s. 4d.				23	7	5
180 pairs canvas slippers, a 1s. 9d. ....				15	15	0
306 cotton shirts, a 2s. ; 256 flannel do. a 4s. ....				81	16	0
500 pairs woollen socks, a 1s. 2d. ....				29	3	4
228 pairs men's shoes, a 2s. 8d. ; 3 pairs boy's boots, a 5s. ....				31	3	0
17 pairs Wellington boots, a 12s. 6d. ....				10	12	6
8 pairs women's stockings, a 2s. ; 14 aprons, a 1s. 6d. ....	0	16	0	1	1	0
442 coarse towels, a 6d. ; 96 fine do. a 1s. ....				15	17	0
306 pocket handkerchiefs, a 3d. ; 12 neck do. a 6d. ....				4	2	6
8 women's gowns, a 6s. ; 8 shifts, a 2s. 6d. ....				3	8	0
3 flannel petticoats, a 6s. ; 2 lbs. printing ink, a 2s. 6d. ....				2	13	0
<b>BEDDING.</b>						
284½ pairs cotton sheets, a 3s. ; 289 pillow cases, a 8d. ....				52	6	2
182 straw beds, a 3s. 3d. ; 196 pillows, a 8d. ....				36	2	2
52 sacking bottoms, a 4s. ....				10	8	0
82 counterpanes, a 5s. ....	20	10	0			
178½ pairs blankets, a 15s. ....	133	17	6			
3 hair matrasses, a 20s. ; 5 sacking bottoms, a 6s. ....	3	0	0	1	10	0
98 iron bedsteads, a 15s. ....				73	10	0
2 hospital do. a 44s. ....				4	8	0
2 woollen rugs, a 3s. 6d. ....	0	7	0			
<b>MATRONS' ROOM.</b>						
57 yards factory cotton, a 9d. ....	2	2	9			
3¾ do. coarse linen, a 8d. ; 4 lbs. worsted, a 4s. ....	0	18	6			
8 lbs. coloured thread, 3s. 9d. ....	1	10	0			
1 sheet pins, a 4d. ; needles, 1s. 6d. ; tape, 3d. ; bees' wax, 6d.	0	2	7			
7 sets knitting needles, 10d. ; 2 dozen darning do. 2s. ....	0	2	10			
20 dozen shirt buttons, 2s. ....	0	2	0			
<b>TAILORS' SHOP.</b>						
21½ yards white linen, a 1s. 5d ; 38¼ yds. factory cotton, a 9d.	2	19	1			
3¾ do. flannel, a 1s. 6d. ; 43¾ fustian, a 1s. 6d. ....	4	1	8			
22½ yards steam loom, a 1s. 2d. ; 231 Russia sheeting, 1s. ...	12	17	3			
14 lbs. thread, a 4s. ; 5½ gross buttons, a 16s. 6d. ....	3	12	6			
14 pieces tape, a 4d. ; 5 papers needles, a 6d. ....	0	7	2			
3 pairs scissors, a 2s. ; 1 pair shears, 12s. 6d. ....	0	18	6			
2 tailor's irons, a 10s. ; 2 rings, a 6d. ....	1	1	0			
2 bodkins, 1s. ; 18 thimbles, 1s. 6d. ....	0	2	6			
Writing-desk and table, 12s. 6d ; small box, 2s. ....	0	14	6			
2 sleeve-boards, a 1s. ; 1 piece yellow binding, 1s. 6d. ....	0	3	6			
3 lbs. bees' wax, a 1s. 3d. ....	0	3	9			

## RETURN OF PROPERTY—(Continued.)

	PURCHASED.			MADE AT PENITENTIARY.		
	£	s.	D.	£	s.	D.
<b>SHOE SHOP—(PRISON WORK.)</b>						
106 lbs. sole leather, <i>a</i> 1s. 1 $\frac{3}{4}$ ; 43 lbs. upper, <i>a</i> 2s.....	10	7	5			
46 $\frac{1}{4}$ lbs roundings, <i>a</i> 6d. ; 11 lbs. harness leather, <i>a</i> 1s. 4d. ...	1	17	9			
1 piece binding, <i>a</i> 10d. ; 1 piece ferrett, 7d. ....	0	1	5			
28 $\frac{2}{3}$ yards canvas, <i>a</i> 1s. 7d ; $\frac{5}{8}$ lb. of shoe thread, <i>a</i> 2s. 4d. ...	2	6	9			
38 awls, 4s. ; 4 hammers, <i>a</i> 2s. ....	0	12	0			
41 hafts, .....				0	2	6
4 pairs nippers, <i>a</i> 6d. ; 6 pairs pincers, <i>a</i> 1s. 6d.....	0	11	0			
6 shoe knives, <i>a</i> 4d ; 4 rag stones, <i>a</i> 2d.....	0	2	8			
7 benches, 18s. ; 1 hatchet, 2s. 6d. ; 5 stirrups, 2s. 6d.....				1	3	0
4 rasps, <i>a</i> 4d. ; 9 lbs. spriggs, <i>a</i> 6d. ; 2 ounces bristles, <i>a</i> 1s. 3d.	0	8	4			
Shoe tacks, 9d. ; buckles, 9d.....	0	1	6			
12 spectacle cases, 7s. 6d. ; 81 finger stalls, 11s. 6d.....				0	19	0
108 hand-leathers, £2 7s. 6d. ; 24 pistol cases, £4 8s.....				6	15	6
6 leather belts, 8s. ; 2 ox foot leathers, 3s. 6d. ; leather mits, 4s. 4d.				0	15	10
12 sheep-skin aprons, <i>a</i> 2s. 6d.....	1	10	0			
Counter and cutting-board, .....				0	12	6
Cupboard, 10s. ; 1 set boot-trees, 10s. ....				1	0	0
168 lasts, £6 6s. ; 2 peg floats, and 3 stamps, 4s. 3d.....				6	10	3
4 crimps, 3s. ; paste pan, 1s. 3d. ; last-hooks, 9d. ; copperas, 1d.				0	5	1
1 punch nippers, .....	0	1	6			
1 desk and stand, .....				0	5	0
<b>SHOE SHOP—(ON SALE WORK.)</b>						
97 $\frac{1}{2}$ lbs sole leather, <i>a</i> 1s. 1 $\frac{3}{4}$ d. ; 127 $\frac{1}{4}$ lbs. upper, <i>a</i> 2s.....	18	6	2			
2 $\frac{1}{4}$ calf-skin, <i>a</i> 5s. ; 4 lbs. thread, <i>a</i> 3s. 9d.....	1	6	3			
108 awls, 11s. 3d. ; 72 hafts, 4s. 6d. ; 7 hammers, 17s. ....	1	8	3	0	4	6
4 nippers, 2s. ; 9 pincers, 16s. 6d. ; 12 shoe knives, 4s. ....	1	2	6			
6 rag-stones, 1s. 6d. ; 11 rasps, 6s. 5d. ; 47 heel-balls, 3s. 11d.	0	11	10			
12 benches, <i>a</i> 5s. ; 10 stirrups, 6s. 8d.....				3	6	8
8 $\frac{1}{2}$ lbs. spriggs, <i>a</i> 6d. ; 5 oz. bristles, <i>a</i> 15d.....	0	10	6			
Shoe-tacks, 1s. 6d. ; sand-paper, 3d. ; gum dragon, 5d.....	0	2	2			
6 pairs boots, <i>a</i> 12s. 6d. ....				3	15	0
543 do men's shoes, <i>a</i> 6s. 3d. ; 56 pairs women's, <i>a</i> 5s. 3d. ...				153	2	9
129 pairs cobourgs, <i>a</i> 8s. ....				51	12	0
<b>STORE ROOM.</b>						
4 pieces woollen cloth, 109 $\frac{7}{8}$ yards, <i>a</i> 6s. 3d.....	34	6	9			
2 do osnaburg, 308 " <i>a</i> 0 8 .....	10	2	0			
1 do fustian, 107 " <i>a</i> 1 6 .....	8	0	6			
4 do factory cotton, 255 " <i>a</i> 0 9 .....	9	11	3			
1 do striped do 61 " <i>a</i> 1 0 .....	3	1	0			
2 do cotton check, 42 " <i>a</i> 1 2 .....	2	9	0			
4 do yellow binding, " <i>a</i> 1 9 .....	0	7	0			
<b>HOSPITAL.</b>						
Medicine jars, bottles, &c .....	10	12	0			
1 pestle and mortar, 5s. ; and flag, 1s. 6d. ....	0	6	6			
Glass measures, .....	0	7	3			
2 cases instruments, £5 17s. 6d. ; 1 do. lancet, 6s. ....	6	3	6			
4 syringes, 32s. ; 1 catheter, 7s. 6d. ; 3 spatulas, 7s. 6d. ....	2	7	0			
1 pair scissors, 2s. 6d. ; 1 truss, 17s. 6d.....	1	0	0			
2 beams, scales and weights, .....	1	7	3			
1 tin cannister, 2s. ; 1 bed-pan, 19s. 6d.....	1	1	6			
1 thermometer, 10s. ; knife, 3s. 6d. ; chests 12s. 6d.....	1	6	0			
Books of Registry, Diary, &c. ....	6	4	0			

## RETURN OF PROPERTY—(Continued.)

	PURCHASED.			MADE AT PENITENTIARY.		
	£	s.	D.	£	s.	D.
<b>ARMS.</b>						
20 carbines, and 36 pistols,.....	122	13	0			
18 small pistols,.....	15	15	0			
18 lbs. gunpowder, a 1s.....	0	18	0			
2 arms racks,.....				0	2	6
<b>PROVISIONS, &amp;c.</b>						
27 gallons vinegar, a 2s.; 7 bushels barley, a 5s.....	4	9	0			
4 lbs. pepper, a 7½d.; 1 lb. hops, 2s.....	0	4	6			
142 lbs. soap, a 4d.; 90 lbs candles, a 10d,.....	6	2	4			
8 gallons oil, a 5s. 6d.....	2	4	0			
<b>WARDEN AND CLERK'S OFFICES.</b>						
1 long table, 17s. 6d.; 1 walnut desk, 80s.....				4	17	6
6 chairs, a 4s.; brass candlesticks, 13s. 6d.....	1	17	6			
2 pair dog-irons, a 15s.; 1 pair do. 50s.....				4	0	0
1 wood-box,.....				0	5	0
Minute, letter and account books,.....	30	0	0			
Stationary,.....	5	0	0			
2 stoves, and pipes.....				1	15	0
<b>STABLE.</b>						
2 horses,.....	38	10	0			
2 yoke of oxen,.....	42	10	0			
2 buffalo robes, £4 10s.; bells, 8s. 9d.....	4	18	9			
2 horse-chains, 4s. 6d.; curry combs, &c. 4s.....	0	8	6			
1 carriage,.....				20	0	0
1 sleigh, £9; 2 trains, 30s.....				10	10	0
2 horse-carts, £20; 1 ox do. £11 5s.....				31	5	0
1 ox-cart, 35s.; 2 ox drags, £14,.....	1	15	0	14	0	0
1 set carriage harness,.....	4	10	0			
2 sets cart harness, and 2 night halters,.....				5	10	0
<b>SUNDRIES.</b>						
2 large bells, £14; 1 small do. 7s. 6d.....				14	7	6
1 stove and pipe in lodge,.....				0	12	6
5 stools, a 9d.....				0	3	9
19 hospital bedsteads, a 44s.....				41	16	0
2 sheet iron boilers, for washing, a 15s.....				1	10	0
Tin case stools, &c. in office,.....	0	15	0	0	5	0
1 boat,.....				8	10	0
<b>BUILDINGS.</b>						
Value of lime kiln,.....	50	0	0			
“ “ stone cottage,.....	450	0	0			
“ “ office,.....	35	0	0			
“ “ blacksmith's shop and iron house,.....				30	0	0
“ “ carpenter's shop,.....				25	0	0
“ “ shoemakers' and tailors' shop,.....				10	0	0
“ “ stone-cutters' shed, stable, &c.....				12	0	0
“ “ land,.....	1055	0	0			
	£	2941	4 6	1775	2 3	

HENRY SMITH, Warden, and FRANCIS BICKERTON, Clerk of the Provincial Penitentiary, severally make oath, that the foregoing "Return of the Property, on hand at the Provincial Penitentiary, 1st October, 1838." is correct and true, in every respect, to the best of their knowledge and belief.

H. SMITH.  
F. BICKERTON.

PROVINCIAL PENITENTIARY, 1st October, 1838.

Sworn before me at Kingston, }  
this 3rd day of November, 1838. } JAS: SAMPSON, J. P.

G.

ESTIMATE OF THE SUM required for the Support, &c. of the Provincial Penitentiary, for the Year 1839.

	£	s.	D.	£	s.	D.
<i>Estimate of the Sum required for finishing the East Wing of the Provincial Penitentiary :</i>						
460,000 bricks, a 23s. ....	529	0	0			
15,000 bushels sand, a 2d. ....	125	0	0			
25 do. hair, a 1s. 6d. ....	1	17	6			
180 cwt. cast iron anchors, a 30s. ....	270	0	0			
14 do. sash weights, a 25s. ....	17	10	0			
595 do. bar iron, 2 × $\frac{3}{8}$ , 22s. 6d. ....	669	7	6			
9 do. do. 1 $\frac{1}{4}$ × $\frac{1}{2}$ , 22s. 6d. ....	10	2	6			
43 do. round iron, $\frac{7}{8}$ , 22s. 6d. ....	48	7	6			
13 do. do. 1, 22s. 6d. ....	14	12	6			
110 do. do. $\frac{1}{2}$ , 25s. ....	137	10	0			
30 do. Swedes iron, 3 × $\frac{1}{2}$ , 35s. ....	52	10	0			
9 do. lockplate iron, 42s. 6d. ....	19	2	6			
14 $\frac{1}{2}$ do. brass for locks, a 10d. ....	67	13	4			
9 do. sheet lead for roof, 56s. ....	25	4	0			
43 do. bar lead, 40s. ....	86	0	0			
10 gross 3 $\frac{1}{2}$ inch screws, 3s. 6d. ....	1	15	0			
25 do. 1 $\frac{1}{2}$ do. do. 2s. 6d. ....	3	2	6			
350 lbs. shingle nails, 4d. ....	5	16	8			
600 lbs. cut do. 4d. ....	10	0	0			
300 lbs. wrought do. 5d. ....	6	5	0			
60 lbs. sash line, a 2s. ....	6	0	0			
20 boxes glass, 10 × 8, 35s. ....	35	0	0			
400 lbs. putty, a 5d. ....	8	6	8			
19 dozen sash pullies, a 8s. ....	7	12	0			
80,000 shingles, a 8s. 9d. ....	35	0	0			
10,000 feet 1 $\frac{1}{2}$ inch plank sheeting, 60s. ....	30	0	0			
7,000 feet $\frac{3}{4}$ inch boards, 40s. ....	14	0	0			
4,000 feet 2 inch clear plank, 80s. ....	16	0	0			
3,000 feet 1 inch boards, 40s. ....	6	0	0			
5,000 feet 1 $\frac{1}{2}$ inch oak plank, 120s. ....	30	0	0			
4,500 feet run of timber, 2d. ....	37	10	0			
				2326	5	2
<i>Estimate of the sum required for the completion of the North Wing of the Provincial Penitentiary :</i>						
20 iron rimmed locks, a 7s. 6d. ....	7	10	0			
20 mortice do a 12s. 6d. ....	12	10	0			
60 pairs butt hinges, a 8d. ....	2	0	0			
12 gross screws, a 3s. 6d. ....	2	2	0			
40,000 laths, a 6s. ....	12	0	0			
275 lbs. lath nails, a 4d. ....	4	11	8			
600 " wrought do. for oak floor, a 5d. ....	12	10	0			
400 " do do. pine do. a 5d. ....	8	6	8			
700 " cut do. for finishing, a 4 $\frac{1}{2}$ . ....	13	2	6			
20 " sash lines, a 2s. ....	2	0	0			
6 quires sand-paper, a 2s. ....	0	12	0			
5,000 feet inch boards, a 40s. ....	10	0	0			
3 cwt. sheet lead, a 56s. ....	8	6	0			
20 kegs white paint. a 15s. ....	15	0	0			
70 gallons boiled oil, a 8s. ....	28	0	0			
5,000 bushels sand, a 2d. ....	41	13	4			
15,000 brads, a 3s. 6d. ....	2	12	6			
30 lbs. glue, a 1s. 3d. ....	1	17	6			
				184	14	2
Carried forward, .....	£	2510	19	4		

## ESTIMATE FOR 1839—(Continued.)

Brought forward,..... £			2510 19 4
<i>Estimate of the probable amount required for the support of Two Hundred Convicts, at the Provincial Penitentiary, for the year ending 31st December, 1839.</i>			
<b>KITCHEN FURNITURE.</b>			
1 large iron kettle, .....	3	0	0
20 iron spoons, a 2d. ....	0	3	4
20 knives and forks, a 9d. ....	0	15	0
396 lbs. soap, a 4d. ....	14	18	8
			18 17 0
<b>HOSPITAL FURNITURE.</b>			
1 cooking stove, and pipes,.....	15	0	0
Medicines, provisions, &c. ....	40	0	0
			55 0 0
<b>FURNITURE FOR SOUTH WING.</b>			
16 cwt. round iron, for bedsteads, a 22s. 6d.....	18	0	0
5 " hoop do. do. a 25s. ....	6	5	0
24 pillow cases, a 10d. ....	1	0	0
36 bed tickings, a 4s. 3d. ....	7	13	0
1,000 bundles straw, a 2d. ....	8	6	8
36 pairs blankets, a 15s. ....	27	0	0
36 large tooth combs, a 6d. ....	0	18	0
60 small do. a 9d. ....	2	5	0
100 Bibles, a 4s. 6d. ....	22	10	0
36 pairs spectacles, a 1s. 3d. ....	2	5	0
200 gallons lamp oil, a 4s. 6d. ....	45	0	0
			141 2 8
<b>TOOLS FOR CONVICTS.</b>			
30 shovels, a 5s. 3d. ....	7	17	6
24 spades, a 5s. 6d. ....	6	12	0
200 lbs. steel, for stone-cutters tools, a 1s. 1d. ....	10	16	8
12 white-washing brushes, a 5s. ....	3	0	0
			28 6 2
<b>CLOTHING.</b>			
60 suits of winter clothing, a 37s. 6d. ....	112	10	0
175 do. summer do. a 10s. ....	87	10	0
230 cotton shirts, a 3s. 9d. ....	43	2	6
200 flannel do. a 6s. 6d. ....	65	0	0
120 pairs flannel drawers, a 4s. 6d. ....	27	0	0
100 pairs woollen socks, a 1s. 9d. ....	8	15	0
56 lbs. yarn, a 4s. } for mending, .....	11	4	0
300 " cotton, a 10d. } .....	12	10	0
430 " upper leather, a 2s. ....	43	0	0
940 " sole do. a 1s. 3d. ....	58	15	0
			469 6 6
<b>PROVISIONS, FUEL, &amp;c.</b>			
63,878 rations, a 3d. ....	2129	3	4
700 cords fire-wood, a 8s. 9d. ....	306	5	0
12 boxes candles, (720 lbs.) a 10d. ....	30	0	0
2,000 bushels charcoal, a 40s. ....	40	0	0
			2505 8 4
Books and Stationary,.....			25 0 0
<b>SALARIES OF OFFICERS AND OTHERS.</b>			
Warden, .....	300	0	0
Deputy Warden, .....	150	0	0
Clerk, .....	112	10	0
Chaplain,.....	150	0	0
			712 10 0
Carried forward,..... £			5754 0 0

ESTIMATE FOR 1839—(Continued.)

	Brought forward,.....	£	712 10 0	5754 0 0
Surgeon,.....			100 0 0	
10 Keepers, a £92 10s. ....			925 0 0	
1 do. a 80 0 .....			80 0 0	
6 Watchmen, a 60 0 .....			360 0 0	
7 do. a 54 15 .....			383 5 0	
1 Messenger, a 54 15 .....			54 15 0	
1 Matron, a 48 0 .....			48 0 0	
1 Mas'r. Builder, a 175 0 .....			175 0 0	
Rent of Deputy Warden's House, .....			25 0 0	
				2863 10 0
Amount of debts owing to Tradesmen and Contractors, .....				1044 1 7
Amount of Salaries due to Officers and others, from the 1st October to the 31st December, 1838, .....				750 0 0
		£		10411 11 7

H. SMITH,  
WARDEN.

PROVINCIAL PENITENTIARY,  
1st October, 1838.

H.

RETURN shewing the manner in which the Convicts under confinement at the Provincial Penitentiary are employed, 1st October, 1838.

Shoemakers, .....	12	Males, .....	148
Blacksmiths, .....	12	Females, .....	6
Carpenters, .....	12		
Masons, .....	9		
Stone-cutters, .....	24		
Quarry-men, .....	5		
Tailors, .....	2		
Painter, .....	1		
Seamstresses, .....	6		
Labourers, .....	54		
Cook, .....	1		
Nurse, .....	1		
Sick, .....	15		
Total, .....	154	Total, .....	154

H. SMITH,  
WARDEN.

PROVINCIAL PENITENTIARY,  
1st October, 1838.

## I.

GENERAL ACCOUNT OF DISBURSEMENTS, at the Provincial Penitentiary, during the Year ending 1st October, 1838.

DATE.	No.	TO WHOM PAID.	ON WHAT ACCOUNT.	£	s.	D.
1837.						
Oct'r.	1	William Rice .....	Digging grave .....	0	5	0
"	7	James Lawrenson .....	Travelling charges .....	0	15	0
"	12	Hill Wilson .....	Pay as guard .....	1	4	0
"	13	John Dawson .....	Bricks .....	23	18	11
"	14	Thomas Dalton .....	Advertising .....	0	16	0
"	18	William Black .....	Travelling charges .....	1	0	0
"	"	Terrence Lynch .....	do .....	0	15	0
"	"	Henry Elson .....	do .....	1	0	0
"	"	Martin Cody .....	do .....	1	0	0
"	"	Samuel Rees .....	Hay .....	1	4	9
"	28	Patrick McNinch .....	Sand .....	9	15	0
"	30	S. Morley .....	Old copper .....	7	15	0
"	31	Eliza Maho .....	Travelling charges .....	0	15	0
"	"	Mary Shore .....	do .....	0	15	0
"	"	Mary Ryan .....	do .....	0	15	0
"	"	Catherine Reilly .....	do .....	0	15	0
"	"	John Burke .....	do .....	0	15	0
"	"	Alexander Clinton .....	do .....	0	15	0
"	"	Oliver Johnston .....	do .....	0	15	0
Nov'r.	10	Robert McGill .....	Soap and candles .....	8	12	10
"	11	Barnie Wartman .....	Potatoes .....	0	13	6
"	15	Patrick McNinch .....	Sand .....	2	7	6
"	17	Bernard Fitzpatrick .....	Woollen socks .....	0	17	6
"	"	Henry Dellenbeck .....	Travelling charges .....	0	15	0
"	21	James Dawson .....	Potatoes .....	0	10	6
"	25	T. H. Bentley .....	Advertising .....	2	3	10
"	30	William Rice .....	Digging grave .....	0	5	0
Dec'r.	6	James Dawson .....	Potatoes .....	2	14	6
"	9	Angus Cameron .....	Old copper .....	1	7	4
"	"	David Taylor .....	Rent .....	6	5	0
"	14	John Bryan .....	Drawing lumber .....	6	5	0
"	16	G. W. Yarker .....	Charcoal .....	80	6	7
"	20	Martin Keely .....	Wages .....	20	9	4
"	21	John Merrill .....	Hay and straw .....	21	12	2
"	23	Lester Phelps .....	A reward .....	20	0	0
"	"	Joseph Corbier .....	A pistol .....	0	6	0
"	26	James Morton .....	Pasturage .....	4	4	0
"	"	James Dawson .....	Potatoes .....	2	14	6
"	30	Elizabeth McBride .....	Socks .....	1	8	0
"	"	Mary Tuttle .....	do .....	0	7	0
"	"	S. Thompson .....	Night-watching .....	1	10	0
1838.						
Jan'y.	9	Elizabeth McBride .....	Woollen socks .....	0	15	9
"	"	Michael Grass .....	Night-watching .....	3	2	0
"	16	Mary Tuttle .....	Socks .....	0	7	0
"	19	Eliza Moffatt .....	do .....	0	3	6
"	23	Elizabeth McBride .....	do .....	1	6	3
"	29	Jeremiah Amy .....	do .....	1	2	9
"	30	Elizabeth McBride .....	do .....	0	8	9
"	31	Simpson Wilson .....	Night-watching .....	4	8	0
"	"	Willis Dory .....	do .....	5	18	0
"	"	Joseph Lavis .....	do .....	2	16	0
"	"	John Combs .....	do .....	5	18	0
"	"	Cal. McCarthy .....	do .....	5	18	0
"	"	William Wright .....	do .....	5	18	0

## GENERAL ACCOUNT OF DISBURSEMENTS—(Continued.)

DATE.	No.	TO WHOM PAID.	ON WHAT ACCOUNT.	£	s.	D.
1838.						
Feb'y.	2	55 Mary Smith .....	Socks .....	0	5	3
"	5	56 James Dawson .....	Potatoes .....	2	4	6
"	13	57 Joseph E. Grinsolas .....	Socks .....	0	14	0
"	22	58 Phoebe Clark .....	Knitting socks .....	0	3	4
"	"	59 John McBride .....	Attending lime-kiln .....	1	10	0
"	28	60 William Rice .....	Digging grave .....	0	5	0
March	3	61 James Deekers .....	Travelling charges .....	0	15	0
"	"	62 William Shakle .....	do .....	0	15	0
"	5	63 David Morly .....	do .....	0	15	0
"	"	64 H. Y. Sturms .....	do .....	0	15	0
"	"	65 Mary Ann Lyon .....	do .....	0	15	0
"	"	66 Bridget Hopkins .....	do .....	0	15	0
"	6	67 John Lang .....	Night-watching .....	1	12	0
"	"	68 Simpson Wilson .....	do .....	1	12	0
"	"	69 Joseph Lavis .....	do .....	1	12	0
"	31	70 James Scott .....	Fowls, &c. ....	0	2	9
"	"	71 Edward Swain .....	Hay .....	1	10	8
April	11	72 Robert Douglas .....	Travelling charges .....	1	0	0
"	"	73 Patrick O'Flogerty .....	do .....	0	15	0
"	"	74 Catharine Murray .....	do .....	0	15	0
"	"	75 Albert Simmons .....	do .....	0	15	0
"	"	76 Manby Raymond .....	do .....	0	15	0
"	"	77 Isaac Grant .....	do .....	0	15	0
"	"	78 William Ramsay .....	do .....	0	15	0
"	"	79 Augustus Alexander .....	do .....	0	15	0
"	14	80 Albert Monroe .....	do .....	0	15	0
"	"	81 Ralph Decorsay .....	do .....	0	15	0
"	"	82 Samuel Brown .....	do .....	0	15	0
"	"	83 Nelson Campbell .....	do .....	0	15	0
"	"	84 John O'Brian .....	do .....	0	15	0
"	"	85 John Dyas .....	do .....	0	15	0
"	17	86 Matthew Tavender .....	do .....	0	15	0
"	"	87 John Hamilton .....	do .....	0	15	0
"	24	88 John Watkins & Co. ....	Hardwares .....	107	16	9
"	"	89 John Dawson .....	Bricks .....	14	14	10
"	"	90 Calvin Ellis .....	Lath .....	25	10	0
"	"	91 Thomas Graham .....	Sand .....	33	15	7
"	"	92 Henry Graham .....	Night-watching .....	2	14	0
"	"	93 Edward Graham .....	do .....	2	14	0
"	"	94 Samuel McEwen .....	do .....	4	6	0
"	"	95 Michael Power .....	do .....	1	6	0
"	"	96 Robert Angus .....	do .....	2	16	0
"	"	97 C. McCarthy .....	do .....	4	6	0
"	"	98 Edward Revell .....	do .....	2	14	0
"	"	99 William Haworth .....	Pay as Guard .....	23	6	10
"	"	100 William Smith .....	do Keeper .....	46	5	0
"	"	101 James Christie .....	do do .....	42	16	7
"	"	102 Isaac Frazer .....	Woollen cloth .....	125	0	0
"	"	103 Watkins & Harris .....	Glass .....	4	10	0
"	25	104 J. D. Bryce & Co. ....	Factory cottons .....	27	15	8
"	"	105 John H. Greer .....	Flannels, &c. ....	50	12	6
"	"	106 Albert Furniss .....	Glass, &c. ....	14	17	6
"	"	107 Robert McGill .....	Candles, &c. ....	0	4	2
"	"	108 William Wilson .....	Flannels, &c. ....	39	5	6
"	"	109 George Baker .....	Medicines .....	11	14	9
"	"	110 Sibley Forster .....	Blankets .....	8	14	9

## GENERAL ACCOUNT OF DISBURSEMENTS—(Continued.)

DATE.	No.	TO WHOM PAID.	ON WHAT ACCOUNT.	£	s.	d.
1838.						
April	25	111 Thomas Macnider.....	Flannels, &c. ....	28	5	0
"	"	112 William Shane.....	Travelling charges.....	0	15	0
"	"	113 Amy Lapsley.....	do .....	0	15	0
"	"	114 Armstrong & Greer .....	Flannels, &c. ....	11	15	9
"	"	115 Collins & Co. ....	Blankets, .....	9	3	0
"	"	116 John Merrill.....	Hay and Straw .....	20	13	10
"	"	117 James Powell.....	Lead, &c. ....	9	0	2
"	"	118 C. & J. McDonald .....	Lumber .....	11	5	0
"	"	119 John McBride .....	Milk, &c. ....	1	4	5
"	"	120 William Jenman .....	Attending Lime-kiln .....	1	10	0
May..	1	121 T. H. Bentley .....	Printing, &c. ....	5	1	3
"	7	122 William Ford .....	Leather .....	16	15	11
"	8	123 Calvin Day.....	Hay .....	2	5	0
"	16	124 Thomas Wales .....	Straw .....	0	7	9
"	17	125 William Yearis .....	Travelling charges .....	0	15	0
"	24	126 C. & J. McDonald .....	Leather .....	4	5	6
"	"	127 Henry A. Newton.....	Travelling charges.....	0	15	0
"	"	128 Matthias Crow.....	do .....	0	15	0
June..	1	129 D. Grass.....	Hay .....	1	2	6
"	18	130 James Hooper .....	Watchman .....	1	0	0
"	"	131 William Oliver.....	do .....	1	0	0
"	"	132 William Lovie.....	do .....	0	8	0
"	"	133 Patrick Kearney.....	do .....	0	14	0
"	22	134 J. P. Bower.....	Leather .....	7	0	7
"	"	135 Thomas Macnider.....	Canvass, &c. ....	27	14	7
"	"	136 John Dawson.....	Bricks .....	7	7	4
"	"	137 D. Taylor.....	Rent.....	12	10	0
"	23	138 Albert Furniss.....	Gunpowder .....	5	11	3
"	"	139 Thomas Wilson.....	Blankets .....	7	15	0
"	"	140 William Wilson.....	Flannels, &c. ....	20	12	7
"	"	141 John Watkins & Co. ....	Hardwares .....	91	0	6
"	"	142 J. H. Greer.....	Clothing, &c. ....	43	3	8
"	"	143 J. D. Bryce & Co. ....	Factory Cotton.....	25	7	3
"	25	144 Armstrong & Co. ....	Flannels, &c. ....	10	16	8
"	"	145 R. McGill.....	Candles, &c. ....	7	16	0
"	"	146 Collins, Harris & Co. ....	Blankets .....	9	15	0
"	26	147 Robert Jackson.....	Gunpowder .....	5	10	0
"	"	148 James Fraser.....	Oil, &c. ....	32	13	4
"	"	149 John Merrill.....	Hay, &c. ....	4	6	2
"	"	150 W. G. Yarker .....	Oats, &c. ....	7	16	9
"	"	151 W. G. Yarker .....	Castings .....	117	15	2
"	"	152 Sibley Forster .....	Blankets .....	7	10	0
"	29	153 Isaac Fraser .....	Woollen Cloth .....	110	5	4
"	30	154 John Thurston .....	Watching .....	0	10	0
"	"	155 William Jenman .....	Milk .....	0	3	6
"	"	156 Jenman & Schriber .....	Cleaning D. Warden's House..	1	6	6
July..	2	157 William Ford .....	Leather .....	27	3	2
"	3	158 John Counter.....	Stone Coal .....	54	17	3
"	6	159 Abel Fletcher .....	Cash .....	2	18	10
"	7	160 Calvin Elles.....	Lath .....	2	2	0
"	12	161 Joseph Gokee .....	Travelling charges .....	0	10	0
"	14	162 N. F. Dayton.....	do .....	0	15	0
"	"	163 James Blythman .....	do .....	0	15	0
"	"	164 Alva Hill .....	do .....	0	15	0
"	"	165 Mary A. Gibson .....	do .....	0	15	0
"	20	166 Joseph Corbier .....	Compensation .....	11	16	3
"	25	167 Joseph Knight.....	Straw .....	2	6	7

## GENERAL ACCOUNT OF DISBURSEMENTS—(Continued.)

DATE.	No.	TO WHOM PAID.	ON WHAT ACCOUNT.	£	s.	D.
1838.						
July..	27	168 James Gardiner .....	Oxen .....	22	10	0
"	30	169 H. Smith, Jun'r. ....	House and premises .....	25	0	0
"	31	170 Patrick Daily .....	Keeper, duplicate of No. 174. .			
"	"	171 Edward Graham .....	Night duty .....	5	8	0
"	"	172 Henry Graham .....	do .....	5	8	0
"	"	173 George Wilson .....	Travelling charges .....	0	15	0
"	"	174 Patrick Daily .....	Pay as Keeper .....	77	1	8
"	"	175 James Hobson .....	Travelling charges .....	0	15	0
Aug..	1	176 Robert McGill .....	Candles, &c. ....	6	5	11
"	"	177 Thomas Molson .....	Rent .....	2	2	9
"	4	178 Calvin Ellis .....	Lath .....	6	0	0
"	6	179 R. Lamottee .....	Travelling charges .....	1	0	0
"	"	180 Lorenzo Russ .....	do .....	1	0	0
"	11	181 William Barns .....	do .....	0	15	0
"	"	182 William Johnston, .....	do .....	0	15	0
"	"	183 Thomas Hill .....	do .....	0	15	0
"	"	184 Thomas Joslen .....	do .....	0	15	0
"	"	185 W. G. Yarker .....	Castings .....	41	1	2
"	14	186 William Ford .....	Leather .....	48	10	0
"	"	187 D. Leahy .....	Pasturage .....	2	10	0
"	15	188 William Rice .....	Digging grave .....	0	5	0
"	16	189 Jesse Doan .....	Travelling charges .....	0	15	0
"	17	190 Rooney & Co. ....	Cutting wood .....	1	0	0
"	18	191 A. B. Gordon .....	Hair for Mortar .....	3	7	6
"	"	192 James Wilson .....	For a horse .....	20	0	0
"	23	193 Albert Furniss .....	Hardware .....	7	18	3
"	"	194 Joseph S. Baril .....	Travelling .....	1	0	0
"	24	195 Asahel H. Scott .....	do .....	1	0	0
"	27	196 John Thompson .....	do .....	0	15	0
"	"	197 Nelson Smith .....	do .....	0	15	0
"	29	198 John Watkins & Co. ....	Carbines, &c. ....	122	13	0
"	"	199 Thomas H. Bentley .....	Advertising .....	6	17	4
"	31	200 Richard Hales .....	Bread .....	0	18	0
"	"	201 C. & J. McDonald .....	Leather .....	7	9	6
Sep..	3	202 McBride & Jenman .....	Attending Lime-kiln .....	2	2	0
"	4	203 John Merrill .....	Hay and straw .....	3	5	4
"	5	204 Andrew Clark .....	Watching .....	7	10	0
"	"	205 Ann Ellis .....	Travelling charges .....	0	15	0
"	"	206 Isaac Manahan .....	do .....	0	15	0
"	6	207 Jacob Vosburgh .....	Whiskey .....	0	9	4
"	7	208 L. Morgan .....	Oats .....	0	10	0
"	10	209 James Stephenson .....	Travelling charges .....	0	15	0
"	11	210 John Panguist .....	do .....	0	10	0
"	"	211 Edward Riley .....	do .....	0	10	0
"	"	212 Narciss Scott .....	do .....	0	10	0
"	"	213 Lester Smith .....	do .....	1	0	0
"	12	214 Robert VanHoesen .....	do .....	1	0	0
"	"	215 Joseph Manceau .....	do .....	1	0	0
"	"	216 John Parker .....	do .....	1	0	0
"	13	217 William Riley .....	do .....	0	15	0
"	"	218 John Teeples .....	Oats .....	3	2	4
"	15	219 Archibald McInnis .....	Travelling charges .....	0	15	0
"	21	220 John Murphy .....	Hay .....	0	17	6
"	22	221 George Cote .....	Travelling charges .....	1	0	0
"	23	222 Peter Rogers .....	Cash .....	0	5	8
"	29	223 James Scott .....	Oats, &c. ....	0	15	9
"	"	224 William Poole .....	Cash .....	1	12	6

## GENERAL ACCOUNT OF DISBURSEMENTS—(Continued.)

DATE.	No.	TO WHOM PAID.	ON WHAT ACCOUNT.	£	s.	d.
1838.						
Sept'r. 29	225	John Flood .....	Travelling charges .....	0	15	0
" "	226	William Read .....	do .....	0	15	0
" "	227	Richard Hales .....	Bread .....	1	0	0
" "	228	Allan Macpherson .....	Leather .....	14	8	0
" "	229	Allan Macpherson .....	Lumber .....	551	4	4
" "	230	John Counter .....	Rations .....	1135	0	0
" "	231	Contingent account .....	Postages, &c. ....	2	18	11
" 30	232	Henry Smith .....	Salary .....	257	5	2
" "	233	F. Bickerton .....	do .....	112	10	0
" "	234	William Powers .....	do .....	150	0	0
" "	235	Mrs. Elmherst .....	do .....	48	0	0
" "	236	James Sampson .....	do .....	100	0	0
" "	237	W. M. Herchmer .....	do .....	150	0	0
" "	238	William Coverdale .....	Wages .....	161	4	7
" "	239	James McCarthy .....	do .....	92	10	0
" "	240	John Spence .....	do .....	92	10	0
" "	241	John Hooper .....	do .....	92	10	0
" "	242	Martin Keely .....	do .....	70	19	2
" "	243	William Smith .....	do .....	15	8	4
" "	244	Thomas Coster .....	do .....	77	1	8
" "	245	John Richardson .....	do .....	71	14	5
" "	246	George Mitchell .....	do .....	60	6	3
" "	247	William King .....	do .....	48	18	0
" "	248	Edmund Matthews .....	do .....	46	2	6
" "	249	Chris. Julian .....	do .....	80	0	0
" "	250	John Swift .....	do .....	60	0	0
" "	251	Richard Tyner .....	do .....	60	0	0
" "	252	John McBride .....	do .....	60	0	0
" "	253	Thomas Costen .....	do .....	10	0	0
" "	254	William King .....	do .....	28	5	6
" "	255	Richard Nursey .....	do .....	31	14	6
" "	256	John Newman .....	do .....	31	14	6
" "	257	Edward Crawford .....	do .....	50	0	0
" "	258	James Stewart .....	do .....	54	15	0
" "	259	Thomas Cozan .....	do .....	54	15	0
" "	260	William Jenman .....	do .....	54	15	0
" "	261	John Smith .....	do .....	45	12	0
" "	262	John Watt .....	do .....	52	19	0
" "	263	William Johnston .....	do .....	22	10	0
" "	264	Robert Angus .....	do .....	29	8	0
" "	265	Richard Nursey .....	do .....	25	16	0
" "	266	John Newman .....	do .....	25	16	0
" "	267	Edward Crawford .....	do .....	9	3	0
" "	268	Edward Revell .....	do .....	11	12	0
" "	269	Michael Power .....	do .....	11	12	0
" "	270	William Lang .....	do .....	11	12	0
" "	271	Daniel McTaggart .....	do .....	11	12	0
" "	272	James Scott .....	Messenger .....	22	18	6
" "	273	Richard Hales .....	Night guard .....	9	0	0

GENERAL ACCOUNT OF DISBURSEMENTS—(Continued.)

DATE.	No.	TO WHOM PAID.	ON WHAT ACCOUNT.	£	s.	D.
			Brought forward .....	6389	19	10
No. 1.			Pay list for October, 1837 .....	93	16	1
" 2.			" " November .....	52	4	0
" 3.			" " December .....	18	13	9
" 4.			" " January, 1838 .....	11	17	0
" 5.			" " to March .....	10	5	6
" 6.			" " to April .....	6	14	7
				£	6583	10 9

PROVINCIAL PENITENTIARY,  
1st October, 1838.

HENRY SMITH, *Warden*, and FRANCIS BICKERTON, *Clerk*, of the Provincial Penitentiary, severally make oath that the foregoing "General Account of Disbursements at the Provincial Penitentiary, during the year ending 1st October, 1838," is correct and true in every respect, to the best of their knowledge and belief.

H. SMITH,  
F. BICKERTON.

Sworn before me, at Kingston, the  
3rd day of November, 1838.

JAMES SAMPSON, J. P.

K.

GENERAL ACCOUNT of Receipts and Disbursements at the Provincial Penitentiary, for the year ending 1st Oct. 1838.

1837.		£	s.	D.	1838.		£	s.	D.
Oct'r...1	To balance of cash on hand, as per last year's report.....	1648	14	1	Oct'r...1	By amount paid for materials, salaries, wages, &c. as per statement of vouchers marked I. ...	6583	10	9
1838.					Do do	By balance of cash on hand .....	267	11	1
Sept'r. 30	To cash received from the Provincial Government, being the amount of the grant of the last Session of Parliament.....	5000	0	0					
Do do	To cash rec'd. from visitors .....	£13	5	9					
Do do	Do. do. stone shed ..	39	11	3					
Do do	Do. do. lime kiln... ..	4	14	6					
Do do	Do. do. blacksmiths' shop .....	6	5	7					
Do do	Do. do. shoe shop.. ..	60	14	9					
Do do	Do. do. carpenters' ..	26	1	8					
		150	13	6					
Do do	Do. do. for convict labour .....	6	2	0					
Do do	Do. do. from convicts when received into the Penitentiary,	10	12	8					
Do do	Do. do. value two yoke of oxen.	35	0	0					
		£6851	1	10			£6851	1	10

HENRY SMITH, *Warden*, and FRANCIS BICKERTON, *Clerk*, of the Provincial Penitentiary, severally make oath that the foregoing "General Account of Receipts and Disbursements at the Provincial Penitentiary, for the year ending 1st October, 1838," is correct and true, in every respect, to the best of their knowledge and belief.

H. SMITH,  
F. BICKERTON.

Sworn before me, at Kingston, this  
3rd day of November, 1838.

JAMES SAMPSON, J. P.

## L.

ESTIMATE OF THE WORK, performed under the direction of the Inspectors of the Provincial Penitentiary, from the 1st June, 1835, to the 1st October, 1838.

	£	s.	D.	£	s.	D.
<b>SOUTH WING—MASONS' WORK.</b>						
2,238 yards plastering, a 1s. 3d.....	139	17	6			
2,100 feet flagging areas, a 1s. 10d.....	192	10	0			
170 cells flagging, a 12s. 6d.....	110	0	0			
180 feet lineal gutter stone, a 1s. 6d.....	13	10	0			
5,500 bricks, a 45s.....	12	7	6			
9,280 feet fire-proof covering above cells, a 2d.....	77	6	8			
23 toise masonry, a 20s.....	23	0	0			
450 feet flagging in female apartment, a 1s. 10d.....	41	5	0			
159 yards plastering, a 1s. 3d.....	9	18	9			
5 per cent. contingencies.....	30	19	9			
				650	15	2
<b>CARPENTERS' WORK.</b>						
480 feet superficial 1½ inch window stools, a 9d.....	18	0	0			
800 feet lineal angle beads plugged to wall, a 4d.....	13	6	8			
80 feet supr. glazed doors, a 2s.....	8	0	0			
40 feet lineal pilaster, a 1s. 6d.....	3	0	0			
1,408 feet pin racks in cells, a 3d.....	17	12	0			
3 flight stairs, 11 steps each, a 7s. 6d.....	12	7	6			
1,680 feet supr. of gallery floors, a 1s.....	84	0	0			
505 feet lineal hand rails to gallery, a 3d.....	6	6	3			
12 squares 1½ inch lining to female cells, a 20s.....	12	0	0			
12 1½ inch batting doors, hinges included, a 12s. 6d.....	7	10	0			
12 locks, a 4s.....	2	8	0			
512 feet lineal of framing, a 4d.....	3	10	8			
10 window frames, a 10s.....	5	0	0			
180 lights sash primed and glazed, a 1s.....	9	0	0			
5 per cent. contingencies.....	10	7	0			
				217	8	1
<b>BLACKSMITHS' WORK.</b>						
70,400 lbs. grating for cell doors, a 7d.....	2053	6	8			
176 locks to cell doors, a 21s.....	184	16	0			
1,760 lbs. lever bars, a 1s. 6d.....	132	0	0			
2,780 lbs newels and hand rails to galleries, a 6d.....	69	10	0			
5 per cent. contingencies.....	121	19	8			
				2561	12	4
<b>DRAINS.</b>						
240 feet lineal of drain, a 5s.....	60	0	0			
710 yards excavation large do. a 10d.....	29	11	8			
800 feet super. of flagging, a 1s. 6d.....	60	0	0			
39 toise masonry, a 20s.....	39	0	0			
300 feet hammer dressed stone for arch, a 6d.....	7	10	0			
5 per cent. contingencies.....	9	16	0			
				205	17	3
<b>NORTH WING—MASONS' WORK.</b>						
1,888 yards digging foundation, the earth removed 200 yards, a 1s. 6d.....	141	12	0			
385 toise masonry foundation, a 25s.....	481	5	0			
235 toise in arches supporting the floor of dining hall, a 30s.....	352	10	0			
975 toise in external and partition walls, a 25s.....	1218	15	0			
3,650 feet superficial of hammer dressed quoins & arches, a 6d.....	91	5	0			
7,448 do. axed ashler, a 1s. 3d.....	465	10	0			
2,462 do. bushard do. a 1s. 7d.....	194	18	0			
Carried forward.....	2944	15	0	3635	13	3

ESTIMATE OF WORK—(Continued.)

	£	s.	D.	£	s.	D.
Brought forward .....	2944	15	0	3635	13	3
764 feet rustic ashler, a 1s. 10d. ....	70	0	8			
80 do. tooled pilaster, a 2s. 6d. ....	10	0	0			
108 do. cornice fine chiseled, a 7s. 6d. ....	40	10	0			
120 do. jamb linings panelled, a 5s. ....	30	0	0			
130 do. fine tooled sills, a 2s. 6d. ....	16	5	0			
540 do. window sills, a 1s. 11d. ....	51	15	0			
8 do. moulded impost, a 12s. 6d. ....	5	0	0			
144 do. tooled base, a 2s. ....	14	8	0			
548 do. belt course, a 1s. 6d. ....	41	2	0			
1,969 do. window rabbits, a 3s. 2d. ....	311	15	2			
384 do. window circular, a 6s. 4d. ....	121	12	0			
368 do. window double rabbited window rabbits, a 7s. 9d. ....	142	12	0			
310 do. cut jamb linings to doors, a 1s. 7d. ....	24	10	10			
75 do. circular door heads, a 5s. 6d. ....	20	12	6			
60 do. lineal 3x2 inch rabbit for doors, a 2s. ....	6	0	0			
1,925 do. super. eave cornice, building included, a 3s. 8d. ....	352	18	4			
1,208 do. bushard ashler on chimney heads, a 2s. 8d. ....	161	1	4			
120 do. coping on do. a 5s. 6d. ....	33	0	0			
2,030 do. flagging in dining hall, a 1s. 9d. ....	177	12	6			
250 do. lineal of drain, a 2s. 6d. ....	31	5	0			
127 do. lineal of gutter, a 2s. ....	12	14	0			
80,000 bricks for fire-places, flues, partitions, &c. a 45s. ....	180	0	0			
Building and pargeting 700 feet flues, a 6d. ....	17	10	0			
3,967 yards lathing, a 5d. ....	82	12	11			
25 stove-pipe stones, a 6s. 3d. ....	7	16	3			
72 feet pilasters, fine chiseled, a 3s. ....	10	16	0			
78 do. moulded circular, a 7s. 6d. ....	29	5	0			
14 do. moulded impost, a 7s. 6d. ....	5	5	0			
56 do. fine tooled double rabbited facing, jambs and lintels for vaults, a 6d. ....	16	16	0			
1,675 yards pugging floors, a 2s. 3d. ....	188	8	9			
450 lbs. lead for hinges, a 5d. ....	9	7	6			
5 per cent. for contingencies .....	258	8	3			
				5426	15	0
<b>CARPENTERS' WORK.</b>						
56 squares centreing to vaulting cellars, a 21s. 6d. ....	60	4	0			
642 feet centreing to windows and other openings to external wall, a 1s. ....	31	4	0			
Fixing centres to 67 openings, a 1s. 6d. ....	5	0	6			
140 feet do. for openings in partition walls, a 9d. ....	5	5	0			
90 do. for two elliptic arches, a 2s. ....	9	0	0			
360 do. for interior brick do. a 1s. ....	18	0	0			
1 oak trussed centre, a 65s. ....	3	5	0			
394 feet lineal oak post and brest-summer, a 3s. 6d. ....	63	19	0			
170 squares 12x5 inch joisting, a 35s. ....	297	10	0			
162 do. countre flooring, fillets included, 12s. 6d. ....	101	5	0			
52 do. ceiling joist, a 27s. ....	70	4	0			
52 do. rough 1 inch flooring, a 8s. 6d. ....	22	2	0			
98 do. roofing, a 37s. 6d. ....	183	15	0			
98 do. shingling, a 20s. ....	98	0	0			
98 do. sheeting, a 18s. ....	88	4	0			
8 skylights in roof, a 35s. ....	14	0	0			
94 squares trussed partitions, a 21s. ....	98	14	0			
181 do. furring for laths, a 7s. 6d. ....	67	17	6			
Carried forward .....	1296	19	0	9062	8	3

## ESTIMATE OF WORK—(Continued.)

	£	s.	D.	£	s.	D.
Brought forward .....	1236	19	0	9062	8	3
1,280 feet lineal of grounds wrought and groved, <i>a</i> 2½d.....	12	10	0			
780 do. door frames, <i>a</i> 6d.....	19	10	0			
76 do. door rabbited and beaded, <i>a</i> 8d. ....	2	10	8			
100 do. oak door frames, <i>a</i> 2s. ....	10	0	0			
30 do. supr. oak lintels, <i>a</i> 2s. 6d. ....	3	15	0			
29 boxed window frames, <i>a</i> 30s. ....	43	10	0			
34 boxed window frames, <i>a</i> 20s.....	34	0	0			
638 lights 15x11 inch sash primed and glazed, <i>a</i> 1s. 6d....	47	17	0			
1,564 lights 9x7 inch sash primed and glazed, <i>a</i> 1s.....	78	4	0			
37 panel doors, <i>a</i> 17s. 6d. ....	32	7	6			
8 fan lights and frames, <i>a</i> 27s. ....	10	16	0			
1,400 feet lineal base moulding, <i>a</i> 7d.....	40	16	8			
250 do. supr. 1½ inch window stools, <i>a</i> 7d. ....	7	5	10			
270 do. lineal grounds to windows, <i>a</i> 6d.....	6	15	0			
270 do. lineal grounds to circular, <i>a</i> 1s. 3d.....	16	17	6			
5,900 do. bond timbers, <i>a</i> 3d.....	73	15	0			
4,000 do. 1½ inch wrought flooring, <i>a</i> 155s. ....	31	0	0			
13 squares framed ceiling, <i>a</i> 22s. ....	14	6	0			
258 feet framed strings and joists to stairs, <i>a</i> 9d. ....	9	13	6			
400 do. supr. framed trusses, <i>a</i> 9d. ....	15	0	0			
98 squares temporary covering for roof, 3s.....	14	14	0			
12 cwt. sheet lead for roof, labour included, <i>a</i> 93s. 4d.....	56	0	0			
5 per cent. contingencies .....	99	0	0			
				1917	2	8
<b>BLACKSMITHS' WORK.</b>						
8 setts cast jambs, backs, and facing to fire-places .....	79	4	0			
2 do. cast backs to fire-places .....	3	12	0			
1,239 lbs. sash weights .....	17	2	0			
360 do. cast window sills.....	59	8	0			
20,475 do. window grating, <i>a</i> 6d. ....	511	17	6			
795 do. barrier grating, <i>a</i> 1s. 3d. ....	49	13	9			
680 do. holdfasts for cornice, <i>a</i> 5d.....	14	3	4			
112 do. for coping, <i>a</i> 5d. ....	2	6	3			
255 do. bolts for trusses, <i>a</i> 9d. ....	9	11	3			
85 do. do. oak brestsummer, <i>a</i> 9d. ....	3	3	9			
395 do. hooks and hinges for doors, <i>a</i> 7d.....	11	10	5			
2,150 do. straps and bolts for roof, <i>a</i> 8d.....	71	13	4			
170 do. chimney bars, <i>a</i> 6d. ....	4	5	0			
375 do. Iron door to vault, <i>a</i> 4d.....	6	5	0			
5 per cent. contingencies .....	42	4	0			
				886	0	0
<b>EAST WING-MASONS' WORK.</b>						
480 yards digging foundation, <i>a</i> 10d.....	20	0	0			
115 toise masonry for do. <i>a</i> 25s.....	143	15	0			
441 toise external wall, <i>a</i> 25s.....	551	5	0			
7,980 feet axed ashler, <i>a</i> 1s. 3d.....	498	15	0			
400 do. bushard, <i>a</i> 1s. 7d. ....	31	13	4			
742 do. window sills, <i>a</i> 1s. 11d. ....	71	2	2			
408 do. belt course, <i>a</i> 1s. 6d.....	30	2	0			
1,944 do. hammer dressed quoins and arches to window, <i>a</i> 6d.....	48	12	0			
1,530 do. window rabbits, <i>a</i> 3s. 2d. ....	242	5	0			
1,080 do. window circular, <i>a</i> 6s. 4d. ....	342	0	0			
1,590 do. holes in window grating (rabbits), <i>a</i> 10d. ....	66	5	0			
8 stove pipe stones, <i>a</i> 7s. 6d.....	3	0	0			
Carried forward .....	2048	14	6	11865	10	11

ESTIMATE OF WORK—(Continued.)

	£	s.	D.	£	s.	D.
Brought forward .....	2048	14	6	11865	10	11
750 feet eave cornice unset <i>a</i> 3s. ....	112	10	0			
464 do. for chimney heads, <i>a</i> 2s. ....	46	3	0			
112 do. coping for chimney heads, <i>a</i> 4s. 10d. ....	27	1	4			
5 per cent. contingencies .....	111	14	6			
<b>CARPENTERS' WORK.</b>				2346	8	4
345 feet supr. centreing, <i>a</i> 1s. ....	17	5	0			
54 openings fixing centres, <i>a</i> 1s. 6d. ....	4	1	0			
18 boxed window frame heads circular, <i>a</i> 30s. ....	27	0	0			
584 lights of sash primed and glazed, <i>a</i> 1s. ....	29	4	0			
5 per cent. contingencies .....	3	17	6			
<b>BLACKSMITHS' WORK.</b>				81	7	6
28,825 lbs. window grating, <i>a</i> 6d. ....	720	12	6			
4,770 do. cast window sills, <i>a</i> 30s. ....	71	15	0			
288 do. anchors for windows, <i>a</i> 5d. ....	6	0	0			
5 per cent. contingencies .....	39	18	6			
<i>Estimate of the value of Fence enclosing the Provincial Penitentiary Yard.</i>				838	6	0
445 pickets, <i>a</i> 1s. 3d. ....	27	16	3			
600 do <i>a</i> 5d. ....	12	10	0			
5,340 feet scantling, <i>a</i> 2d. ....	44	10	0			
32,000 do. 2 inch plank, <i>a</i> 80s. ....	128	0	0			
2,184 do. platform, <i>a</i> 6d. ....	54	12	0			
2,635 do. ribbing on top of fence, <i>a</i> 1d. ....	10	19	7			
2,630 lbs. spikes, <i>a</i> 5d. ....	54	15	10			
612 feet hand rail, <i>a</i> 3d. ....	7	13	0			
Erection of 2,635 feet fence, <i>a</i> 6 <sup>3</sup> / <sub>4</sub> d. ....	74	6	2			
400 lbs. iron for hinges and fastning to gates, <i>a</i> 6d. ....	10	0	0			
8 sentry boxes, <i>a</i> 55s. ....	22	0	0			
Removing 320 feet of fence, <i>a</i> 8d. ....	10	13	4			
31 lbs. spikes for do. <i>a</i> 5d. ....	0	12	11			
Erecting temporary fence .....	10	0	0			
Entrance lodge .....	10	0	0			
	£478	9	1	15131	12	9

H. SMITH,  
WARDEN.

PROVINCIAL PENITENTIARY,  
1st October, 1838.

M.

DR. Provincial Penitentiary, in Account with the Provincial Government.

CR.

	£	s.	D.	1838		£	s.	D.
1835.... To cash per Parliamentary grant .....	3000	0	0	Oct. 1	By value of North, East and South Wings of the Prison, as per statement herewith,	15,131	12	9
1836.... do do do .....	5000	0	0					
1837.... do do do .....	5000	0	0	do do	By value of fence surrounding Prison yard .....	478	9	1
1838.... do do do .....	5000	0	0	do do	By stock of materials, &c. on hand this day .....	4,716	6	0
Oct. 1.. To amount of debts due by the Institution, to Tradesmen, &c. ....	996	2	1	do do	By debts due to the Institution	142	2	11
do .. To balance .....	1740	0	6	do do	By cash on hand .....	267	11	1
	20,736	2	7			20,736	2	7

Gain to the Province on the transactions of the Penitentiary, from 1st June 1835, to 1st October 1838—£1740 0 6

H. SMITH, WARDEN.

PROVINCIAL PENITENTIARY, 1st October, 1838.

## REPORT,

OF

A. MANAHAN AND G. A. RIDLEY,

COMMISSIONERS ON THE REMOVAL OF THE PENITENTIARY FROM KINGSTON TO MARMORA.

*To His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.*

THE undersigned Commissioners, appointed "to examine before the next Session of the Provincial Parliament the Iron Works, known as the MARMORA IRON WORKS, in the County of Hastings, and to ascertain upon what terms the Proprietor of those Works and the Lands attached to them would be willing to dispose of the same;" and finally, "to submit Estimates of the probable expense of transferring the Penitentiary from Kingston to Marmora, for the purpose of employing the Convicts in the manufacture of Iron there, should such a measure be decided upon by the Legislature,"—

MOST RESPECTFULLY REPORT, for your Excellency's information, their observations and opinion; in which latter the subscribing Commissioners are unanimous, as well as in their proceedings upon the subject generally :

It will be perceived, that the undersigned Commissioners have not confined their attention to the matters expressly referred to them under the Address of the House of Assembly to His Excellency Sir F. Head, of the 17th February 1837; but having inferred from that Address a desire for every information relating to the project of conducting those works by convict labor, they have, with the intent of bringing all the circumstances materially connected with a plan of its importance under the full consideration of Your Excellency and the Legislature, embraced with this Report such Estimates and Statements as tend in their opinion to that end—a deviation which the Commissioners deem excusable, considering the intense anxiety of feeling which prevails among the Mechanics of the Province, whose interests it is apprehended will be unfavourably affected by the present Penitentiary system, if continued. But although the Commissioners are actuated by a strong desire, in common with their fellow subjects in the Province, to see the question fairly and finally settled pending the coming Session of the Legislature, they disclaim any intention of entering into the question of the proper encouragement due to the Mechanics of the Province, or whether their fears of serious disadvantage from the present system be well or ill founded.

To become perfectly satisfied with the rumoured advantages of the Marmora Iron Works, in point of locality; of hydraulic powers and privileges; of quantities and qualities of Iron ore; of abundance of wood for charcoal, fuel, and other purposes; of all other minerals and materials requisite to the successful operations of Iron Foundries, with the great facilities of transporting each to the establishment; and to be able to report with certainty on these essential points, the Commissioners proceeded to Marmora, and spent a reasonable time in the minute and close examination of the subject.

The buildings, machinery, and utensils, although out of operation for some years, are now in a sound and comparatively fit state for use, should a re-organization of the entire establishment be undertaken.

The works, of which a ground view with references is herewith presented, consists of two furnaces for smelting iron ore, connected by a casting house common to both, with the wheel house and bellows house attached to each, having in the same pile of building several capacious rooms and lofts usefully occupied in the purposes of a foundry—the whole forming one solid mass of building of limestone, constructed on the face of a bank of the same material, forty feet high to the level of the bank; on this bank (an area of five acres of which is enclosed with a dry wall) three substantially framed coal houses are built, sufficient to contain each 35,000 bushels of coal; another portion of the same bank has hitherto been occupied as a coal and ore bank, where the ore has been usually roasted on log heaps, to fre

it by that process from the intermixed sulphur, and upon the unoccupied part of it much if not all the charcoal required for the uses of the furnaces could be most profitably made, as will be hereafter shewn. The furnaces, as conducted formerly by private enterprise, were found capable of making four tons of iron daily, on the average; statements in which respect they are enabled to submit by politeness of the Honourable Peter McGill, the proprietor. In connexion with the furnaces, is a large and substantial stone building, containing two trip hammers and four forge fires, for the purpose of making bar iron, with two wheels which trip the hammers, and four wheels that propel the bellows, one to each fire. This factory, put in active and kept in constant operation, is capable of making five tons of bar iron per week, of all sizes and descriptions, and is now in a state requiring but moderate repair to fit it for immediate use.

On the forge bank, a clear area of two acres, is another well built coal house, of equal size with those belonging to the furnaces; attached to the forges is a convenient carpenter's shop, sufficiently capacious to accommodate five workmen, with a lathe and grinding stone impelled by water, the upper loft of this shop forming a convenient and spacious moulding and framing room for moulding, planning, and putting together large patterns and moulds—opposite, and at a convenient distance between the furnaces and forges, stands the general pattern store, and occupied besides as a casting and bar iron sale and deposit store, a good frame building, built on a solid foundation on the water's edge.

Next on the falls occur in their order, the blacksmith's forge, suited for two smiths, with benches and utensils complete—a bakery—the baker and miller's house, adjacent to a respectable grist mill, the under story of stone, the upper handsome, substantial, well finished frame work, one run of stone and a smut machine; contiguous to which is a superior saw mill, newly built, with two pit saws and a circular saw—and near thereto, on a small island, a situation admirably adapted for the purpose, is a substantial two-story building—under story stone, the upper story frame work, fitted into a most complete tannery, with vats, utensils, and bark mill complete—added to these are several very valuable dwelling houses, some of them stone—a stone store and offices—a barn, barn yard and sheds, forming in the view of the Commissioners a more complete and substantial establishment, than on its scale of magnitude can be met with in all North America.

The hydraulic powers of the Marmora Falls can be better imagined than described by the Commissioners, from the fact that they occur upon the Crow River at the foot of untold Lakes, falling into the Crow Lake, one of the deepest inland Lakes in the Provinces; and just below the junction of the Beaver River, which latter has its rise in the Ottawa or Grand River, or the waters flowing parallel therewith, and by the outlet at the Marmora Falls—these head waters on their confluence with the waters of the Rice Lake and the Otanabee River on Crow Bay, six miles below the works form the great River Trent, second only in magnitude and importance to the Saint Lawrence.

The principal dam at these falls has been designed;—allowed to fall into decay, from the circumstance of its having been originally constructed in an unfavourable place, and a new one could be constructed when the water is low at an inconsiderable expense. The other dams are available to their original usefulness, and upon altering the saw mill lately a new and very perfect one has been constructed, which, while it confines the water to the uses of the Grist and Saw Mills, has valuably enlarged the Saw Mill Pond. Suffice it then to say on this head, that the Commissioners deem the water power at Marmora abundantly equal to all the purposes of machinery and manufacture which can for centuries be established there; after minutely inspecting the falls, buildings, &c. the property and estate in the works, the Commissioners proceeded to the Ore bed immediately adjoining the establishment, and in the veins already partly developed they discovered iron ore seemingly to them of the purest and best quality, and in the same veins an admixture of red paint and yellow ochre; and in separate veins and beds in this locality those paints occur in some quantities; and the Commissioners were informed that formerly the red paint in its native state was an article of commerce, interrupted only by the careless manner after which the veins were worked for iron ore, having choked up the veins of paint. Here also occur heavy beds of purely white marble, seemingly not stratified, and quarries of excellent, if not superior Lithographic stone are found in the immediate vicinity of this ore bed.

From the great jumble of mineral substances which the careless and imperfect opening of these veins brought to the view of the Commissioners, they could not hazard an opinion as to their probable extent; but if they may judge from geological analogy, and from the appearance of the surrounding few acres, and the apparent dip of the veins under a high hill, they

might state the probability that the quantities of ores and paints to be found here are considerable. Specimens of the several minerals, the marble, and the lithographic stone, found here, shall be transmitted to Your Excellency. It may be remarked, however, that the Commissioners have been informed by authority of credibility, that several hundred tons of very pure ore had been already taken from the small space which it seems was mined here for the uses of the Furnaces, and that several barrels of red paint had also been sold at 25s. per barrel, and that the heaps of rubbish now closing up the veins, and obstructing the observations of the Commissioners, was occasioned by over haste and anxiety on the part of Mr. Hayes, the former proprietor to procure quantities of the Iron Ore on several occasions of working the furnaces. Here there is a substantial, well-built bridge, constructed chiefly at the expense of the works—and a large and commodious wharf, whereat the Ores brought by the Lake Boat is landed; and there remains a stock of Ore exceeding two thousand tons on hand there now. The Commissioners next turned their attention to the Lake Ore-bed, as reported to them to be the most abundant, the freest from sulphur, and, of the Rock Ores in this region, the most easily fluxed and reduced: they accordingly proceeded there, and at the distance of four miles up the Crow Lake, they came upon a mountain, on the Lake shore, entirely composed of Iron Ore. Inasmuch as the Commissioners had never before a conception of such a quantity of Ore in one mass in such a position, their surprise was exceeding, for the first consideration that must be given to his locality is, that it is inexhaustible for all the purposes which may be for ever required for this Province. The Ores on this locality are strongly magnetic, and the portions of the most mixed up with sulphur lose that combination upon exposure. The most useful ore here is a shaley or slate ore, which occurs in great abundance, is pure and rich in quality, and found to be the best and most advantageous ore to be smelted in the Marmora Furnaces, as the Commissioners were informed. On returning down the Lake the Commissioners visited another of the many important localities of ore which surround that beautiful sheet of water, in which they were informed the ore was abundant but imbedded, and comparatively difficult of being mined. The ore here met with is of the purest kind, and best adapted to making bar-iron in the forges, far surpassing in magnetic powers any of the other ores they tested. And at the base of the hill containing this last bed, and but one mile distance from the Foundry, great quantities of meadow and bog ore are found, which it is reported may be dug and collected with great ease and at small expense; but the Commissioners cannot say, unless from uncertain rumour, whether this species of ore could be procured in such abundance as to make it an object to work it. Upon enquiry, the Commissioners find that with a boat of 50 tons, navigated by four men, one hundred and fifty tons of the ore from the head of the Lake may be easily brought to the works in two days, so readily is it quarried and put on board there.

Upon the subject of other ore beds in the locality of the Iron Works, the Commissioners have ascertained satisfactorily that the works are surrounded by mines, some of them of equal abundance as those visited, but being inland did not merit the same consideration which the Commissioners have bestowed on those more likely to be brought into immediate use; and they content themselves with the observation, that to the eastward and north-east of the establishment, there are no fewer than five abundant deposits of magnetic ore, with several large quarries of white, variegated, and black marble, with slate quarries, marl beds, and other mineral subjects; the development and introduction of which for the general uses of commerce, they doubt not, will mainly depend upon the active enterprize with which the Marmora Foundry shall be carried on, and which, when brought into market as commodities of use and ornament, will give a new impulse to the trade of the country, and keep within the Province much of the money paid to foreign account for the purchase of the like articles, often far inferior in quality to those which could be produced and supplied from these sources.

At the works, limestone quarries of a quality of stone unequalled for building, are found in profusion, in fact the falls with the prominencies over them consist of little else than limestone, and the Commissioners know of no place where that material can be found in equal quantity or superior quality; here also, adjoining the works, moulding sand, useful for all the purposes in moulding, occurs in whole acres, in fact is inexhaustible; and the surrounding country affords a sufficient supply of hardwood to furnish the works with charcoal constantly for half a century, and it may be brought by water at inconsiderable expense from above or below in rafts—provided, however, that careful fuel reservations were made, and the after growth of the timber preserved, by a due regard to the prevention of fires or plunder, a circumstance as connected with these works of vast importance.

The Commissioners next gave consideration to the estate in lands belonging to the establishment, some in fee, others under stipulations that the works shall not cease operations for a definite time, and under those stipulations reserved to their use for fuel. They find

that the entire quantity of land, in fee, consists of 10,935 acres, namely 8,535 acres in the Township of Belmont, in the Newcastle District, being the per centage lands drawn by Mr. Hayes, the original proprietor, for having caused at his expense the survey of the Townships of Belmont, Methuen and Lake—and 2,400 acres in the Township of Marmora, acquired part by purchase from C. A. Hagerman, Esquire, and part by grant; with 1,800 acres of fuel reserves in the Township of Marmora, and a water lot in the Town of Belleville, as fixed contingencies, dependant only on the continued operations of the establishment—or rather forfeitable on the abandonment of the works. A list of these lots, amounting in the aggregate to 12,735 acres, is herewith submitted for Your Excellency's information, and the Commissioners have respecting them only to add, that from the improved state of several of the lots, upon many of which some most excellent farms could without much expense be maintained—from the valuable mill sites and other water privileges on others of them—from the especial selections of the lands, especially in Belmont, and the fast increasing settlement of that Township, they would deem the average price of the said lands estimated under value at one pound per acre.

In giving their opinion of the vast advantages of the locality at Marmora, of the abundant supply of all the necessary and useful materials for the manufacture of all descriptions of iron, iron ware, and steel—and for the manufacture and production of other most important branches of commerce, and the unequalled facilities of procuring and transporting them to the works—the Commissioners must not omit to adduce, the additional importance which the improvement of the navigation (in part effected and in progress) of the Trent and the inland waters of the Newcastle District, will give to this establishment, by means of which a cheap and easy communication may be had with the interior of the Province by the Rice Lake and the Cobourg Rail Road, affording the facility of transporting by a short route its wares to any part of the Upper Lakes by this route upwards—and by free access to the Bay of Quinte, its wares without transshipment may be sent by the Saint Lawrence or the Rideau Canal to Quebec; an improvement which the Commissioners deem the most encouraging to the general project, as the great difficulty of transporting its wares, and the enormous expense necessarily attending that transport in a new country, where the access road for eighteen miles had to be cut out and kept in repair for several years at the cost of the establishment—was the greatest hindrance to the successful operations of the private enterprise hitherto managing the works.

The statements which the Commissioners present herewith, serve to shew the importance of the works, if even conducted upon the moderate scale of operations upon which they have hitherto been managed, by which it appears that by the operations of only one furnace in blast for the year, and the forges making but three tons of bar iron per week, an annual profit of £13,037 18s. 6d. was estimated to accrue, after paying all the contingencies chargeable on the operations producing it, and valuing the produce at a net price under the market rates, deducting charges of transport and sale; a profit (independent of the advantage to the country of having even so much of the supply of so necessary an article of consumption as iron, furnished within ourselves) which would cover the first heavy outlay of building, and otherwise preparing for the safe-keeping and accommodation of the convicts in the event of transferring them to the establishment. But the Commissioners cannot contemplate the probability of confining the operations of an establishment like this, and of one of the manufactures in the rank of utility most essential to mankind, with the unequalled privileges and advantages which the works possess, to be confined to the making of a few hundred tons of castings and bar iron every year—while the province is annually disbursing hundreds of thousands of pounds for that commodity from abroad, which could be profitably produced at home of a far superior quality and at a diminished price. Independent especially of the great importance which the establishment would prove to the Queen's Government in the time of war, as a resource to supply all the ordnance and munitions of war, in their line, a resource contemplated with approbation by the Home Government, when to foster the Iron Works into existence, they gave a contract to Mr. Hayes for the delivery of pig iron ballast into the naval yard at Kingston, at a full remunerating price, to the extent of £13,000, sterling.

The Commissioners, after consulting the best opinions on the subject, and without entering into a minute detail of the general expense, can with some degree of certainty and confidence advance the opinion, that an establishment at Marmora, sufficiently safe for their perfect security, and commodious for all uses, for the accommodation of two hundred and fifty convicts, could be constructed at an expense not exceeding two thousand pounds, much

of the labour required in which would of course be convict labour, and so far lessen the estimate; and the Commissioners are of opinion, and so report it, that the supervision and diligence required in guarding the convicts within the strict rules of penitentiary discipline and preventing their escape, would not exceed the expense incurred or required, more than the ordinary management on the present system.

This opinion, however, contemplates the construction of a surrounding wall, for the building of which all the materials are on the spot, and this wall could be constructed of the best materials, substantially, well, and sufficiently protective for all the intended purposes, at an expense not exceeding £2,000 more, leaving an area or enclosed space on three sides of upwards of fifteen acres, which could be extended if required to forty-five acres, fronted by the rapids and river—and with the temporary advantage of a company of soldiers stationed there until the erection of the wall and edifice with the other minor works of security, most of the labour required in the construction and completion of the works contemplated, might be supplied by the convicts themselves, thereby lessening very much the expenses of this estimate.

The cost of transportation of the convicts from the present Penitentiary to the Iron Works, would be contracted for at one pound each convict; and it is but reasonable to calculate that the contract price for provisions there, in the midst of a well settled and extensive agricultural country, would not exceed the charges at present made for their maintenance at Kingston. And on the whole, the Commissioners are fully of opinion, that the expenses of the surrounding wall, the building for the accommodation of the convicts to be erected, with the other improvements to be primarily made for their safe-keeping, will cost infinitely less than the structure now in progress of building as the required addition for their accommodation at Kingston; that their expenses there, would not exceed those necessarily incurred in their safe-keeping, maintenance and management at Kingston—independent of the great expenditure yet contemplated in constructing a surrounding wall of stone, to supersede the wooden wall now existing, and the filling up of wharves yet contemplated on Hatter's Bay, and not keeping in view the advantages yet to be derived to this Province from the useful employment of the convicts in the manufacture of a commodity so necessary an ingredient to our well-being—and in keeping so much of the circulating medium within it as is now disbursed to foreigners, and especially of not interfering, but on the contrary encouraging and increasing the useful employment of that most valuable class of men, the mechanics, whose immunities as honest, laborious and industrious members of society, would not by thus employing the convicts be interfered with; and, yet more desirable, the operations of the convicts themselves would be found productive of an increasing revenue, instead of being as at present a public and unprofitable charge.

In submitting this report to Your Excellency at this distant period, the undersigned Commissioners take leave to state, that it had been by them prepared, and given to their co-commissioner and Chairman, Isaac Fraser, in 1837, with the recommendation that it should be by him (assuming his consent to the principles it embraced, as certain) put in due shape, and transmitted as intended to Your Excellency's predecessor in the Government—but which this gentleman, without expressing dissent to their view, neglected to do; and when called upon lately to perfect and present the same, the undersigned were informed, that not agreeing to some of the positions taken by the undersigned, he had made a separate report, which it is understood has been presented to Your Excellency.

All which is respectfully submitted.

A. MANAHAN,

(Signed by authority for) GEORGE N. RIDLEY,

A. MANAHAN.

*Toronto, April 13, 1839.*

REFERENCE TO THE PLAN OF THE MARMORA IRON WORKS.

Nos.		Nos.	
1.	Dwelling-house, wood; the kitchen, stone; covered with pine shingles.	32.	Furnace, No. 1, stone.
2.	Dwelling-house, wood.	33.	Casting-house, stone, covered with pine shingles.
3, 4, 5.	Coal-house, do.	34.	Furnace, No. 2, do. do. do.
6, 7.	Top-houses, do.	35.	Bellows-house, do. do. do.
8.	Dwelling-house, do.	36.	Wheel-house, do. do. do.
9, 10.	Workmen's cottage, do.	37.	Dwelling-house, do. do. do.
11, 12.	Do. do.	38.	Drying-house, do. do. do.
13, 14.	Do. do.	39.	Spring well, covered over with wood.
15, 16.	Do. do.	40.	Barn and stable.
17, 18.	Do. do.	41.	Wood shed.
19, 20.	Do. do.	42.	Store-house, holding patterns, &c.
21, 22.	Do. do.	43.	Grist-mill, stone and wood.
23, 24.	Do. do.	44.	Saw-mill, wood.
25.	Dwelling-house, do.	45.	Garden, some fruit trees in it.
26.	School-house, do.	46.	Tannery and bark-mill, stone and wood.
27.	Dwelling-house, do.	47.	Blacksmith's shop.
28.	Carpenter's shop and turning-house, wood.	48.	Dry goods store, wood.
29.	Forge, stone, covered with pine shingles.	49.	Bake-house, do.
30.	Wheel-house, stone and wood.	50.	Coal-house, do.
L.	Wharves for landing the ore upon from the ore bed.	51.	Store and office, stone.
31.	Bellows-house, stone and wood.	52.	Burying-ground.
		53.	Catholic church.

(Copy.)

MONTREAL, 4th January, 1838.

SIR,

I have the honor to acknowledge the receipt of your letter of the 26th ultimo, enquiring whether I am willing to sell my interest in the Marmora Iron Works, and to acquaint you, for the information of the Commission appointed by the Lieutenant Governor of Upper Canada to examine and report on the probable expense of transferring the Provincial Penitentiary from Kingston to that place,—what value I put upon them.

In reply I beg to say, that considering the measure contemplated, as one of vast consequence to the Province of Upper Canada, in which I have a very deep interest, I am disposed to sell the property, but I feel somewhat at a loss what value to put upon the whole, or any part of it; I know very well what it has cost me, but that amount I cannot expect the Commission would recommend to be given.

As I feel persuaded the Commissioners themselves will have formed correct opinions with regard to the great mineral resources, water privileges, &c. of the establishment, and its fitness for a provincial concern of the nature contemplated, I will not occupy your time by entering into any details, or offering any speculative opinions, as to increased value which may naturally be expected to arise to property in that section of the Province, and to it in particular, when the projected improvements of the Trent are completed, but at once proceed briefly to state my terms. My great object is, to sell the whole of the property of every description, including all the lands, water lot in Belleville, &c.: and I offer them for the sum of twenty-five thousand pounds payable in debentures of the Province of Upper Canada, redeemable in thirty years, bearing an interest of five per cent per annum, payable half-yearly.

I have a great aversion to a division of the interest I hold in the property, as in making what I consider a sacrifice in price, I want to get rid of the trouble of managing any portion of it; nevertheless, should the Legislature not be disposed to buy the whole, I will consent to sell the works, with all the appurtenances, together with the lands in Marmora and the water lot in Belleville, fuel reserves, &c. for the sum of twenty thousand pounds, payable in debentures of the province, redeemable in thirty years, and bearing in interest of six per cent per annum, payable half-yearly.

All circumstances considered, I hope these valuations will appear to the Commissioners reasonable and fair.

I have the honor to be, SIR,

Your very obedient Servant,

(Signed) PETER MCGILL.

**Estimate of the present Value of the Estate in the Marmora Iron Works.**

	£	s.	D.	£	s.	D.
The new furnace, being the largest, is considered to have cost, in its construction, with the two apartments attached, and the complete top-house, bellows-house, and wheel-house, .....				1,000	0	0
The bellows, bellows-gear, wheel and shaft, cost .....				250	0	0
The castings-house for both furnaces, cost .....				400	0	0
The old furnace, wheel, bellows, bellows-house, wheel-house, top-house, and sparking-room, in the ratio of the other furnace. ....				1,000	0	0
The forge-house, with four fires, two trip-hammers, containing four sets bellows, impelled by water from four different wheels, and the two hammers—two different wheels, original cost, upwards of £2,500: present value, at the lowest estimate. ....				2,000	0	0
Carpenters' shop, complete .....				150	0	0
Four coal-houses, at £30 each .....				120	0	0
Grist-mill, one run of stone, complete, and smut machine. ....				500	0	0
Saw-mill, two pit and one circular saws complete .....				300	0	0
Bark-mill and tannery .....				200	0	0
Dwelling-house. ....	300	0	0			
Stone boarding-house .....	200	0	0			
New store and office .....	300	0	0			
Rake-house, old office, and old store .....	50	0	0			
The clerk's house .....	180	0	0			
Twelve dwelling-houses for men, at £60 .....	720	0	0			
Barn, stable, root-house, cattle-shed, ash-house as a dry-house, ashery, &c. ....	150	0	0			
Water lot in Belleville, value .....	100	0	0			
14,000 acres of land, at 20s. per acre .....				2,000	0	0
Utensils, &c. and lower store, patterns, &c. fire-engine .....				14,000	0	0
Length of flume and canal .....				300	0	0
The two dams and breakwater, as they now stand .....				750	0	0
Stock of ore .....				500	0	0
				300	0	0
				<b>£23,770</b>	<b>0</b>	<b>0</b>

**MEMORANDUM OF LANDS BELONGING TO THE MARMORA IRON WORKS, VIZ.:**

*In the Township of Belmont.*

East halves of Lots.....4, 5,.....	1st Concession.....	200 Acres.	
6, 7, 9, 10, 16,.....	2nd do .....	500 do	
5, 7, 10,.....	3rd do .....	300 do	
6, 7, 9,.....	4th do .....	300 do	
4, 5, 7, 10,.....	5th do .....	400 do	
3, 4, 10,.....	6th do .....	300 do	
3, 4, 6, 7,.....	7th do .....	200 do	
4, 5, 7,.....	8th do .....	400 do	
1, 3, 4,.....	9th do .....	300 do	
1, 2, 4,.....	10th do .....	300 do	
	11th do .....	300 do	
			3,500
West halves of Lots.....4, 5,.....	1st Concession,.....	200 Acres.	
6, 7, 9, 10, 16,.....	2nd do .....	500 do	
5, 7, 10,.....	3rd do .....	300 do	
6, 7, 9, 13,.....	4th do .....	400 do	
			1,400
	Carried forward,.....		4,900

*Township of Belmont—CONTINUED.*

		Brought forward,.....	4,900
West halves of Lots....	4, 5, 7, 10,.....	5th Concession,.....	400 Acres.
	3, 4, 10,.....	6th do .....	300 do
	2, 4,.....	7th do .....	200 do
	3, 4, 6, 7,.....	8th do .....	400 do
1, 2, 4, 5,	7, 8, 9,.....	9th do .....	700 do
	1, 3, 4,.....	10th do .....	300 do
	1, 2, 4,.....	11th do .....	300 do
			2,600
Broken Lots,.....	8, 10, 17,.....	1st Concession, } .....	424 Acres.
	14, 15,.....	5th do } .....	
	15,.....	3rd do } .....	330 do
	13, 11,.....	5th do } .....	
	17, 18,.....	3rd do } .....	281 do
West part of Lots.....	17, 18,.....	2nd do }	
			1,035

*In the Township of Marmora.*

East halves of Lots.....	7, 8, 9, 15,.....	4th Concession,.....	400 Acres.
	7,.....	5th do .....	100 do
West halves of Lots ....	7, 8, 9, 15,.....	4th do .....	400 do
	7,.....	5th do .....	100 do
Broken Lot.....	7,.....	1st do }	
	7,.....	3rd do }	200 do
			1,200

*Fuel Reserves.*

Lot No.....	6,.....	1st Concession,.....	200 Acres.
	5,.....	2nd do .....	200 do
South-west $\frac{3}{4}$ Lot No. ....	4,.....	3rd do .....	150 do
Lots Nos.....	4, 10, 11, 4,.....	4th do .....	800 do
West $\frac{3}{4}$ Lot No. ....	3,.....	5th do .....	150 do
Lot No. ....	4,.....	5th do .....	200 do
Broken Lots Nos.....	9, 10,.....	1st do .....	100 do
			1,800

*Lands from C. A. Hagerman.*

Lot No.....	7,.....	2nd Concession .....	50 Acres.
	1, 6,.....	3rd do .....	400 do
North-east $\frac{1}{4}$ Lot.....	4,.....	3rd do .....	50 do
South-east parts of Lots.....	9, 10,.....	3rd do .....	100 do
Lot No. ....	5,.....	4th do .....	200 do
	6, 9,.....	5th do .....	400 do
			1,200

Total Acres,..... 12,735

*Water Lot in the Town of Belleville.*

The south-half of the south half of the Water Lot in front of the Town Lot No. 5, and the whole of the Water Lot in front of Town Lot No. 4, marked on the Plan, in Surveyor General's Office, letter D. 40,300 square links.

# 244 Rep. on Removal of Prov. Penitentiary. [4th Sess. 13th Parl.]

STATEMENT of the daily expenses of the Marmora Iron Works, as conducted in May, 1826, the new furnace then five months in blast, viz :

	£	s.	D.	£	s.	D.
<b>Contingent Expenses of the Furnace.</b>						
The daily wages of the founder, 2 firemen, 2 fillers, 1 burner, 1 banks-man, and 1 gutter-man .....	2	7	10			
The wages of 2 labourers, generally employed in preparing log heaps for burning ore, raising sand, clay and limestone, at 3s. 3d. each .....	0	6	6			
The carpenter's wages, who attends the bellows, and makes patterns .....	0	6	0			
The expense of oil for the bellows, candles, &c. for bellows-house, casting-house, and the moulders .....	0	2	0			
The cost of 600 bushels of coals, at 20s. per c. bushels, is ....	6	0	0			
The cost of 4 tons ore, at 5s. per ton .....	1	0	0			
The wages of 5 moulders, considering she will average on the 6 months' blast, 2 tons per diem, 360, at 2s. per cwt. ....	4	0	0			
				14	2	4
<b>Contingencies of the General Establishment.</b>						
The wages of 2 carpenters, and 1 wagon-maker, at 5s. per diem .....	0	15	0			
The wages of 2 blacksmiths, at 7s. 6d. and 5s. 6d. ....	0	13	0			
Do. 2 masons, at 7s. 6d. each .....	0	15	0			
Do. 6 teamsters, ... { 12 men, at 3s. 3d. } .....	1	19	0			
Do. 4 farm-labourers, { each per diem, } .....						
Do. 2 sledge-men, .. { } .....						
The miller (who is baker,) the tanner and sawyer, not included here, as their wages are included in the estimated profits upon merchandize, provisions, &c. .						
The expense of 2 clerks, and allowance to the doctor .....	0	19	2			
				5	1	2
This calculation, under the impression of the furnace being in blast for six months, would amount, in that period, to £3,330 2s. 4d. viz :						
180 days' expences of the furnace, at .....	£14	2	4	2541	0	0
156 days .....	5	1	2	789	2	4
				3330	2	4

DR. STATEMENT of the Probable Blast Expenses and Revenue of the New Furnace, for Six Months. CR.

	£	s.	D.		£	s.	D.
To amount of wages and expenses of the Furnace and materials for 180 days, as set forth in the foregoing page .....	2541	0	0	By amount of castings for six months, averaging 2 tons per diem—360 tons, if sold at a net price of £20 per ton, will amount to .....	7200	0	0
To amount of other contingencies of the establishment, as stated for 156 days, at £5 1s. 2d. per diem .....	789	2	4				
To balance carried down, being the gain for six months' blast .....	3869	17	8				
	£ 7200	0	0		£ 7200	0	0

DR. STATEMENT as above of the succeeding six months of the Old Furnace if immediately put into blast. CR.

	£	s.	D.		£	s.	D.
To amount of wages and expenses as above, less 10s. per diem, say for 180 days, at £13 3s. 4d. per day, is .....	2370	0	0	By amount of castings, granting that she casts only 1½ tons per diem, on an average, for 180 days, say 225 tons, at £20 per ton nett .....	4500	0	0
To amount of other contingencies as above, 156 days, at £5 2s. 4d. per diem .....	789	2	4				
To profit and loss for balance gain .....	1340	17	8				
	£ 4500	0	0		£ 4500	0	0

**Recapitulation of the Profits.**

	£	s.	D.
Profits of six months' blast of New Furnace, as per statement.....	3869	17	8
Do. do do Old Furnace .....	1340	17	8
Profits from sales of merchandize :			
Provisions, &c. average £4200 per annum, at 25 per cent.....	1050	0	0
From 156 tons of bar iron, per specification.....	1423	10	0
Arising from the farm, &c. valued at.....	200	0	0
Nett annual profits.....	£	7884	5 4

STATEMENT of the expenses of wages, incurred in the working of the new Furnace Blast, commencing on the 15th day of December, 1825, and ending on the 15th day of May, 1826, viz :

	£	s.	D.	£	s.	D.
To the founder, John Jones, 152 days, at 15s. per diem.....	114	0	0			
To 2 firemen, Campbell and Dyer, 152 days, at 6s. 3d. each, per diem .....	95	0	0			
To the ballast-moulder, Seagriff, 152 days, at 5s. per diem ...	38	0	0			
To 2 top-men or tillers, 1 banksman, and 1 ore-burner, at \$24 per month, each .....	120	0	0			
To 1 gutter-man, at \$20 per month.....	25	0	0			
To the carpenter who attended the bellows, 1s. per day extra wages, 152 days, and \$12 allowed for the blast .....	10	12	0			
To the average labour of 2 men each day, employed in making log heaps, filling ore, raising clay and sand, &c. 152 days, at 3s. 3d. per diem.....	24	14	0			
				427	6	0
To the expense of 600 bushels of coals each day, for 152 days, at 21s. 6d. per hundred .....	980	8	0			
To the average quantity of ore, 4 tons per diem, for 152 days, at 5s. per ton .....	152	0	0			
To allowance for candles, oil, tar, &c. for the casting-house, moulding, and use of the bellows, at 1s. per diem, for 152 days.....	7	12	0			
				1140	0	0
Total expense.....				1567	6	0

DURING THE BLAST SHE CAST AS FOLLOWS, VIZ :

In December .....	90½	pigs.
January .....	316	do.
February .....	341	do.
March.....	483	do.
April.....	466	do.
May .....	218	do.
Total.....	1914½	pigs.

Say 1,914½ pigs, equal to 273½ tons, which, at £15 10s. Currency, nett at Kingston (allowing 40s. per ton, take the actual expense of transportation thither, will amount to £4,239 5s. shewing the gain by the furnace in the 5 months' blast as follows, viz :

The proceeds at Kingston .....	4239	5	0
Deduct the amount of expenses, as set forth.....	1567	6	0
Profit she has actually made.....	2671	19	0

STATEMENT OF EXPENSES—(Continued.)

	£	s.	D.	£	s.	D.
Had the furnace been employed in making other castings than ballast, it would have required as follows, viz:						
The same amount of expenses as stated for 5 months.....	1567	6	0			
Less—The amount stated therein for a ballast-moulder .....	38	0	0			
				1529	6	0
Add one-fifth to average the blast at 6 months.....				305	17	2
				1835	3	2
To this sum add also the expense of moulding 328 tons of castings in 6 months, at the average price, at 2s. per cwt.	656	0	0			
And the wages of a pattern-maker, 156 days, at 5s. per diem..	39	0	0			
				695	0	0
Total expense for 6 months .....				2530	3	2
Granting that her castings would not exceed the average, as stated for the last blast, viz:						
Say for 5 months .....	273½	tons.				
Add one-fifth, she would have cast in 6 months .....	54½	do.				
				328	tons.	
	£	s.	D.	£	s.	D.
Which, if sold at a nett price of £20 per ton, would amount to.	6560	0	0			
From which deducting the expenses, as above set forth .....	2530	3	2			
Would yield a semi-annual revenue of.....				4029	16	10
Considering, then, this furnace unlikely longer to continue in blast, and with the other (the smaller furnace) put into operation, the statement of her expenses will not materially differ, but in this, that it will require 1 ton per diem less ore, which for 180 days, at 5s. per diem .....	45	0	0			
It will also require less expense for moulding, as we average her castings to be 1¼ tons per day, which, for 6 months, is a difference of 103 tons, at 2s. per cwt. ....	206	0	0			
The bellows do not require the attention of a carpenter, therefore deducible .....	10	12	0			
Neither does it require that quantity of oil, &c. which is set forth.....	7	12	0			
And 500 bushels of coal per diem is the quantity only it will require.....	203	10	0			
				472	14	0
Which sum deducted from the six months' expense of the other Furnace, as stated, £2,530 3s. 2d. will leave her expenses at £2,057 9s. 2d. and her Revenue, say 225 tons at £20 per ton, would amount to.....	4500	0	0			
Less, the amount of expense as above, .....	2057	9	2			
Yielding a half-yearly profit of.....				2442	10	10
In addition to the profits arising from the Furnace, as thus stated, the following are to be valued upon:—						
The average monthly sales of Merchandize, Provisions, &c. in the Store, is ascertained to exceed £350, which, per annum, is .....	4200	0	0			
Of which, upon the most moderate calculation, one-fourth, say 25 per cent. may be considered as profit, .....				1040	0	0

STATEMENT OF EXPENSES—(Continued.)

	£	s.	d.	£	s.	d.
The forges kept in full and constant operation, will produce 3 tons of bar iron per week, (for which purpose we have now a stock of 150 tons of scrap iron on hand,) which, if sold at a nett price of £20 per ton, will amount to.....				3120	0	0
Deduct therefrom the allowance to Forgemmen in lieu of labour, \$22 per ton, on 156 tons, is.....	858	0	0			
The expense of coals to keep two hammers constantly employed, say 500 bushels of coal for every ton of iron, at 21s. 6d. per hundred,.....	838	10	0			
				1696	10	0
Leaving a yearly profit of .....				1423	10	0
The grist-mill and tannery are included in the profits valued upon merchandize; and the saw-mill, though capable of yielding some, yet its profits are not enumerated here, considering the boards, &c. required by the works as rendered free of expense thereby.						
The revenue of the farm, beyond the fodder required for the stock in the works, in wheat, turnips and potatoes, is valued at, per annum, .....						
				200	0	0
The whole summed up will shew the following statement, viz :						
Semi-annual profits of the new furnace, .....	4029	16	10			
Do. do. do old furnace, .....	2442	10	10			
Profits on sales of merchandize, provisions, &c. per annum,..	1050	0	0			
Profit on 156 tons bar iron,.....	1423	10	0			
And that valued upon the farm, .....	200	0	0			
Total yearly revenue,.....	9145	17	8			
<i>Statement of Expenses of Labour employed in the Marmora Iron Works, not connected with the Furnace or Forges, which have been stated, viz. :</i>						
2 Carpenters and one Waggon-maker, a \$26 per month each,..	19	10	0			
2 Blacksmiths, at 7s. 6d. and 5s. 6d. per diem, .....	16	18	0			
2 Masons, at 7s. 6d. each per diem, 26 days, .....	19	10	0			
4 Farm Labourers, and 2 Sledge-men, at 3s. 3d. per diem each,	25	7	0			
Allowance to Clerks and the Doctor .....	29	3	4			
Per month, .....	110	8	4			
Per annum,.....	1325	0	0			

(Copy.)

*To His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor  
of the Province of Upper Canada, &c. &c. &c.*

THE undersigned Commissioner appointed in conjunction with Anthony Manahan and George Neville Ridley Esquires, by His Excellency Sir Francis Bond Head, late Lieutenant Governor of Upper Canada, under commission bearing date the 16th day of July, 1837, to carry into effect the objects expressed in an Address of the House of Assembly passed the 17th day of February, 1837, praying that His Excellency would cause an examination to be made before the next Session of the Legislature of the Iron Works known as the Marmora Iron Works, in the County of Hastings, and that His Excellency would also ascertain upon what terms the proprietors of those works and of the lands thereto attached would be willing to dispose of the same; and further that His Excellency would cause estimates to be made of the probable expense of transferring the Penitentiary from Kingston to Marmora for the purpose of employing the convicts in the manufacturing of iron there, should such a measure be decided upon by the Legislature.

In pursuance of which appointment the undersigned, in company with the above-named Commissioners, visited the Marmora Iron Works in August, 1837, and examined their state, and that of the mills, buildings, and appurtenances, and some of the principal ore beds in the vicinity with a view to report thereon at the then next Session of the Legislature; but in consequence of the disturbances which soon after agitated the Province, and the unsettled state of affairs which has since prevailed, no report on the subject has hitherto been made.

The undersigned having learned that the subject will probably be resumed by the Legislature at the ensuing Session, and being unable to join in all the views and opinions expressed in the Report of the other Commissioners, therefore begs leave to submit the following separate Report.

The Marmora Iron Works are situated at Great Fall on the Crow River, in the Township of Marmora, in the County of Hastings, about thirty miles northerly from the Town of Belleville, and about eight miles from the junction of the Crow River with the River Trent.

Without entering into minute details, the works consist of a large substantial building, partly built of stone and partly with wood, apparently in a sound condition, containing two smelting furnaces, four forge fires, two trip hammers, with all the necessary appurtenances for the manufacture of iron on an extensive scale, and are said to have produced heretofore when in full operation at the rate of four tons of Cast Iron and five tons of Bar per day. Attached to the Works are a good Grist Mill with one run of stones, a Saw Mill with one circular and two pit-saws, a Tannery, Bakery, and a Blacksmith's shop and Carpenter's shop, with tools for each, with extensive Coal Houses adjoining the works.

There is also on the premises a good mansion-house, with garden, out-houses, barn and stable, suitable for the residence of a superintendent; also a large well-furnished stone store-house, and a number of comfortable dwelling-houses, sufficient to accommodate all the workmen and labourers required at the establishment.

These works and buildings when viewed in 1837, appeared to be in a better state of repair than could have been expected, considering that most of them had been untenanted upwards of five years. The water power at Marmora is immense, and appears to be sufficient for manufacturing purposes to almost any extent that may be required.

The supply of rich iron ore is absolutely inexhaustible, and can be brought to the works by water at a very small expense.

The surrounding country is well wooded, and wood for charcoal and other purposes can be obtained to an unlimited extent, and transported to the works by water from the Crow Lake and the streams which fall into it.

In the immediate vicinity of the Iron Works are extensive quarries of excellent limestone, lithographic stone, marble, gypsum, and yellow and brown ochres, and various other mineral products.

In addition to the advantages before enumerated, the value of the establishment will be much enhanced when the projected improvement of the navigation of the Trent shall be completed, obviating the necessity of an expensive land carriage of upwards of twenty-two miles over bad roads, and facilitating the transport of its productions and supplies at a much reduced rate.

The lands held in fee and attached to the works consist of 8535, situate in the Township of Belmont, in the District of Newcastle, and 2400 acres situate in the Township of Marmora and a water lot in the Town of Belleville with 1800 acres held conditionally for fuel reserves, also situate in the Township of Marmora; amounting in all to about 12,735 acres.

The proprietor of the works, the Hon. Peter McGill, of the City of Montreal, in Lower Canada, has (as will appear by his letter hereto appended) offered to dispose of the whole property before mentioned for the sum of twenty-five thousand pounds, payable in debentures of Upper Canada, redeemable in thirty years, and bearing interest at the rate of five per cent per annum, payable half yearly.

Or for the whole property, exclusive of the lands in the Township of Belmont, the sum of twenty thousand pounds, payable in debentures, redeemable as aforesaid, but bearing interest at the rate of six per cent per annum, payable half yearly.

With reference to that part of the enquiry relative to the expense of removing the convicts from Kingston to Marmora, the subjoined statement by the Master Builder of the Penitentiary at Kingston, kindly furnished by order of the Board of Inspectors of that Institution, in which the cost of erecting one wing of a prison at Marmora, with cells for 200 convicts, is estimated at £9839 6 2, exclusive of such articles as might be taken from the Penitentiary at Kingston. The Deputy Warden, Mr. Powers, who has had long experience in the erection and management of Penitentiaries, is however of opinion that with an advance of £1000 the whole can be completed by convict labour, as will appear by his able communication hereto appended.

Taking the higher estimates, the first cost of the Iron Works and appurtenances, and the erection of the prison, will amount to £34,839 6 2, not including the repairs of the works and buildings, and various other items of expense difficult to foresee and estimate.

Without offering an opinion on the present value of the establishment, the undersigned is fully persuaded that it possesses very great facilities and advantages for the extensive manufacture of iron, and that a more eligible situation for that purpose cannot be selected in this Province; but whether the manufacturing of iron on the public account and at the public cost, in preference to leaving that, as well as all other branches of industry, open to the free competition, skill, enterprise, and capital of such individuals or companies as may wish to engage in the same, will be for the Legislature in its wisdom to decide.

The principal object in transferring the Penitentiary from Kingston to Marmora, would seem to be the employment of convict labour, so as not to interfere with the pursuits of the honest mechanics of the Province; but if this object can be equally well attained at the present establishment, it is evident that the loss of the large amount already expended on it will be avoided, and the necessity of a further large outlay would be prevented.

On a subject of so much importance, and on which so much difference of opinion prevails, the undersigned will not presume to offer his own views, but begs to refer to the able papers hereto annexed, furnished by Henry Smith, Esquire, the Warden, and Mr. Powers, the Deputy Warden, of the Penitentiary at Kingston, whose experience and successful management of that institution entitle their views and observations to particular consideration.

All which is humbly submitted.

(Signed) ISAAC FRASER.

ERNESTOWN, 20th February, 1839.

ESTIMATE of the probable cost of one Wing of a Penitentiary to contain two hundred and seventy Cells.

	£	s.	d.
930 yards digging foundation, a 10d. ....	38	15	0
300 toise masonry foundation, a 9s. ....	135	0	0
950 do. do. do. a 10s. ....	474	0	0
258 feet tooled base, a 1s. 9d. ....	42	0	3
500 do. belt, a 1s. 6d. ....	37	10	0
550 do. sills, a 1s. 9d. ....	48	2	6
2,670 do. rabats, a 2s. 2d. ....	274	5	0
370 do. quoins, a 1s. 6d. ....	65	5	0
10,000 do. red ashler, a 8d. ....	333	6	8
1,360 do. stone cornices, a 2s. 6d. ....	170	0	0
12,000 do. in front of cells, a 2s. 6d. ....	1,500	0	0
8,172 do. to cell windows, a 2s. 6d. ....	1,021	10	0
1,300 do. base, a 1s. 3d. ....	81	5	0
580,000 bricks, a 24s. ....	696	0	0
Laying of do. a 15s. ....	435	0	0
18,000 bushels of sand, a 2d. ....	150	0	0
9,500 bushels of lime, a 7½d. ....	296	17	6
550 toise of rubble stone, a 6s. ....	165	0	0
7,000 yards of plastering, a 1s. 2d. ....	403	6	8
Plank and ropes for scaffolding. ....	80	0	0
8,700 feet of flagging, a 1s. 6d. ....	652	10	0
<b>CARPENTERS' WORK.</b>			
15,000 feet timber for roof, a 2d. ....	125	0	0
70 squares framing, a 10s. ....	35	0	0
70,000 shingles, a 7s. 6d. ....	26	5	0
3 cwt. shingle nails, a 5d. ....	6	5	0
70 squares sheeting, a 15s. ....	52	10	0
5 cwt. wrought nails for roof, a 5d. ....	12	10	0
52 window frames, sash, and glass, a 40s. ....	208	0	0
2 oak doors £8, 60 gross screws £12. ....	20	0	0
3,500 feet oak flooring, a 4d. ....	58	6	8
<b>SMITHS' WORK.</b>			
52 cwt. cast sills for windows, a 22s. 6d. ....	57	10	0
215 do. anchors, a 22s. 6d. ....	241	17	6
472 do. English iron for cell doors, a 56s. ....	1,321	12	0
220 do. English iron for windows, a 56s. ....	616	0	0
260 do. to windows in external walls, a 56s. ....	728	0	0
50 do. Swedes iron for hinges to cell doors, a 100s. ....	250	0	0
5 do. for stairs, a 56s. ....	14	0	0
3 tons of lead, a 4d. per pound. ....	112	0	0
270 locks, a 22s. ....	297	0	0
Contingencies. ....	100	0	0
	£11,382 10 2		
<i>Deduct the undermentioned articles, which being taken from one building, would be used in another:</i>			
374 cwt. cell doors, a 56s. ....	£1,042	4	0
184 do. window gratings, a 1l. ....	184	0	0
220 locks, a 22s. ....	142	0	0
'Taking out and removing the above to Marmora ..	75	0	0
	1,543 4 0		
	£ 9,839 6 2		

(Signed) WILLIAM COVERDALE,  
M.B.P.P.

(Copy.)

PENITENTIARY, KINGSTON,  
February 20th, 1838.

DEAR SIR,

I have been informed by the Warden of the Penitentiary (Mr. Smith) that he had received a letter from you, requesting his opinion on several interrogatories, in regard to the proposed removal of the Penitentiary from Kingston to Marmora, and that you requested my opinion also.

In regard to your first enquiry, to wit, "whether the employment of the convict in such an establishment as iron works would be consistent with the system of prison discipline now deemed best adapted to their safe custody and reformation, and if so, whether any additional officers, overseers, or guard, will be required," I beg to state that I am not much acquainted with the process of manufacturing iron. I am aware of no reason, however, why convicts may not be employed at that business consistently with good order and discipline. In order to prevent communication between the convicts while at their labour, (which is the foundation of prison discipline,) it is necessary that the shops, or places of labour, should be so arranged, that the keeper can have a clear view of each one at his work, and be sufficiently near not only to *see*, but to *hear* any attempt at conversation. If the condition of the work is such, that they will be considerably scattered, or have to work in small parties, more keepers will be required. Every squad of convicts at work, however small, will require a keeper to prevent communication, and see that they labour diligently and to the best advantage.

Should the Penitentiary remain in Kingston, much of the labour will be employed in raising stone from the quarry, which perhaps will be about the same, as respects the oversight of the men, as the digging and gathering the ore at the Iron Works. If *night labour* should be required in smelting, it could not be done with safety by the convicts. Perhaps a few more keepers at Marmora than at Kingston, in proportion to the number of convicts, might be necessary, but how many, or indeed whether any more, I am not sufficiently acquainted with the business to determine.

In answer to your next enquiry, "whether it is probable that suitable officers to take charge of the Penitentiary at Marmora can be obtained at the same salaries that are now paid at Kingston," I would state, that I consider the salaries now paid at Kingston too small to command the permanent services of competent officers. In order to maintain a proper system of discipline, men of character, integrity, discretion, and a talent to command, are required; and the duties are arduous. Their constant watchfulness and vigilance are indispensable through the whole day. The employment of incompetent officers is necessarily attended with a lax and inefficient discipline, and consequent injury, as regards security and reformation, and also a great pecuniary loss by neglect of diligence and misapplication of labour. I know of no reason, however, why the services of competent officers cannot be engaged as cheaply at Marmora as at Kingston. If it is a good farming country in the vicinity of Marmora, I should think the necessaries of life (and of course the supplies for the convicts) may be obtained as cheap, if not cheaper at that place.

To your third enquiry, "Can the convicts in the Penitentiary at Kingston be probably employed without injury to the mechanics of the Province?" I would remark that the subject of this question is of much importance, inasmuch as great complaints against the Penitentiary system have been made by many mechanics, which I suppose has been the occasion of the proposal to remove it to Marmora.

I do not hesitate, however, to say, that their fears and complaints are entirely groundless. In the first place, I think it is clearly evident, that in a new country like this, there can be no danger of an excess of mechanical labour. A very great proportion of nearly all kinds of articles of manufacture used in this country is imported. Five times the amount of mechanical labour that is now done in the Province would not probably be sufficient to supply the wants of the people. Mechanical labour will always command a high price, while common labour is in good demand. Common labour will always be in great demand while the population is thin, and land is cheap. Both common and mechanical labour will be in great demand, and obtain a high price in this country, probably for a century or centuries to come, or until the millions of acres of fertile land in the Canadas, the adjoining States and Territories and far west shall become cultivated and covered with a dense population. If an

increase of mechanical labour is a public detriment and injury to the mechanics, whether done in a Penitentiary or elsewhere, then every good and industrious mechanic who should emigrate to this country, as well as every one who should learn a trade, and every one who should turn from vice and idleness to honest and industrious habits, would be an injury; consequently every skilful and industrious mechanic who should leave the Province, or change to habits of vice and idleness, would be a benefit.

The wealth and prosperity of a community proceed from the industry of the inhabitants, and is increased in proportion to the productiveness of the labouring classes; in the benefits of which, all classes participate. Every dollar earned by an individual is so much addition to the commonwealth. No class of society is more interested in an increase of national wealth than the mechanics, or more benefitted by it,—as a demand for their labour, and skill in articles of convenience and ornament, will increase with an increase of wealth and refinement. Whatever objections may be made against productive mechanical labour in a Penitentiary, will apply with equal force and reason against water and steam power, and against all inventions and improvements in labour saving machinery; which improvements, by facilitating manufacturing operations, and increasing the product of individual labour, thirty, fifty, or perhaps a hundred fold, notwithstanding its dense population, has made England rich.

I have been informed that a proposition was once made by some person to bring water to the Town of Kingston in pipes or an aqueduct, the Town being mostly supplied from the Lake, drawn by *carters*; and the proposition was objected to by some, because (they said) it would injure the carters by throwing them out of employ. The objection in the case above, is precisely the same in principle as those made by the mechanics against the Penitentiary, which principle, if universally allowed and carried into effect, would annihilate the arts and sciences, change the plough for the spade or the mattock, and bring mankind to a state of barbarism.

That a well-regulated Penitentiary, where criminals are made to support themselves by their own labour, and society is secure from their felonies, without considering their hopeful reformation (which next to the public security is the grand object of the institution,) is a great public benefit, few will deny. While the felons are there confined, society is as secure from their depredations as if they were executed. This benefit is enjoyed by the mechanics in common with the whole people, and some idea of the extent of this benefit may be had, by imagining all the inmates of the Penitentiary let loose at once upon society. Admitting that the manufacturing operations or mechanical labour done in the Province were sufficient to supply the wants of the people without importation, which is by no means the case, still, that the benefits enjoyed by every mechanic in the security of his person and property, and exemption from taxes to support the criminals in gaol, will greatly overbalance any supposed injury he may sustain by their labour in a Penitentiary, the following calculation will clearly show. It will be seen by the following statement that the amount of mechanical work done in the Penitentiary, compared with that in the country, is a fraction so small as not to be susceptible. The number of convicts now in the Penitentiary (being 160) in proportion to the number of inhabitants in the Province, is probably *one* to about two thousand eight hundred. As the Penitentiary has been recently established, there will undoubtedly be an increase of convicts till the number arrives to a certain proportion. Taking the number of convicts in the Penitentiaries of New England and New York in proportion to the population, as the ground of calculation, the number of convicts in this Penitentiary will be as one convict to about one thousand five hundred inhabitants. The labour of those who were mechanics when convicted could not be a subject of complaint, because their labour in the Penitentiary would have no more effect upon the interests of the mechanics, than if done out of the prison. This number, with those who are employed as cooks, waiters, shoemakers, and tailors for the use of the Penitentiary, with the labourers, invalids, sick, and the females, would amount certainly to as much as one-fourth of the whole, which would leave *one* convict at mechanical labour *for sale* to every two thousand inhabitants. It may be remarked, that the labour of a convict, not having learned a trade, would not be more than equal to that of half a thorough bred mechanic. This would make the amount of mechanical labour done in the Penitentiary only as *one* to four thousand inhabitants. The addition to the general stock of articles of manufacture, of the labour of one mechanic to every four thousand inhabitants would be, indeed a very small fraction, and could not be considered a just cause of complaint. By a still further calculation, however, the extent of the effect of Penitentiary manufacture on the interests of the mechanics in the Province, will be more correctly seen. It is not to be supposed that the convicts will be employed at only *one kind* of manufacture. Suppose there are *ten* different kinds carried on at the prison, for instance (enumerating the same as done at Auburn) comb-making,

coopering, making joiners' tools, blacksmithing, shoe-making, tailoring, manufacturing carpets, clock-making, cabinet work, making hames and saddle trees—suppose the number employed are equal in each—this would make one convict to each sort, or one shoemaker, one tailor, and so of all the other kinds to every forty thousand inhabitants. No mechanic can be all interested, or claim to have the least shadow of complaint against work done in the Penitentiary, but that kind only belonging to his own particular trade. The shoemaker cannot say that the tailoring, coopering, cabinet work, &c. will be any injury to him, and so of all the other different branches. The case then stands thus, that the interests of the mechanics in the Province will be affected by work done in the Penitentiary, only as the labour of *one* mechanic to every forty thousand inhabitants, and if there are *twenty* different kinds of manufactures carried on, it will be only as one to eighty thousand.

The above I believe to be a fair comparative estimate of the work that will be done in the Penitentiary. What ground then can the mechanics have for complaint, especially when most of the manufactured articles used in the country are imported?

I have been informed that some mechanics have been loud in their complaints against the Penitentiary, who kept articles for sale, which they purchased and brought from the States. I have myself seen articles in use here, which were made in the Penitentiary at Auburn. Would it have been an injury to any one, had they been made in the Penitentiary here? But it is said the convicts learn trades in the Penitentiary which they may follow when they are liberated, and *that* would be an injury to the mechanics. In answer to this objection, it may be remarked, that many of the convicts, particularly those who have families, will return to them and to their former occupation of farming; (those who were mechanics, when convicted, as before observed, should not be taken into account.) None will set up their trade, and work to any effect, but such as have become reformed at the Penitentiary. All others will go to their old practices of fraud and theft; and if the reformation of wretched inmates of the Penitentiary, and their return to honest industry, are an injury to the interests of the mechanics, then are their interests directly opposed to the best interests of society, the principles of christian benevolence, and the humane object of the Government.

It is said, likewise, that learning the convicts a trade, which they may follow when they are set at liberty, will disgrace the *honest mechanic*. I cannot see why mechanics should be disgraced by the occupation at mechanical labour, of those who had been convicts, than the farmer would be disgraced, should they follow the plough. If there is any reason at all in this objection, it will apply with equal force against all labour by one who had been guilty of crime, and the divine precept, "let him that stole *steal no more, but rather let him labour,*" would be wrong. Of all complaints made or grievances imagined, those of the mechanics against the Penitentiary are, in my opinion, the most preposterous. As well might the physician complain of any measure to preserve the public health, or tavern-keepers, distillers, and gin-shops, of efforts for the promotion of temperance.

Although the establishment of a well-regulated Penitentiary is a great public benefit as it regards the whole Province, its greatest benefit is unquestionably realized at the place where it is located. It increases the market for the supply of the convicts in rations and clothing, and materials for their manufacture, and brings a large amount of capital into the place. Whether this capital is derived from the appropriations of Government or the earnings of the convict, is immaterial as regards its advantage to the people in the vicinity. Since the Penitentiary was established at Auburn, that village has augmented its population probably five times, and increased more than ten times its wealth, and although an inland place, is now one of the most flourishing and wealthy villages in the State of New York. The location of the Penitentiary there has undoubtedly contributed greatly to its growth and prosperity.

In answer to your fourth question, "whether much inconvenience would be likely to arise in conducting the affairs of the establishment, were the gentlemen composing the board of inspectors to reside thirty miles distant," I would observe—It would be desirable that the Inspectors should reside near the Penitentiary, where each one as often as he should wish might conveniently observe and examine its management; but the necessity of their residing near would depend much on the qualification of the Warden. Should the Warden be duly qualified for his station, the residence of the Inspectors near would not be so important, and indeed without a Warden competent for the duties of his station, the Inspectors, even should they reside near, could not conduct the affairs of the Penitentiary successfully, any more than a Government could the operation of an army, or vessels of war, without skilful commanders, or the trustees of a college, academy, or common school, with incompetent instructors. In either of the cases there would eventually be a failure. Should the Inspectors reside at some

distance, it would be necessary that the Warden should have the power to suspend any of the keepers or guard in case of insubordination or neglect of duty, and engage others to supply their places, until a meeting of the Board, which meeting might be quarterly, or oftener if necessary. As you have kindly invited any suggestions that might occur, I beg to make a few remarks.

I consider that Kingston is a good location for the establishment of the Penitentiary. There is a good Stone Quarry on the premises, which is inexhaustible. Stone-cutting is easily learned, so that profit from the labour of new-beginners will soon be realized. As vessels can approach the Penitentiary wharf, there will always be a ready sale for all the stone that can be manufactured; and it will undoubtedly be the most profitable work at which a great portion of the convicts can be employed. There will also be a market for all the rubble stone by the toise for the purpose of building and for lime, and the cutting chips from the shops will be good for making roads. The conveyance of the convicts from the different gaols to the Penitentiary, will be attended with less expense than if it were located in an inland place. Security from any attempt at insurrection is greater near a large town, where it is known to the convicts that assistance by an efficient force can be immediately had.

Considering the appropriations that have been expended in erecting the buildings of the Penitentiary in this place, I cannot believe that the Parliament will consent to remove it. I will remark however, that if the Government should determine to remove the convicts to Marmora, and establish the Penitentiary there, it would not be necessary to appropriate and expend a large sum in erecting a permanent stone building for their reception by hired labor, before they could be removed. The large Penitentiary at Mount Pleasant, in the State of New York, containing one thousand cells, was erected wholly by the labor of convicts.

Captain Elam Lynds who had been the Superintendent of the Penitentiary at Auburn, took one hundred convicts from that prison to Mount Pleasant; when he arrived at that place with his convicts, no preparation whatever was made, except a few loads of lumber laid down at the spot, with which the convicts made a kind of shanty or shelter for the first night; and the buildings of the Penitentiary were commenced and finished entirely by the labor of the convicts, without any surrounding wall or enclosure whatever, which shews the efficiency of the Auburn system of discipline.—And here permit me to digress, just to state, that the earnings of the convicts at that Penitentiary the year past, has amounted, if I recollect correctly, to about twenty-three thousand dollars more than the whole expense of the establishment during that period.

Before removing the convicts to Marmora, it would only be necessary to erect a frame building, (which would serve afterwards for a shop,) in which temporary cells could be made of plank, that would answer the purpose quite as well, (till a permanent stone building could be made by the convicts' labour,) and also an enclosure around the ore-bed or yard, large enough for them to work in, the same as the enclosure now at this Penitentiary. This could be done in a few weeks, after the spring opens, at an expense of not more than one thousand pounds; and then suitable stone buildings could be made by the labour of the convicts.

I owe you an apology for delaying so long to answer your enquiries. I supposed, however, it would not be very important, as Mr. Smith had written you on the subject. The duties of my office allow me very little leisure; I thought, too, that owing to the peculiarity of the times, the question would not probably come before Parliament this Session. Not having leisure to attend to it immediately, it escaped my recollection a considerable time. Understanding you had made your report, I hesitated whether to write you at all, as my communication would be too late; but I was anxious to give you my opinion on the subject of your enquiries, particularly in regard to the mechanics, whose complaints I consider most unreasonable, and I thank you for affording me the opportunity.

I am, SIR,

Your obedient Servant,

(Signed) WILLIAM POWERS.

Isaac Fraser Esq.

(Copy.)

PROVINCIAL PENITENTIARY,  
13th December, 1837.

SIR,

I have to acknowledge the receipt of your letter of the 1st instant, and in answer to the several queries therein contained, beg to state :

1st. That I do not conceive the employment of convicts in an Iron Work Establishment to be inconsistent with the system of Prison discipline in operation here, so far as it is necessary for the safe keeping of the convicts, provided the ground on which they are employed is surrounded with a sufficient wall or fence to prevent their escape, nor am I aware that there is a less chance of producing reformation in the convicts, by changing the description of their employment.

The great distance of the Marmora Iron Works from a thickly settled population, would necessarily require a much stronger force to keep the prisoners in proper subjection, some of the more daring convicts would no doubt be tempted to endeavor to effect their escape at any hazard, should the guard consist of no greater number than it at present does, and if, from the nature of the work to be carried on at Marmora, the prisoners should be required to be moved from one place to another, unconfined by a wall or fence, it would be necessary to employ from sixty to eighty men to guard them. I do not think that any additional officers would be required at the Marmora, over and above what are necessary here, except for the purpose of teaching the convicts the business which it is proposed shall there be carried on, unless the nature of such business requires them to be employed in small detached parties, in which case it would require the assistance of several extra keepers.

2nd. I do not think it possible to procure efficient officers to take charge of a Penitentiary at Marmora at the present small rates of pay allowed them, which are barely sufficient for their support, and when the difference of prices that must be paid for every article of necessity at Belleville, with the expense of carriage to Marmora, above what they can be procured for in Kingston, is taken into the account, it will require a very heavy advance of pay to make them equal to what they at present are here. In addition to the increased expense of the pay of the other officers, it would be necessary to engage a Chaplain and Surgeon at increased salaries, with allowance of house rent, fuel, &c. as these gentlemen would be altogether precluded from turning their attention to other sources of emolument for their support.

3rd. No doubt the prisoners in the Penitentiary can be employed with advantage to the Province, and without detriment to the interests of the mechanics. There are several occupations in which convicts can be engaged that are not followed as trades in this province, and in the event of their being employed in those mechanical branches which are usually followed in this country, the products of their labour can be so disposed of as not to cause any injury to the interests of the mechanics.

4th. I think the greatest inconvenience would arise from the residence of the Inspectors being at so great a distance as thirty miles from the Penitentiary. Circumstances may arise in which the Warden might on a sudden emergency require the assistance and direction of the Board of Inspectors, which unless promptly afforded, would possibly be of no effect, and such would certainly be the case if they resided so far from the Penitentiary.

From the description of labour, which it appears time will be required in the event of the Penitentiary being removed to Marmora, I do not think the convicts as a body are fit to be engaged in it. The working of iron and the removal of the articles made, particularly the heavier part of them, require the employment of none but men of the most robust constitutions ; and it is well known that a great proportion of the convicts are those whose constitutions are completely destroyed by intemperance and other excesses, and that they are consequently unfit for hard labour, and can therefore be put only to such work as their health and strength will allow. The expense of supporting the convicts at Marmora would be at least 50 to 75 per cent. more than it is at Kingston, as nearly all the articles required for their maintenance must be purchased at Belleville, where they could not be had on such advantageous terms as at Kingston, and the hire of carriages for their conveyance to Marmora would materially add to their cost. I do not imagine there would be any difficulty in finding gentlemen in Belleville

who would be willing to accept of the office of Inspectors, provided the Penitentiary was removed to Marmora; but, when it is considered they would have to travel so many miles to and from the place of their meeting, and the time it would necessarily occupy, it would be requisite to make them some annual allowance, or at least to defray all their expenses while engaged in their official duties, which would form a considerable item in the increased expenditure of the establishment.

Another very serious expense which would be incurred in removing the Penitentiary to Marmora, would be the time devoted to the building of the prison, which if built on the present plan, would require at least eight years, so that during that time little or no benefit could be derived from the labour of the convicts at the Iron Works.

I am, SIR,

Your obedient Servant,

(Signed) H. SMITH,  
WARDEN.

ISAAC FRASER, Esquire,  
&c. &c. &c.

## SCHOOL REPORTS.

### Schedule of Reports of District and Common Schools,

Transmitted with the Lieutenant Governor's Message to the House of Assembly, dated the 18th of March, 1839.

DISTRICT.	REPORT. DISTRICT SCHOOLS.	REPORT. COMMON SCHOOLS.
Eastern .....	Transmitted .....	Transmitted.
Ottawa .....	do. ....	do.
Bathurst .....	do. ....	do.
Johnstown .....	do. ....	do.
Midland .....	do. ....	Not received.
Prince Edward.....	Not received.....	Transmitted.
Newcastle .....	Transmitted .....	do.
Home .....	do. ....	do.
Gore .....	do. ....	Not received.
London .....	do. ....	Transmitted.
Niagara.....	do. ....	do.
Talbot.....	Explanatory letter .....	Not received.
Western .....	Transmitted .....	Transmitted.

### REPORT OF TRUSTEES OF THE DISTRICT SCHOOL:

#### EASTERN DISTRICT—1838.

(Copy.)

THE Trustees of the District School of the Eastern District, have the honour to transmit to His Excellency the Lieutenant Governor, the following Report—to be laid before the Legislature at its present Session.

The Trustees have to express their regret for the inconvenience experienced by the Government, from the delay in sending in this report, and beg leave to assure His Excellency, that such inconvenience will be studiously guarded against for the future.

FIRSTLY.—*State of the School.*

Although the number of scholars in attendance is less than in preceding years, the Trustees are satisfied that this diminution is not attributable to any defect in the conduct of the school; but to the domestic circumstances of the Master, which induced him to diminish the number of his family boarders. The number of *local* scholars is equal to that of any preceding year.

SECONDLY.—*Number of Scholars, with the Branches taught.*

At the last examination in July last, the number of scholars in the school was thirty. The branches that came under examination were the following:

## 1st. GREEK—In two Classes:

*First Class.*—Reading in the Greek New Testament, and Dalry's *Analecta Græce Minora*, which they were just finishing.

*Second Class.*—Had just finished the verbs of the second conjugation, in Moor's Greek Grammar, by Neilson.

## 2nd. LATIN—In four Classes:

*First Class.*—In Cicero "de Sencetute"; the *Æneid* of Virgil; two Books of the Odes; one of the Epistles; and four of the Satyrs of Horace; and Adams' Roman Antiquities.

*Second Class.*—In Sallust; Virgil; and Cicero's first Speech against Cataline; and Adams' Roman Antiquities.

*Third Class.*—In Cornelius Nepos; Cæsar and Ovid; and Muir's Introduction to Latin Syntax.

*Fourth Class.*—Rudiman's Latin Rudiments; and Adams' *Selectæ*.

## 3rd. GEOMETRY—In two Classes:

*First Class.*—In the Eleventh and Twelfth Books of Euclid; and plain Trigonometry.

*Second Class.*—In the First and Second Parts of the Third Book of Euclid.

## 4th. ALGEBRA.—One Class in Simple Equations.

## 5th. ARITHMETIC.—The whole school is exercised in some branch of this study.

## 6th. BOOK-KEEPING.—One Class.

## 7th. GEOGRAPHY.—Here also the whole school is exercised in the different stages of advancement.

## 8th. ANCIENT AND MODERN HISTORY—In two Classes.

## 9th. ENGLISH READING AND GRAMMAR.—All the Junior Scholars are exercised in these branches twice a week, and some every day.

The Trustees feel themselves called upon to state, that they were perfectly satisfied at the progress made by the scholars; and thus obtained the best proof of the fidelity and ability of the Teacher.

Three boys had, at this examination, finished the course of education designed for them, preparatory to their entering on a professional course.

In conclusion, the Trustees beg to express their unqualified approbation of the Reverend Hugh Urquhart, the talented and gifted Master of the District School; and they heartily congratulate this community, in possessing such a man to preside over the education of their youth—a man who unites in himself the character of a gentlemen, scholar and christian.

The Trustees hope that they are not going out of their way, in remarking on the unseemly building occupied as the District School-House—an edifice which presents rather the appearance of an old barn, than a Seminary where the Classics and Sciences are taught; and they would humbly suggest to the Legislature the propriety of granting a sum of money, to erect a suitable building for a School-House.

All which is respectfully submitted.

GIVEN at Cornwall, this first day of February, one thousand eight hundred and thirty-nine.

(Signed)

GEORGE ARCHBOLD,

D. MACDONELL,

G. C. WOOD,

TRUSTEES.

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 REPORT OF BOARD OF EDUCATION:

 EASTERN DISTRICT—1838.
 

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(Copy.)

To His Excellency SIR GEORGE ARTHUR, K. C. H. &amp;c. &amp;c. &amp;c.

THE Board of Education for the Eastern District, respectfully report—

That during the half year, ending 1st July, 1838, there were in this District eighty-five Common Schools, and the number of pupils taught was 2,524; and for the half year ending 31st December, 1838, there were eighty-nine Schools, containing 2,460 pupils. The Trustees report favourably of the improvement of the pupils, and appear satisfied with the conduct of the Teachers. The pupils are receiving instruction in reading, writing and arithmetic, and in some schools, latin, geography, and English grammar.

The Board has distributed for the year, to the several Teachers, the sum of nine pounds nine shillings each, for the period of twelve months, being the full amount of the allowance from Government. The books received in June last, have been distributed in equal proportions to every school, but the number of books being so small, did not allow the Board to give more than three books to each school.

The Board considers that notwithstanding the small allowance, much good is done in the District, and were the allowance to be increased, Teachers would come forward better qualified, and be induced to remain; as many at present seem to continue for a few months, as a matter of convenience, and to assist themselves in following other occupations, which greatly retards the improvement of the children.

All which is respectfully submitted.

(Signed)

JOSEPH ANDERSON,

D. McDONELL,

*Members Board of Education.*
 CORNWALL, 9th May, 1839.
 

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## REPORT OF TRUSTEES OF THE OTTAWA DISTRICT SCHOOL:

 1838.
 

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(Copy.)

To His Excellency SIR GEORGE ARTHUR, K. C. H. &amp;c. &amp;c. &amp;c.

THE undermentioned Trustees of the District School of the District of Ottawa, respectfully report—

That the annual examination of the said school was this day held at the school-house, in Longueil, in the said District.

The pupils are twenty-four in number; and although few of them are engaged in the higher branches of learning, yet their improvement and attainment in their respective studies are conspicuous and satisfactory, and bear evident testimony to the zeal and abilities of the the Teacher, Mr. Colin Gregor.

While the undersigned are ready to acknowledge that the benefits of a classical and enlarged education, which were undoubtedly expected to flow from the establishment of District Schools, have not been fully realized in the Ottawa District, they beg leave to assure Your Excellency, that the failure is to be attributed entirely to causes over which neither the Teacher nor the Trustees have any control.

The undersigned are perfectly satisfied with the character and abilities of Mr. Gregor, whose conduct, under very trying circumstances in connection with his Teachership, is deserving of warm commendation.

All which is humbly submitted.

(Signed)

GEORGE HAMILTON,

*President of the Board of Trustees.*

W. KEARNES.

LONGUEIL, July 31st, 1838.

ALTHOUGH not personally present at the above-mentioned examination, I fully coincide with the above Report—the particulars being within my own cognizance.

RICHARD PHILLIPS HOTHAM,

*A Trustee of the Ottawa District School.*

December 1st, 1838.

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REPORT OF THE BOARD OF EDUCATION,  
OF THE OTTAWA DISTRICT—1838.

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To His Excellency SIR GEORGE ARTHUR, K.C.H. *Lieutenant Governor of Upper Canada, &c. &c. &c.*

THE undersigned, or majority of the Board of Education of the Ottawa District, humbly report—

That the annual meeting of the said Board was this day held at Longueuil, pursuant to public notice;

That the number of Schools reported for the current year is 28, furnishing the means of instruction to about 670 children;

That the Board is satisfied with the terms of the Trustees of the several Schools, and with the capabilities and conduct of the Teachers—and the Board is also very sensible of the beneficial effects to the youth of the District, which flow from the establishment;

And the Board appropriates the sum of £350, for the support of Common Schools in the District, for the year commencing on the 1st day of June last.

All which is humbly submitted.

(Signed) CHARLES P. TREADWELL,  
*Chairman, pro. tem.*

PHILO HALL,  
ALEXANDER GRANT.

LONGUEIL, *January 10th, 1839.*

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REPORT OF THE OTTAWA DISTRICT COMMON SCHOOLS:

1838.

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(Copy.)

SIR,

L'ORIGINAL, *February 14th, 1839.*

I have the honour to acknowledge the receipt of your Circular of the 4th instant, addressed to the Chairman of the Board of Education of the Ottawa District, requiring the immediate transmission of the Annual Report of the Common Schools of that District, for the current year.

The report in question, which is enclosed herewith, appears to have been delayed by the Clerk of the Board, on account of some informalities in the local returns, which have been only recently rectified.

I have, &c.

(Signed) CHARLES P. TREADWELL,

*Chairman, pro. tem.*  
*Board of Education, Ottawa District.*

The Honourable JOHN MACAULAY,

*&c. &c. &c.*

(Copy.)

L'ORIGINAL, February 16th, 1839.

SIR,

As Chairman, *pro. tem.* of the Board of Education of the District of Ottawa, it devolves upon me to reply to your recent Circular, requiring information upon the following particulars as to the several Common Schools in this District, viz:

The names of the Teachers;  
 Their place of Birth;  
 The length of their residence in Canada; and,  
 The titles of the Books used in each School.

In obedience to your requisition, I beg to present the accompanying report, which has been very carefully compiled from actual visitation at each school; and,

I have, &amp;c.

(Signed) CHARLES P. TREADWELL,

*Chairman, pro. tem.**Board of Education, Ottawa District.*

The Honourable JOHN MACAULAY,

&amp;c. &amp;c. &amp;c.

*Centre Village School, L'Original, Township of Longueil.*

Name of Teacher, .....Farquhar Henderson.  
 Place of Birth, .....Ayr, Inverness-shire, Scotland.  
 Length of residence in Canada, .....Six years.

*Titles of all Books used in the above School.*

Some Latin Authors; Morrison's Book-keeping; Hutton's Mathematics; Walkingame's Arithmetic; Lennie's and McCulloch's English Grammar; Goldsmith's Abridgment of the History of England; Stewart's and Olney's Geography; English Reader; Spelling-books, and other smaller British school-books.

*School of the "Four Corners," Longueil.*

Name of Teacher.....Matthew Elder.  
 Place of Birth, .....County Tyrone, Ireland.  
 Length of residence in Canada, .....Twenty years.

*Titles of all Books used in the above School.*

New Testament; Scott's Lessons; English Reader; Eaton's Grammar; Murray's Grammar; Mavor's Spelling-book; Primer; Walkingame's Arithmetic.

*School at Point Fortune, East Hawkesbury.*

Name of Teacher, .....Cotten Mather Everitt.  
 Place of Birth, .....Hoytesbury, Wiltshire, England.  
 Length of residence in Canada, .....Seven years.

*Titles of all the Books used in the above School.*

New Testament; Murray's English Grammar; Murray's English Reader; Mavor's Spelling-book; Bonnycastle's 'Tutors' Assistant; Woodbridge's Geography.

*School No. 2, front of East Hawkesbury.*

Name of Teacher, .....John Dwyer.  
 Place of Birth, .....County of Roscommon, Ireland.  
 Length of residence in Canada, .....Eight years.

*Titles of all Books used in the above School.*

New Testament; English Grammar; English Reader; Mavor's Spelling-book; Walkingame's Arithmetic; Writing.

*School on Lot No. 36, in the Fifth Concession East Hawkesbury.*

Name of Teacher,.....Peter McLaurin.  
 Place of Birth,.....Kellin, Perthshire, Scotland.  
 Length of residence in Canada,.....Twenty-three years.

*Titles of all the Books used in the above School.*

Bible and Testament; Blake's Natural Philosophy; English Reader; Mavor's Spelling-book;  
 Reading-Made-Easy; Walkingame's Arithmetic; Writing.

*School on Lot 26, in the Fifth Concession East Hawkesbury.*

Name of Teacher,.....James Gamble.  
 Place of Birth,.....County of Tyrone, Ireland.  
 Length of residence in Canada,.....Ten years.

*Titles of all the Books used in the above School.*

New Testament; Murray's English Grammar; Murray's English Reader; Mavor's Spelling-  
 book; Walkingame's Arithmetic; Writing.

*School on Lot 32, in the Third Concession East Hawkesbury.*

Name of Teacher,.....Abel Bristo.  
 Place of Birth,.....St. Andrew's, Lower Canada.  
 Length of residence in Canada,.....Since birth.

*Titles of all the Books used in the above School.*

Lennie's English Grammar; Murray's English Reader; Mavor's Spelling-book; Walker's  
 Pronouncing Dictionary; Walkingame's Arithmetic; Allison's Arithmetic; Writing.

*School on Lot 15, in the Seventh Concession East Hawkesbury.*

Name of Teacher,.....Duncan McDonald.  
 Place of Birth,.....} Third Concession, Indian Land, Charlotten-  
 Length of residence in Canada,.....} burgh, Eastern District.  
 Since Birth.

*Titles of all the Books used in the above School.*

New Testament; English Reader; Mavor's Spelling-book; Walkingame's Arithmetic; Writing.

*Union School, front of West Hawkesbury.*

Name of Teacher,.....Thomas White.  
 Place of Birth,.....Worcestershire, England.  
 Length of residence in Canada,.....Nineteen years.

*Titles of all the Books used in the above School.*

Bible and Testament; Murray's Grammar; English Reader; Mavor's Spelling-book; Wal-  
 kingame's Arithmetic; Writing.

*School No. 3, at Van Kleeck's Hill, West Hawkesbury.*

Name of Teacher,.....Rosemary McCaskill, (otherwise Higginson.)  
 Place of Birth,.....County Antrim, Ireland.  
 Length of residence in Canada,.....Twenty-two years.

*Titles of all Books used in the above School.*

Murray's Grammar; English Reader; Scott's Lessons; Mavor's Spelling-book; Mason's  
 Primer; Walkingame's Arithmetic.

*School No. 6, West Hawkesbury.*

Name of Teacher, ..... Maria Johnson.  
 Place of Birth, ..... Longueil, Ottawa District, Upper Canada.  
 Length of residence in Canada, ..... Since birth.

*Titles of all the Books used in the above School.*

Murray's English Reader; Murray's English Grammar; Mavor's Spelling-book; Walkinggame's Arithmetic; Adams' Arithmetic; Woodbridge's Geography; Parley's Geography; Writing.

*School at Vinegar Hill, West Hawksbury.*

Name of Teacher, ..... Angus Murray.  
 Place of Birth, ..... Isle of Skye, Inverness-shire, Scotland.  
 Length of residence in Canada, ..... Five years.

*Titles of all the Books used in the above School.*

Bible and Testament; Murray's English Grammar; Murray's English Reader; Mavor's Spelling-book; Walingame's Arithmetic; Writing.

*School on Lot 3, in the Sixth Concession West Hawkesbury.*

Name of Teacher, ..... Mary Barunne Beers.  
 Place of Birth, ..... Point Fortune, Lower Canada.  
 Length of residence in Canada, ..... Since Birth.

*Titles of all the Books used in the above School.*

Simpson's History of England; English Reader; Mavor's Spelling-book; Woodbridge's Geography; Walker's Pronouncing Dictionary; Walkinggame's Arithmetic; Writing.

*School on Lot 15, in the Sixth Concession West Hawkesbury.*

Name of Teacher, ..... Acheson John Barton.  
 Place of Birth, ..... County Fermenagh, Ireland.  
 Length of residence in Canada, ..... Two years.

*Titles of all the Books used in the above School.*

Bible and Testament; Murray's English Reader; Mavor's Spelling-book; Walkinggame's Arithmetic; Writing.

*School at Headport, West Hawkesbury.*

Name of Teacher, ..... Louisa Kellog.  
 Place of Birth, ..... Longueil, Ottawa District, U. C.  
 Length of residence in Canada, ..... Since Birth.

*Titles of all the Books used in the above School.*

New Testament; Goldsmith's History of England; Murray's English Grammar; Murray's English Reader; Mavor's Spelling-book; Woodbridge's Geography; Walkinggame's Arithmetic; Writing.

*School No. 1, Eleventh Concession of Caledonia.*

Name of Teacher, ..... Isabella Carter.  
 Place of Birth, ..... St. Andrews, Lower Canada.  
 Length of residence in Canada, ..... Since birth.

*Titles of all the Books used in the above School.*

New Testament; Murray's English Grammar; Murray's English Reader; Mavor's Spelling-book; Primer; Writing.

*School on Lot 19, in the Fifth Concession, Caledonia.*

Name of Teacher, ..... John Douring.  
 Place of Birth, ..... County Carlow, Ireland.  
 Length of residence in Canada, ..... Eight years.

*Titles of all Books used in the above School.*

Bibles and Testaments; English and Canadian Readers; Introduction to English Reader;  
 Scott's Lessons; Mavor's Spelling-book; Willitt's Arithmetic.

*School on Lot 6, in the Fourth Concession of Alfred.*

Name of Teacher, ..... James Blair Mason.  
 Place of Birth, ..... Leith, Scotland.  
 Length of residence in Canada, ..... Fourteen Years.

*Titles of all the Books used in the above School.*

New Testament; Mavor's Spelling-book; English Primmer; Reading-made-easy.

*School at George's Lake, Plantagenet.*

Name of Teacher, ..... Emily McNally.  
 Place of Birth, ..... County Cavan, Ireland.  
 Length of residence in Canada, ..... Fourteen years.

*Titles of all the Books used in the above School.*

New Testament; English Grammar; English Reader; Scott's Lessons; Mavor's Spelling-  
 book; Walkingame's Arithmetic.

*School on Lot 6, in the Twelfth Concession Plantagenet.*

Name of Teacher, ..... Jane McNally.  
 Place of Birth, ..... County Cavan, Ireland.  
 Length of residence in Canada, ..... Fourteen years.

*Titles of all the Books used in the above School.*

New Testament; Murray's English Reader; Scott's Lessons; Mavor's Spelling-book;  
 Walkingame's Arithmetic; Writing.

*School on Lot 6, in the Twelfth Concession Plantagenet.*

Name of Teacher, ..... Donald McDonald.  
 Place of Birth, ..... Isle of Skye, Invernesshire, Scotland.  
 Length of residence in Canada, ..... Twelve years.

*Titles of all the Books used in the above School.*

Bibles and Testaments; English Reader; Mavor's Spelling-book; Gray's Arithmetic.

*School on Lot No. 13, in the Ninth Concession of Plantagenet.*

Name of Teacher, ..... Patrick Benson.  
 Place of Birth, ..... County of Roscommon, Ireland.  
 Length of residence in Canada, ..... Twenty-nine years.

*Titles of all the Books used in the above School.*

Bibles and Testaments; Murray's English Reader; Mavor's Spelling-book; Primers; Read-  
 ing-made-easy; Writing.





*Books used in the School.*

McCulloch's Third Reading; Murray's Reader; McCulloch's Course of Reading; Lennie's English Grammar; Outlines of History; Ewing's Geography; Butler's Ancient Geography; Walkingame's Arithmetic; Davidson's Practical Mathematics; Simpson's Euclid; Keith on the Globes; Latin Rudiments; Delactus; Cornelius Nepos; Cæsar; Ovid; Sallust; Virgil; Cicero; and Horace; Mair's Introduction; Adams' Roman Antiquities.

(Signed)

WILLIAM KAY,

TEACHER.

BATHURST DISTRICT SCHOOL,

PERTH, 31st *December*, 1838.

RETURN OF THE COMMON SCHOOLS IN THE DISTRICT OF BATHURST,  
FOR THE PRESENT YEAR.

PERTH, 20th *February*, 1839.

Number.	TEACHERS' NAMES.	TEACHERS' PLACE OF BIRTH.	Number of Years in Canada.	NUMBER OF CHILDREN.		TOTAL.	DESCRIPTION OF BOOKS Taught in each School.
				Male.	Female.		
1	Thomas Hall .....	Scotland .....	19	11	9	20	Reading Made Easy; Mavor's Spelling-book; Bible and New Testament; English Grammar; and, English Reader.
2	Robert Eason .....	Do. ....	19	19	13	32	
3	James Baird .....	Do. ....	19	15	12	27	
4	William Pool .....	Ireland .....	11	14	11	25	
5	William Mason .....	Scotland .....	19	16	12	28	
6	John Nowlan .....	Ireland .....	20	12	10	22	
7	Peter Stewart .....	Scotland .....	8	16	12	28	
8	John Gillan .....	Do. ....	19	18	15	33	
9	James Kent .....	Ireland .....	24	12	10	22	
10	Anthony Phillips .....	Scotland .....	12	26	19	45	
11	George Lashley .....	England .....	16	11	9	20	
12	Archibald Currie .....	Scotland .....	17	10	10	20	
13	George Henderson .....	Do. ....	13	14	11	25	
14	Andrew Dickson .....	Do. ....	10	17	13	30	
15	Alexander McGee .....	Ireland .....	6	16	8	24	
16	Ranald Smith .....	Scotland .....	14	18	16	34	
17	John Higgibotham .....	Ireland .....	22	12	8	20	
18	John Watt .....	Scotland .....	12	11	9	20	
19	Jeffrey Donahoe .....	Ireland .....	11	16	14	30	
20	Thomas G. Moodie .....	Scotland .....	14	11	9	20	
21	William Ferguson .....	Do. ....	18	16	14	30	
22	Mark Kerr .....	Ireland .....	16	17	13	30	
23	William H. Poole .....	Do. ....	11	14	11	25	
24	James Ford .....	Do. ....	13	12	9	21	
25	George Wilson .....	Scotland .....	7	13	9	22	
26	James L. Grant .....	Do. ....	8	16	8	24	
27	Samuel Boyde .....	Ireland .....	15	12	10	22	
28	Gordon Meighan .....	Do. ....	6	13	11	24	
29	John Fee .....	Do. ....	5	11	10	21	
30	Thomas Garland .....	Do. ....	20	11	10	21	
31	Thomas Pownall .....	England .....	6	12	11	23	
32	James Mathie .....	Scotland .....	19	12	9	21	
33	Thomas Ferguson .....	Do. ....	12	13	11	24	
34	James Nugent .....	Ireland .....	5	14	10	24	
35	Adam Paton .....	Scotland .....	7	11	10	21	
36	John Dodds .....	Do. ....	14	13	11	24	
37	Christopher Donaldson .....	Do. ....	18	14	10	24	
38	John McIntyre .....	Do. ....	12	12	10	22	
39	William Mulroy .....	Ireland .....	6	17	15	32	
	Carried forward .....	.....	548	432	980		

## Return of Common Schools in District of Bathurst—(CONTINUED.)

Number.	TEACHERS' NAMES.	TEACHERS' PLACE OF BIRTH.	Number of Years in Canada.	NUMBER OF CHILDREN.			Description of Books Taught in each School.
				Male.	Female.	Total.	
	Carried forward .....						
40	James Knight .....	England .....	19	548	432	980	
41	William Somerville .....	Scotland .....	11	11	10	21	
42	Robert Doyle .....	Ireland .....	6	14	15	29	
43	James McDiarmid .....	Scotland .....	6	17	15	32	
44	James Fowler .....	Do. ....	10	17	13	30	
45	William Dougherty .....	Ireland .....	9	16	14	30	
46	Alexander Shanks .....	Scotland .....	8	12	13	25	
47	Duncan Ferguson .....	Do. ....	7	11	9	20	
48	George Mitchell .....	Do. ....	10	11	13	24	
49	James Butler .....	Ireland .....	19	10	10	20	
50	James E. Durick .....	Do. ....	10	15	11	26	
51	Dawson Kerr .....	Do. ....	16	16	14	30	
52	James Lowrie .....	Do. ....	9	11	9	20	
53	John Younghusband .....	England .....	6	17	13	30	
54	James Shanley .....	Ireland .....	8	14	11	25	
55	James Maloney .....	Do. ....	9	18	10	28	
56	James Craig .....	Do. ....	11	19	16	35	
57	William Leslie .....	Do. ....	8	14	11	25	
58	James Young .....	Scotland .....	16	10	11	21	
59	Duncan Ferguson .....	Do. ....	19	17	12	29	
60	Jane H. Mills .....	England .....	19	14	10	24	
61	James Bowles .....	Ireland .....	17	12	11	23	
62	Hophni Ayton .....	England .....	6	12	10	22	
63	William Moore .....	Ireland .....	22	10	11	21	
64	Robert Lee .....	Scotland .....	11	11	11	22	
65	Jane Johnston .....	Ireland .....	20	12	8	20	
66	Richard D. Cadogan .....	Do. ....	15	16	14	30	
67	Archibald Young .....	Scotland .....	9	20	16	36	
68	John McWhinnie .....	Do. ....	6	11	9	20	
69	John McFee .....	Ireland .....	12	16	14	30	
70	Hannah Thomson .....	Do. ....	11	12	10	22	
71	Margaret Jessop .....	Do. ....	16	13	7	20	
72	Ann Buchanan .....	Scotland .....	8	4	16	20	
73	Maria Hamlin .....	England .....	19	17	8	25	
74	John Stewart .....	Scotland .....	7	10	11	21	
75	James Breakenridge .....	Upper Canada .....	11	12	10	22	
76	John Donald .....	Scotland .....	35	11	9	20	
77	John Livingston .....	Do. ....	19	15	13	28	
78	James Brown .....	Do. ....	18	12	8	20	
79	John McIntosh .....	Do. ....	19	17	12	29	
80	John Thompson .....	Do. ....	19	12	10	22	
81	John Johnston .....	Ireland .....	12	12	8	20	
82	William T. Sullivan .....	Do. ....	14	16	14	30	
83	William Fraser .....	Scotland .....	4	12	8	20	
84	John Bailey .....	Ireland .....	9	14	7	21	
	Total .....		5	18	9	22	
				1154	936	2090	

Reading Made Easy;  
Mavor's Spelling-book;  
Bible and New Testament;  
English Grammar; and,  
English Reader.

The Books above-mentioned are those taught in the respective Schools.

MICHAEL HARRIS,  
Chairman, &c. &c.  
PERTH.

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 REPORT OF THE JOHNSTOWN DISTRICT SCHOOL.
 

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(Copy.)

BROCKVILLE, *February* 18th, 1838.

SIR,

In consequence of the resignation of the Rev. Mr. Smith, the Trustees of the Institution elected to the vacant Mastership the Rev. Henry Caswell, M. A., a native of England, and late Professor of Hebrew and Sacred Literature, in the Episcopal Theological Seminary of Kentucky. The appointment was made August 27th, 1838, and has been confirmed by His Excellency the Lieutenant Governor. Mr. Caswell commenced his Scholastic duties in September, at which period, the number of Scholars did not exceed 7. The number has, however, regularly increased to the present time, when it amounts to 19, with a favourable prospect of much further enlargement. The average number of pupils has exceeded 10.

No free scholars have as yet presented themselves. The pupils are divided into four classes. Those in the fourth class, are instructed in English Grammar; Geography; Spelling; Arithmetic; Writing, and the Holy Scriptures. The third class pursue the study of English Grammar; Arithmetic; Geography, and Writing, with the addition of Latin, Book-keeping and History. The second class adds to the last-mentioned studies, those of Mathematics; Natural Philosophy, and Composition. The first class is engaged in the study of Greek and Latin, grammatically and analytically; Latin Exercise; Mathematics; Arithmetic; History; Geography; Natural Philosophy; English Composition, and the drawing of Maps. At present, there are three pupils in the first class; five in the second; three in the third; and eight in the fourth. Every class recites four lessons daily.

The school-house is an old frame building, very cold and inconvenient. The prosperity of the establishment, no less than the comfort of the Master and Scholars, would be materially increased by the erection of a substantial and well contrived stone Academy. Funds also are greatly needed, for the purchase of Apparatus, which is pre-eminently necessary in a country like this, where *practical* knowledge is so highly important to the public good.

(Signed)

CHARLES JONES.

E. HUBBELL.

E. DENROCHE, *Clerk.*\*

WM. SMART.

The Hon. J. MACAULAY,

&amp;c. &amp;c. &amp;c.

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 REPORT OF COMMON SCHOOLS, JOHNSTOWN DISTRICT.
 

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(Copy.)

BROCKVILLE, 12th *February*, 1839.

SIR,

I have the honor to transmit herewith, for the information of His Excellency the Lieutenant Governor, the names of the Teachers of the Common Schools for the District of Johnstown—place of nativity—township residing in, and the books made use of in said schools, from 7th March, 1837, to the 6th March, 1838. It is a subject of regret to me, that I am unable to furnish a statement of the length of residence of said Teachers in Upper Canada; but so soon as correct information can be obtained, it shall be transmitted.

I have, &amp;c.

(Signed)

E. HUBBELL,

CHAIRMAN.

The Hon. JOHN MACAULAY,

&amp;c. &amp;c. &amp;c.

## Names of Teachers of Common Schools,

Approved of by the Board of Education for the District of Johnstown, for the year, commencing 7th March, 1837, and ending 6th March, 1838, both days inclusive.

No.	NAMES APPROVED.	TOWNSHIP.	No. of Scholars.	No. of Months Teaching.	PLACE OF NATIVITY.
1	James Allan	Montague	30	12	Ireland.
2	Jonathan Barr	Edwardsburgh	30	12	England.
3	Joseph Baird	Yonge	24	12	Ireland.
4	Edward B. Birk	Augusta	24	9	England.
5	Orin Blodget	Marlborough	22	9	Upper Canada.
6	John Brennan	Kitley	20	12	Ireland.
7	David Barr	Burgess	20	12	Scotland.
8	William Bowan	Edwardsburgh	20	12	do.
9	Thomas Burgoyne	Augusta	23	6	England.
10	Charles D. Cameron	Bastard	20	6	Upper Canada.
11	James Clapperton	Augusta	24	12	Scotland.
12	John Coulter	Kitley	20	12	Ireland.
13	Lewis Cameron	Yonge	20	12	Upper Canada.
14	John Clarke	Elizabethtown	20	9	do.
15	William Dowling	Augusta	20	12	Ireland.
16	John Dempsey	do	30	12	do.
17	Neil Dunbar	do	30	12	Scotland.
18	John Doran	do	25	12	Ireland.
19	Richard Dunn	Yonge (formerly Escott)	20	9	do.
20	Rossington Elms	Brockville	20	12	do.
21	G. FitzGerald	Oxford	21	6	do.
22	William Foster	Elizabethtown	22	12	do.
23	William Forrester	do	23	6	Upper Canada.
24	Thomas Finney	Elmsley	22	6	British Subject.
25	Jesse Gillet	Yonge	25	9	Upper Canada.
26	Thomas F. Gibbs	do	24	12	Scotland.
27	John Gamble	Oxford	24	12	Ireland.
28	Simon Grimes	Kitley	23	12	do.
29	Justinian Griswold	Edwardsburgh	28	9	England.
30	Thomas Graff	Augusta	26	9	Ireland.
31	John Gibson	Elizabethtown	22	6	Upper Canada.
32	Thomas Grant	Bastard	20	12	Ireland.
33	Robert Graham	Kitley	22	12	Scotland.
34	William M. Hines	Brockville	42	12	Ireland.
35	Alfred G. Hall	do	20	12	Lower Canada.
36	James Hamilton	Augusta	20	12	England.
37	William Johnston	South Gower	20	12	Ireland.
38	John B. Jones	Elizabethtown	20	6	do.
39	Robert Jordan	Elmsley	24	6	Scotland.
40	John E. Johnson	Lansdown	20	6	England.
41	James Kehoe	Augusta	21	12	Ireland.
42	James Knaggs	Oxford	30	9	do.
43	Edward Lane	Elmsley	25	12	England.
44	Samuel Landon	Augusta	20	12	Upper Canada.
45	Charles Lane	Elizabethtown	25	12	do.
46	Alexander McLeod	Augusta	26	12	do.
47	William G. Murray	Yonge	24	6	Scotland.
48	Thomas McMaster	Augusta	22	12	Ireland.
49	James McDonald	North Crosby	22	12	do.
50	William McGuire	Wolford	25	12	do.
51	Alexander McDonell	Yonge	20	12	Scotland.
52	John McPhee	Edwardsburgh	25	6	do.
53	Joseph McCamon	Wolford	25	6	Ireland.
54	Patrick McGill	Marlborough	22	6	do.
55	John Neilson	Wolford	20	12	do.
56	John Nichol	Elizabethtown	26	6	Scotland.
57	Samuel Peterson	do	25	9	Upper Canada.
58	John Price	do	20	12	Ireland.
59	Patrick Moley	Yonge	20	9	do.
60	William J. Ridley	Kitley	22	12	England.
61	William Roberts	Montague	26	12	Ireland.
62	Francis Smith	Brockville	28	12	do.
63	Charles Scringcowe	South Gower	20	12	Scotland.
64	William Shaanon	Edwardsburgh	30	12	Ireland.

*Names of Teachers of Common Schools in District of Johnstown—(CONTINUED.)*

No.	NAMES APPROVED.	TOWNSHIP.	No. of Scholars.	No. of Months Teaching.	PLACE OF NATIVITY.
65	John Smith .....	Bastard .....	25	12	Ireland.
66	John Still .....	Edwardsburgh.....	30	12	do.
67	Ezekiel Snider .....	Elizabethtown.....	20	6	Upper Canada.
68	Henry Smith .....	Wolford.....	20	12	do.
69	William R. Thornhill.....	Kitley .....	21	12	Ireland.
70	Joseph D. Thompson.....	Yonge .....	20	6	Upper Canada.
71	John Vance .....	Montague .....	20	12	British Subject.
72	Henry Weeks .....	Elizabethtown.....	22	6	Upper Canada.
73	Daniel Wing .....	Yonge .....	25	6	do.
74	John Wright .....	Augusta .....	20	12	Scotland.
75	John Wade .....	Elizabethtown.....	21	6	Ireland.
76	John Wilson .....	Oxford.....	22	12	do.
77	Gersham Wilson.....	Wolford.....	20	12	Upper Canada.
78	William J. Winter .....	Elmsley .....	25	12	British Subject.
79	Henry Washburn.....	Kitley .....	24	12	Upper Canada.
80	James Watt.....	South Gower.....	20	12	Scotland.
81	Benjamin Warren.....	Augusta.....	25	12	Ireland.
82	Humphrey Yonge.....	Yonge .....	26	6	do.
83	George Young.....	Kitley .....	20	12	do.
84	William Pitt .....	<i>Clerk to the Board of Education.</i>			

N.B.—The amount of Certificate paid John Vance, proved a forgery. The amount of Certificate paid to William McGuire, Thomas Grant, and George Young, are also supposed forgeries by the same person, viz. William Maxwell, for which he is now in the Penitentiary.

The Books made use of are the Bible; Testament; Mavor's Spelling-book; English Reader; Dabol's Roots, and Walkingame's Arithmetic; Murray's Grammar, and various other books of British origin. No American School-books are allowed to be made use of.

(Signed)

E. HUBBELL,

CHAIRMAN.

## REPORT OF TRUSTEES OF MIDLAND DISTRICT SCHOOL.

(Copy.)

*To His Excellency SIR GEORGE ARTHUR, K. C. H. &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY:

We the undersigned, Trustees of the Midland District School, most respectfully beg leave to report, for the information of Your Excellency, the present state of the School under their superintendence.

Your Excellency has already been apprised of the circumstances which led to the removal of Mr. Baxter, the late Teacher, and the appointment of the Rev. William Herchmer, A. B. of Queen's College, Oxford, in his stead; on this point, therefore, the Trustees need not enlarge.

The number of Scholars in attendance is thirty-two, who are divided, according to their age, proficiency, or probable occupation in after life, into several classes, the two senior of which are instructed in the elements of the Greek and Latin languages, in the use of the Globes, in Algebra and Euclid, and in Sacred and Profane History. The other classes, according to their capabilities, are successfully assisted in the acquisition of that knowledge, both of a religious nature and secular, which is so essential to their future happiness and usefulness, as members of society and subjects of a Christian Queen.

The Trustees of the Midland District would respectfully suggest to Your Excellency's early consideration the promotion of the increased efficiency of the District Schools in the several Districts of the Province, by granting a larger endowment to a Head Master, and making provision for a second Master in each; for they are fully persuaded, that if an allowance equal to that enjoyed by any of the Junior Masters of Upper Canada College, were

granted to the Head Masters of the District Schools, and the present allowance to a second Master in each, it would be attended with results highly conducive to the best interests of society. The selection of Head Master would then become an object worthy the attention of Gentlemen who now seek other professions, and they would give a tone to the District Schools which, under the present arrangement, is vain to expect, except under peculiarly favourable circumstances.

The Trustees of the Midland District School earnestly desire to call Your Excellency's immediate attention to the decayed state of the building now occupied as the District School-house. They beg to assure Your Excellency that in a year or two at most, it will be in such a ruinous state, as to be absolutely untenable; and they have no funds at their disposal, from which they could either repair the present house or erect a building more adequate to the wants of the District. They have on several occasions represented this fact to Your Excellency's predecessor in this Government, but, from various causes, without effect; they, however, trust that Your Excellency will have it in your power to prevent any longer delay; and convinced that it will be your Excellency's wish to foster and encourage, by every means in your power, the District Schools of this Province, which, even on their limited scale, have proved of incalculable benefit to the community, they leave the matter with confidence in Your Excellency's hands.

All which is respectfully submitted.

(Signed)

GEORGE O'KILL STUART,  
CHAIRMAN.

THOMAS MARKLAND.  
TRUSTEE.

JAMES SAMPSON.

ROBERT D. CARTWRIGHT.

KINGSTON, *March* 5th, 1839.

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## REPORT OF BOARD OF EDUCATION:

### PRINCE EDWARD DISTRICT.

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(Copy.)

*To His Excellency* SIR GEORGE ARTHUR, K. C. H. &c. &c. &c.

The Board of Education for Common Schools in the District of Prince Edward,

RESPECTFULLY REPORT—

That during the year ending 31st December, 1838, there were reported 64 schools, which have mostly been continued through the year, and the returns from the Trustees shew that 2,110 scholars have received instruction therein. The branches taught are Geography, Arithmetic, Reading, Writing, Spelling, and English Grammar; and in some schools, History. The amount of public money distributed by the Board to each Teacher, has been £10 15s. per year.

The Board is well convinced that much benefit is derived from the encouragement given to Common Schools by Government. The Trustees of the several Schools report generally that the Teachers employed conduct themselves with propriety, and the Board hope that encouragement will still be extended, for the purpose of improving and increasing Common Schools in the Province.

No.	TEACHERS' NAMES.	WHERE BORN.	Years Residence.	WHERE KEPT.	No. of Scholars.
1	John Grayden	Ireland	7	Hillier	26
2	David Mitchell	United States	19	Consecon	28
3	Richard Toumans	Upper Canada, (S.U.E.L.)	24	Hallowell	39
4	Richard T. Gardner	United States	30	do.	40
5	Miss O vra S. Mathews	do.	.....	Demorestville	60
6	Sarah Worden	Upper Canada	17	Hallowell	30
7	Lelly Carston	Ireland	.....	do.	22
8	Polly Richards	Upper Canada	Always lived here.	do.	48
9	Mary Fallean	Do.	30	Sophiasburgh	24
10	James Curlett	Do.	Always lived in Canada.	do.	27
11	Harriet Werden	United States	17	Hallowell	28
12	Wilder Willess	Do.	.....	Sophiasburgh	40
13	Mary Daule	England	.....	Carrying-Place	23
14	Francis Butler	Upper Canada	Always lived in	Hillier	30
15	Charles Ballard	Do.	Canada.	Hallowell	26
16	Catharine Preston	Do.	.....	do.	24
17	Mary Tubbs	Do.	32	do.	30
18	David L. Demorest	Do.	24	Demorestville	30
19	Ann Campbell	Ireland	12	Marysburgh	31
20	James Graham	England	17	Milford	57
21	Robert Sheriff	Upper Canada	30	Hallowell	25
22	Henry Fieldhou	England	12	Hillier	23
23	Margaret Striker	Upper Canada	19	Hallowell	29
24	William Campbell	Ireland	12	Marysburgh	30
25	Parthana Carenahorn	Upper Canada	24	Hallowell	36
26	William H. Kerr	Do.	.....	Marysburgh	24
27	R. F. White	England	.....	Hillier	26
28	John E. Morris	Ireland	.....	Hallowell	32
29	Jonathan Graley	United States	47	Sophiasburgh	32
30	Margaretta Crombie	Upper Canada	.....	Picton	39
31	B. Salisbury	Do.	30	Sophiasburgh	32
32	Mary Webster	Do.	.....	do.	24
33	Hervy Hasking	Lower Canada	7	Hallowell	46
34	Melissa B. Clapp	United States	14	do.	35
35	McConnell Jackson	Ireland	.....	Ameliasburgh	30
36	John Ewen	Do.	17	Hillier	28
37	Autha Rarima	Upper Canada	17	do.	25
38	Charles B. Thompson	United States	.....	Wellington	46
39	Richard Masou	Ireland	5	Hallowell	26
40	Abigail T. Thompson	United States	4	Hillier	46
41	William Robinson	England	3	Marysburgh	23
42	Eliza Bradford	Lower Canada	.....	Picton	25
43	Edwin Kingsley	England	20	Marysburgh	30
44	Mary Boon	Do.	12	Picton	25
45	Emery O. Tyler	United States	3	Hallowell	50
46	James B. Lynn	Do.	.....	Demorestville	42
47	George Fieldhou	England	12	Sophiasburgh	31
48	Jacob Clark	Upper Canada	21	Hillier	30
49	James H. Swail	Ireland	19	do.	38
50	Thomas Judge	Do.	17	do.	22
51	Thomas Kilmer	.....	.....	Consecon	36
52	A. H. Blake	United States	7	Picton	60
53	Augusta Gary	Do.	3	Wellington	29
54	William Nethory	Ireland	12	Hillier	28
55	John Doyle	Do.	.....	Ameliasburgh	27
56	Silas Clark	Lower Canada	Always lived in	Picton	50
57	Henry Dye	Upper Canada	Canada.	Hallowell	37
58	John G. Hucks	Do.	.....	Marysburgh	42
59	William Power	.....	.....	do.	24
60	John Hoyt	United States	.....	Hillier	37
61	James H. Hayht	Upper Canada	22	.....	39
62	Catharine Vallean	Do.	33	Sophiasburgh	24
63	Louisa Swail	United States	21	Hillier	28
64	Patrick Moore	Ireland	.....	Marysburgh	26
Total					2110

Respecting Books used, they are, with few exceptions, the following, viz:—Murray's English Reader and Introduction; Walker's Dictionary, and Cobb's Walker; Cobb's Spelling-book, and Cobb's First Book; Mavor's Spelling-book, in a few schools; Murray's, Kirkham's, and Lennie's Grammar; Elvey's and Woodbridge's Geography and Atlases; Testaments; Rogers', Willett's, Dabols, and Walkingame's Arithmetic; Goldsmith's History of England and Rome.

S. WASHBURN, CHAIRMAN.  
N. BALLARD, SECRETARY.

Picton, 19th January, 1839.

**REPORT OF DISTRICT SCHOOL,  
OF NEWCASTLE DISTRICT.**

(Copy.)

COBOURG, *February 11th, 1839.*

SIR,

I have the honour to enclose you a report of the state of the District School at this place. There is one vacancy in the Board of Trustees, made by the death of the late Elias Jones, Esquire, which has not been filled up. Allow me to recommend to that situation, the Rev. Thomas Alexander, Minister of the Church of Scotland in this place. I have not mentioned the subject to him, but I feel little doubt but that he will accept the office.

I have, &amp;c.

A. N. BETHUNE.

The Hon. JOHN MACAULAY,  
&c. &c. &c.

*To the Rev. A. N. BETHUNE, Chairman of the Board of Trustees for the District School.*

REVEREND SIR:

The number of Scholars at present on the books, is thirty-one; the average attendance, twenty-five; all the free places are full. There are some boys learning Latin. The books used are the same as those of the Upper Canada College, as far as they can be procured; there is, however, a great difficulty in obtaining them, which difficulty is increased by the unwillingness of some parents to incur expense.

The most serious disadvantage under which we labour is the want of a proper School-house; the one formerly used for that purpose being now in such a state as to be untenable. I am inclined to believe that many more pupils would attend the District School, were it not for that reason. The hours of business, are five daily, viz. from 9  $\frac{1}{2}$  till 1  $\frac{1}{2}$ , and from 2 till 3 during winter; and in summer, from 9 till 1, and from 2 till 4.

(Signed)

WALTER C. CROFTON,  
PRINCIPAL.

COBOURG, *February 9th, 1839.*

**REPORT ON COMMON SCHOOLS, NEWCASTLE DISTRICT.**

(Copy.)

COBOURG, *February 11th, 1839.*

SIR,

I have the honour to enclose you a report of the Common Schools in the District of Newcastle.

It was impossible, without a personal application, (which circumstances did not allow) to ascertain the ages of every individual Teacher, and the length of time they have been resident in the country. The desire of procuring further information on these points, has created some delay in forwarding this report, but the anxiety you have expressed for its early transmission, induces me to forward it, even in its present imperfect state.

I have, &amp;c.

(Signed)

A. N. BETHUNE,  
CHAIRMAN,  
*Board of Education, N. D.*

The Hon. JOHN MACAULAY,  
&c. &c. &c.

**ANNUAL REPORT OF THE COMMON SCHOOLS,  
IN THE DISTRICT OF NEWCASTLE.**

NAMES OF TEACHERS.	WHERE TEACHING.	BIRTH-PLACE.	AGE.
Robert Grandy .....	Cavan .....	Wexford, Ireland .....	24
John Emison .....	do .....	Fermanagh, do. ....	30
William L. P. ....	do .....	Cavan, do. ....	33
William Bamford .....	Emily .....	Derry, do. ....	19
David Ley .....	Clark .....	Forfarshire, Scotland .....	30
William Hall .....	Cavan .....	Fermanagh, Ireland .....	50
John Gordon .....	Hope .....	Newcastle, England .....	63
William P. McGinnin .....	Ops .....	Cavan, Ireland .....	40
Robert Patterson .....	Hamilton .....	do do .....	36
Henry Baldwin .....	Otanabee .....	Liverpool, England .....	31
Edward Rothwell .....	Hamilton .....	Wexford, Ireland .....	38
John Henry .....	Cavan .....	Meath, do .....	61
H. S. Heaney .....	Emily .....	Cavan, do .....	
William Potter .....	Hope .....	do do .....	
James Cummings .....	Cavan .....	Limerick, do .....	
Thomas Swan .....	Darlington .....	do do .....	
William Higgins .....	Emily .....	Cavan, do .....	
A. Hartley .....	Otanabee .....	do do .....	
Alexander Alexander .....	Cavan .....	do do .....	
Alexander McGee .....	Seymour .....	Perthshire, Scotland .....	
John F. Kelly .....	do .....	England .....	
Walter Nickalls .....	Smith .....	do .....	
William Feveley .....	Otanabee .....	do .....	
James Whitfield .....	Cavan .....	do .....	
Mathew Handcock .....	Emily .....	do .....	
Thomas Grant .....	Hamilton .....	Dublin, Ireland .....	
James Clarkson .....	Haldimand .....	England .....	
Robert Cluney .....	Asphodel .....	do .....	
Patrick Maloney .....	Emily .....	Ireland .....	
Francis Shay .....	Asphodel .....	England .....	
P. Carroll .....	Ops .....	Ireland .....	
Robert Hutton .....	Darlington .....	do .....	
Thomas Nealon .....	Murray .....	do .....	
P. Barrogg .....	Ops .....	do .....	
George Coulter .....	Cavan .....	do .....	
George Douglass .....	Smith .....	England .....	
John Luly .....	Hamilton .....	do .....	
James Wood .....	Smith .....	Ireland .....	
John Singlong .....	Haldimand .....	do .....	
John Pomroy .....	Hamilton .....	England .....	
John McLoughlin .....	Murray .....	Scotland .....	
Benjamin Wood .....	do .....	Ireland .....	
John Wright .....	do .....	England .....	
John T. Irvine .....	Hope .....	Ireland .....	

The Books almost uniformly used in the Schools above named, are the New Testament ; Mavor's Spelling-book ; English Reader, and Walkingame's Arithmetic.

(Signed)

A. N. BETHUNE,

CHAIRMAN,

Board of Education, N. D.

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**REPORT OF THE HOME DISTRICT SCHOOL.**

(Copy.)

*To His Excellency* SIR GEORGE ARTHUR, *K. C. H. &c. &c. &c.*

The Trustees of the Home District School, beg leave to report—

That the number of Scholars in attendance during the past year fluctuated, between twenty-five and seventeen; of these, sixteen had commenced the Latin Grammar, and only two had began the Greek Accidence.

The Teacher, C. N. B. Cozens, Esq. having been appointed Master of the Preparatory Form in Upper Canada College, resigned his situation as Master of the District School, on the 30th September, 1838, and has been succeeded by Mr. Crombie, a gentleman highly recommended as an experienced Teacher, and under whose management it is hoped the District School will be rendered highly efficient.

All which is respectfully submitted.

(Signed)

JOHN STRACHAN.  
W. ALLAN.  
CHARLES C. SMALL.  
WALTER O'HARRA.  
GEORGE RIDOUT.  
JAMES FITZGIBBON.

TORONTO, 8th *March*, 1839.

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**REPORT OF BOARD OF EDUCATION,  
HOME DISTRICT.**

(Copy.)

*To His Excellency* SIR GEORGE ARTHUR, *K. C. H. &c. &c. &c.*

The Board of Education for the Home District, pursuant to the Statute in such case made and provided, beg leave to report as follows:—

For the year ending 31st December, 1838, eighty-nine Common Schools have been open, in which were 2,557 scholars.

The branches of Education usually taught, are Reading, Writing, Spelling, Arithmetic, and English Grammar.

All which is respectfully submitted.

(Signed)

JOHN STRACHAN,  
CHAIRMAN.

TORONTO, 26th *February*, 1839.

(Copy.)

TORONTO, 8th *March*, 1839.

SIR,

We have the honour to acknowledge the receipt of your Circular of the 25th ultimo, addressed by command of His Excellency the Lieutenant Governor, and beg leave to state for His Excellency's information, that the Members of the Board of Education for the Home District found it necessary to apprise His Excellency Sir John Colborne, when Lieutenant Governor of this Province, as well as Sir Francis Head, that their number was incomplete; since that, Dr. Powell has departed, leaving only the two subscribers to discharge the duties of the Board.

We beg leave further to state, that the report already given in was duly considered, and received our joint approbation.

For many years, elaborate reports were sent from the Board, detailing what were believed to be the alterations necessary to render the present Common School Act efficient. In consequence of these, and like reports from other Districts, a measure for the establishment of such Schools, has been for more than six years before the Legislature, which purposes to provide remedies for the defects which are met with in the working of the present system.

This being the case, it did not appear necessary to report the same information year after year, since it is not from ignorance of the defects of the law as it now stands, or the want of ability to make it better, but from other causes, that a more efficient measure has not yet been adopted.

Nevertheless, in obedience to His Excellency's commands, as expressed in the Circular, we beg leave to amend our report, by adding two returns, including the year 1838, and stating that the School-masters, with the exception of two Americans, who have been long in the Province, are all British Subjects—that they have taken the oath of allegiance—that during the last year, the salary allowed was ten pounds each—and no books from the United States are permitted to be used in the schools.

All which is respectfully submitted.

(Signed)

JOHN STRACHAN.  
WM. ALLAN.

The Hon. JOHN MACAULAY,

*&c. &c. &c.*

LIST OF COMMON SCHOOLS IN THE HOME DISTRICT :

*Stating the Lot and Concession in each Township, with the names of the Teachers who have received the Government Allowance, for the six months, ending the 30th June, 1838, and the number of Children in each School.*

TOWNSHIP.	LOT.	CON.	TEACHERS.	No. of CHILDREN.
Adjala .....	16	6	Edward Mahon .....	35
Albion .....	22	8	John Watson .....	27
Do. ....	20	2	William Matthews .....	24
Do. ....	10	2	William Hull .....	26
Do. ....	33	1	John Richardson .....	32
Brock .....	3	7	William Ashton .....	24
Do. ....	1	12	George West .....	25
Do. ....	13	5	Alexander C. Clarke .....	24
Do. ....	12	9	John Grant .....	25
Do. ....	5	4	M. C. Henderson .....	21
Do. ....	4	6	Gilbert Rowan .....	26
Caledon .....	12	5	Gilbert Macaulay .....	28
Do. ....	23	1	James Kerr .....	26
Do. ....	23	4	James Gillespie .....	25
Do. ....			John Coulshard .....	25
Chinguacousy .....	11	2	Henry Archer .....	26
Do. ....	7	1	William Colville .....	37
Do. ....	5	6	James Black .....	24
Do. ....	15	4	James Douglass .....	22
Do. ....	13	3	Henry C. Hogg .....	26
Do. ....	1	4	James Armstrong .....	34
Do. ....	11	6	William J. Erwin .....	24
Etobicoke .....	8	4	Alexander Campbell .....	25
Do. ....	37	2	John McCormick .....	20
Do. ....	2	D	Patrick Rock .....	22
Do. ....	33	B	John R. Smith .....	23
Essa .....	1	10	James Johnson .....	27
Gwillimbury East .....	15	3	Thomas Evans .....	24

## Return of Common Schools in the Home District—(CONTINUED.)

TOWNSHIP.	LOT.	CON.	TEACHERS.	No. of CHILDREN
Gwillimbury East.....	10	3	Edward Kermott .....	36
Gwillimbury West.....	100	1	W. W. Vanburen .....	26
Do. ....	1	10	John Macaulay .....	43
Do. ....	1	3	C. M. Maxwell .....	30
Do. ....	16	10	H. R. W. Moffatt .....	32
Do. ....	8	4	John Currie .....	38
Do. ....	11	5	George Douglass .....	27
Do. ....	8	8	John Stephens .....	29
King .....	6	8	John Harvey .....	26
Do. ....	15	7	Hector Kelly .....	21
Do. ....	9	3	William Tinline .....	26
Markham.....	31	6	Robert Millar .....	28
Do. ....	27	5	John D. Bruce .....	30
Do. ....	22	8	John B. Millar .....	40
Do. ....	1	6	William Galloway .....	26
Do. ....	12	10	Henry Livesley .....	21
Do. ....	11	8	H. P. Cutler .....	25
Do. ....	18	2	Magnus Swanson .....	24
Do. ....	4	8	James Phillips .....	22
Do. ....	13	4	Thomas Hudson .....	29
Mono .....	17	2	James O'Callaghan .....	25
Do. ....	6	6	David Buchanan .....	47
Pickering.....	27	1	Alexander Ferguson .....	26
Do. ....	30	1	William S. Kelton .....	24
Do. ....	2	3	Daniel O'Brian .....	36
Do. ....	6	6	John Pocock .....	36
Scarborough .....	22	1	James Gibson .....	27
Do. ....	26	1	William Galloway .....	30
Tecumseth .....	19	7	John McLeod .....	22
Do. ....	7	4	James McKay .....	32
Toronto .....	5	3	John Fletcher .....	24
Do. ....	1	5	Johnson Elliott .....	21
Do. ....	4	4	James Darley .....	34
Do. ....	11	1	Clement Clarke .....	34
Do. ....	6	1	William B. Price .....	35
Do. ....	5	5	Thomas Baker .....	22
Do. ....	15	7	Hugh Dandy .....	24
Do. ....	10	5	William Cory .....	26
Do. ....	10	6	John Ramsay .....	26
Do. ....	3	1	John Dundas .....	26
Do. ....	11	2	Thomas Cummings .....	25
Do. ....	5	1	Thomas Goldsmith .....	25
Do. ....	5	1	E. J. Scott .....	26
Toronto Gore .....	5	7	Francis Foster .....	23
Do. ....	4	9	William Hugill .....	24
Whitchurch .....	1	6	John Little .....	25
Do. ....	13	7	William Mathewson .....	23
Do. ....	21	1	Martin Young .....	44
Whitby .....	2	1	James Willson .....	22
Do. ....	20	7	Thomas WhitSmith .....	32
Do. ....	29	3	William Monkhouse .....	26
Do. ....	23	5	Thomas B. Smith .....	28
Do. ....	.....	.....	Solomon B. Smith .....	26
Do. ....	16	1	Samuel Read .....	23
Do. ....	.....	.....	William Powell .....	25
Do. ....	11	1	John L. Hoett .....	25
Vaughan .....	46	1	William Tyler .....	30
Toronto City .....	.....	.....	Daniel H. Mayne .....	25
York .....	5	2	Thomas Forsyth .....	27
Do. ....	13	4	John Knox .....	28
Do. ....	1	4	William Hudson .....	27
Do. ....	22	6	Henry Hill .....	27
Do. ....	16	2	William McKone .....	31
Do. ....	20	2	James Magill .....	25
Do. ....	.....	.....	John L. McIntosh .....	28
Do. ....	21	3	William Bradley .....	24
Do. ....	11	4	William Irwine .....	25
Do. ....	19	1	Joseph Gray .....	25
Do. ....	3	1	John C. Moulson .....	28
Total No. of Schools .....	93		Total No. of Scholars .....	2637

## LIST OF COMMON SCHOOLS IN THE HOME DISTRICT:

Stating the Lot and Concession in each Township, with the name of the Teachers who have received the Government allowance for the six months ending the 31st December, 1838, and the number of Children in each School.

TOWNSHIP.	LOT.	CON.	TEACHERS.	No. of CHILDREN
Adjala .....	16	6	Edward Mahon .....	30
Albion .....	25	1	William Mathews .....	27
Do. ....	10	2	William Hull .....	24
Do. ....	39	1	John Coulshard .....	31
Do. ....	22	8	John Watson .....	24
Brock .....	5	4	M. C. Henderson .....	22
Caledon .....	4	6	Gilbert Rowan .....	31
Do. ....	17	1	Thomas M. Carney .....	36
Do. ....	4	1	Gilbert McAulay .....	26
Chinguacousy .....	11	2	Henry Archer .....	24
Do. ....	5	6	John Ramsay .....	25
Do. ....	32	2	John Douglass .....	22
Do. ....	13	3	Henry Hogg .....	30
Do. ....	1	5	James Armstrong .....	31
Do. ....	1	5	Hugh Dandy .....	25
Do. ....	11	6	William S. Irwine .....	24
Etobicoke .....	9	2	Patrick Rock .....	32
Do. ....	37	2	John McCormack .....	20
Do. ....	8	A	Alexander Campbell .....	24
Do. ....	33	B	John R. Smith .....	26
Essa .....	1	10	James Johnson .....	26
Gwillimbury East .....	10	3	Edward Kermott .....	48
Gwillimbury West .....	3	6	Donald McKay .....	42
Do. ....	1	10	John McAulay .....	59
Do. ....	8	4	John Currie .....	34
Do. ....	16	10	H. R. W. Moffatt .....	28
Do. ....	1	3	Crawford M. Maxwell .....	31
Innisfil .....	16	10	William Booth .....	26
King .....	6	8	John Harvey .....	25
Do. ....	15	7	Hector Kelly .....	21
Markham .....	1	6	William Galloway .....	23
Do. ....	11	8	Henry P. Cutler .....	23
Do. ....	19	10	James Phillips .....	21
Do. ....	11	4	Thomas Hudson .....	35
Do. ....	16	5	Magnus Swanson .....	24
Do. ....	31	6	Robert Millar .....	25
Do. ....	22	8	John B. Millar .....	44
Do. ....	26	3	George Smith .....	22
Mono .....	17	7	David Buchanan .....	41
Mulmer .....			Thomas Spence .....	20
Pickering .....	6	6	John Peacock .....	30
Do. ....	12	1	John Vest .....	38
Do. ....	27	2	Alexander Ferguson .....	26
Do. ....	11	4	Daniel O'Brian .....	37
Reach .....	9	5	William Ashton .....	21
Do. ....	16	5	William Taylor .....	35
Scarborough .....	5	1	William Shelton .....	23
Do. ....	31	4	Joseph Gray .....	23
Do. ....	16	2	Patrick Shirriff .....	22
Do. ....	26	1	John Muir .....	35
Tecumseth .....	7	4	James McKay .....	32
Do. ....	3	2	Robert Walsh .....	30
Do. ....	23	6	John Stephens .....	26
Do. ....	19	7	John McLeod .....	24
Toronto .....	11	2	Thomas Cummings .....	25
Do. ....	10	2	John Hunter .....	29
Do. ....	16	1	William B. Price .....	31
Do. ....	5	5	Thomas Baker .....	21
Do. ....	4	4	James Darby .....	37
Do. ....	4	2	John Fletcher .....	20
Do. ....	14	3	Thomas Goldsmith .....	25
Do. ....	10	6	Thomas Donahue .....	27
Do. ....	3	1	John Dundas .....	27
Do. ....	10	4	William Bird .....	24
Do. ....	11	1	Charles Gentle .....	35

## Return of Common Schools in the Home District—(CONTINUED.)

TOWNSHIP.	LOT.	CON.	TEACHERS.	No. of Children
Toronto Gore .....	5	7	Francis Foster .....	24
Do. ....	4	9	William Huggill .....	21
Do. ....	14	7	Alexander Jenkins .....	29
Toronto City .....			Daniel H. Mayne .....	25
Do. ....			James Magill .....	24
Thorah .....	14	6	David Ross .....	22
Whitchurch .....	34	2	W. Williamson .....	30
Do. ....	1	9	John D. Bruce .....	23
Do. ....	81	1	James .....	32
Whitby .....	20	3	Solomon .. Smith .....	20
Do. ....	20	7	Thomas Whitesmith .....	30
Do. ....	29	3	William Monkhouse .....	22
Do. ....	23	5	Thomas B. Smith .....	25
Vaughan .....	26	1	Thomas Cummings .....	28
Do. ....	31	5	John McMillan .....	23
Do. ....	46	1	William Tyler .....	26
Vespra .....	10	1	D. McLeod .....	24
York .....	16	2	William McKone .....	28
Do. ....	11	4	William Irwine .....	27
Do. ....	8	5	John Pirritte .....	26
Do. ....	5	2	Thomas Forsyth .....	28
Do. ....	21	3	William Bradley .....	26
Do. ....	1	4	William Hudson .....	27
Do. ....	21	2	George Gamble .....	29
Do. ....	13	4	Robert Hetherington .....	27
Do. ....	3	1	John C. Moulson .....	25
Do. ....	22	6	Henry Hill .....	27
Total No. of Schools .....	89		Total No. of Scholars .....	2557

## REPORT OF THE GORE DISTRICT SCHOOL:

1838.

The undersigned Trustees of the Gore District School, beg leave to report to His Excellency the Lieutenant Governor, that at their annual examination in July, 1838, they found the branches of Education taught in the School, and the books used in each branch, as follows:

READING.—Mavor's Spelling-book; Murray's English Reader; Enfield's Speaker.

ENGLISH GRAMMAR.—Murray's English Grammar; Kirkham's English Grammar.

PENMANSHIP.

ARITHMETIC.—Hamilton's, Ingram's, Murray's Arithmetic.

GEOGRAPHY.—Stewart's, Woodbridge's, and Olney's Geography.

LATIN.—Gooderich's Lessons in Latin.

PARSING.—Adams' Latin Grammar; Mair's Introduction to Latin Syntax; Cornelius Nepos; Cæsar; Sallust; Cicero, (Orations et effina); Horace; Virgil.

GREEK.—Gooderich's Lessons in Greek Parsing; Valpy's Greek Grammar; Bloomfield's Greek Grammar; Greek New Testament; Collectanea Majero, and Homer.

MATHEMATICS.—Playfair's Euclid; Bonycastle's Algebra.

The Scholars were as under:

Angus McCall, .....	Latin—Greek—Mathematics.
Stephen Balmer, .....	do.
John McKinnon, .....	do.

Robert Wallace, .....	Latin—Mathematics—Geography.
William McDonald,.....	Geography.
Andrew Geddes, .....	do.
Robert Law,.....	do.
John Carey, .....	do.
William Mills, .....	do.
Colin Reid, .....	do.
John VanEvery, .....	{ Latin—English Grammar—Geography— Arithmetic.
Thomas VanEvery,.....	do.
Alexander Cook, .....	do.
John Aikman,.....	do.
Thomas Aikman,.....	do.
William Lester, .....	do.
Sylvester Beasley, .....	do.
George Carey, .....	do.
William Warren, .....	{ Reading—Writing—English Grammar— Arithmetic—Geography.
William Sheldon,.....	do.
Horatio Parker, .....	do.
William Thomer, .....	do.
Franklin Warren,.....	do.
Edward Warren, .....	do.
Joel Carpenter,.....	do.
John Beasley, .....	do.
Thomas Beasley,.....	do.
Truman Woods, .....	do.
Joseph Freeman, .....	do.
William Scobell, .....	Reading—Writing—Arithmetic.
Charles Carpenter, .....	do.
Elijah Winters, .....	do.
Clinton Bryan, .....	do.
Thomas Cochrane, .....	do.
George Cochrane, .....	do.

35 Scholars.

(Signed)

ALEXANDER GALE,  
JOHN LAW,  
J. GAMBLE GEDDES,  
WILLIAM. M. JARVIS, } TRUSTEES.

REPORT OF LONDON DISTRICT SCHOOL.

(Copy.)

At a meeting of the Board of Trustees of the London District School, held at London on the 19th day of February, 1839, the following report of the School for the past year was adopted :—

In October, 1837, the London District School was removed from Vittoria, where it had been previously held, to the Town of London, and Francis Wright, A. B., after due examination, was chosen Master.

The disturbed state of the country since the establishment of the School at London, has generally militated against its prosperity, so that it has not progressed as might reasonably have been expected.

The average number of Scholars in attendance for the past year has been 22 ;—this the Trustees consider a very small number indeed, in such a populous neighbourhood.

Of the scholars at present in attendance, ten are learning Latin, and several of them have made respectable progress in the Classics. The branches taught in the School are Greek and Latin, Mathematics, Arithmetic, Writing, Geography, and English Grammar. The boys generally, at the annual examination held on the 24th of December, 1838, answered much to the satisfaction of the Trustees present. Since the establishment of the District School in London, two scholars, who had previously been under the care of Mr. Wright, the present Master of the School, have completed their education;—one of them has been received at Osgoode Hall, and is now pursuing the study of the law; the other has been taken into the office of the Bank of Upper Canada in this town.

The hours of attendance in School, are from 9, A.M. to 3, P.M. There are four weeks of vacation in summer, and ten days at Christmas. The charges for tuition are £1 5s. £1, and 15s. per quarter, according to the branches in which the scholars are instructed.

There have been no returns made by the Trustees of Common Schools, of the children of poor parents, for gratuitous instruction; and the Board is of opinion, that under the present very defective system, the Common Schools of the country will rather repress than encourage a desire amongst the people for education of a superior description. The Trustees generally of the Common Schools, are men who do not know the value of a classical education, and the Masters chosen by these Trustees are often ignorant men, barely acquainted with the rudiments of education, and consequently jealous of any school superior to their own. In many cases too, they are foreigners, and therefore anxious to keep the people from acquiring a liberal education, which they well know would be the surest means of protecting them from the delusions practised upon them by designing men, and of strengthening their attachment to those institutions which are based upon the soundest principles of philosophy and christian truth, and which have, for ages, successfully withstood the united attacks of infidelity, false philosophy, and the restless desire of change so natural to man.

(Signed)

BENJAMIN CRONYN, A. M.

CHAIRMAN,

JOHN HARRIS.

M. BURWELL.

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## REPORT OF THE BOARD OF EDUCATION:

LONDON DISTRICT.

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(Copy.)

LONDON, 12th February, 1838.

SIR,

THE undersigned members of the Board of Education for the London District, have the honour to acknowledge the receipt of your Circular of the 4th instant, and in compliance with the commands of His Excellency the Lieutenant Governor, beg to forward you their report of the state and condition of the Common Schools within the said District, shewing in detail, in what Townships taught, and as well as the books used, and the amount paid to each Teacher, &c.

The undersigned beg to mention that in the first column of amount of monies paid, it will be found, that in compliance with the 60th Geo. III. chap. 7, the sum of £250, granted by that Act, has been equally portioned to the several Teachers; and in the second column the amount apportioned, as directed by the 3rd Wm. IV. chap. 56, and subsequently continued: in doing which the Board supposed (upon information received) they had at their disposal a sum alike in amount as in preceding years; and having received the report of schools in the County of Norfolk, for the six months ending in December, 1837, (that being then in the District of London,) they consequently provided for all the Teachers (with some limited exception) to the amount of £824 10s. independent of per centage to the Treasurer; it was however ascertained, immediately on receipt of the Acts of the last Session of Parliament, that

the Legislature had appropriated the sum of £150 to, and which was applied in, the District of Talbot, thereby leaving fourteen Teachers unpaid, who otherwise would have been provided for.

The undersigned have much gratification in reporting that a number of persons who had been Teachers in the years preceding, mostly of American birth, have left the District, and gone, it is believed, to the United States, from whence they came; and although the Board have for many years been opposed to the employment of *such persons* by the Trustees of Common Schools, yet it was found impossible wholly to exclude them, as by reference to the 36th Geo. III. chap. 36, it will be found that as regards being a subject, it was very easy for those desirous of employment "to take the oath of allegiance to His Majesty."

The undersigned beg to give a statement of the preceding years, shewing the number of children taught in each year, viz:—For the year ending 30th June, 1835, 103 schools; 1771 boys, and 1296 girls. Ditto, 30th June, 1836, 85 schools; 1547 boys, and 1124 girls. Ending 30th June, 1837, 96 schools; 1698 boys, and 1111 girls. Ditto, 30th June, 1838, 38 schools; 1356 boys, and 750 girls: and that great decrease has occurred in the last year, which is ascribed to the outbreak of the rebellion, and the continued disturbed state of the country.

The Board beg most respectfully to suggest, that should the Legislature take into consideration the Acts now in force to amend, and especially in providing for the augmentation of members of the Board of Education, so to afford more facilities in the examination in the different sections of Districts; also as to the mode now permitted to be adopted by the Trustees, in the employment of Teachers, which, it is thought, ought to be truly of a British character. The means of, and amount of payment, to be increased, and proportioned to the labour and service performed by the Teacher: at the same time regard being had to the branches of education taught, it would be found to produce good results.

They cannot abstain from remarking upon a system now, (as is believed) to be commonly practised by Teachers, and generally encouraged by the employers in the country, of receiving the Teachers as members or lodgers with each family, who are subscribers to the school, in succession, for the period of engagement, which in its influence and consequence has not hitherto been productive of good: and more especially, in cases where the Teachers have been Americans—a system than which none can be more mischievous in its effects: added to which, the circumstance, as will be seen by reference to the books used in the schools, that a portion of American books, particularly Geographies, have been permitted to be used, (notwithstanding the Board have the power to order the discontinuance of such) because others could not be procured in the country—nor has any provision been made by the Legislature for the formation of depots, where proper books could be had.

They beg, in conclusion, most respectfully to request, that His Excellency may be pleased to appoint the number of members to this Board, which the law now permits: as it is found difficult for the few who act, to perform the duties which it is contemplated should be fulfilled.

We have, &c.

(Signed) JOHN B. ASKIN.

The Hon. JOHN MACAULAY,

&c. &c. &c.

**ABSTRACT OF COMMON SCHOOLS,**

*Reported to, and approved of by the Board of Education, in the District of London, for the issue of an authority to the Treasurer, for the payment of Teachers, for the year ending the first day of June, 1838.*

TOWNSHIPS.	NAMES OF TEACHERS.	NAMES OF TRUSTEES.	From	To	No. of Boys.	No. of Girls.	BOOKS USED IN SCHOOLS.	Amount divided in compliance with an Act of Parliament, in 1830.	Amount proportioned in compliance with 1st Victoria, chap. 4.	Total amount paid to each Teacher.
								£ s. d.	£ s. d.	£ s. d.
London	Francis H. Wright	Lawrence Lawrason John Harris.	14th June, 1837,	14th Dec'r. 1837,	20	0	Delphinæ Cicero, Virgil, Sallust, Ovid, Simpson's Euclid, Goldsmith's Geography, Murray's English Grammar, .....	2 0 3	7 4 4½	9 4 7½
Do.	Kessin Stinson	George S. Goodhue Lawrence Lawrason, John Styles.	12 23rd Mar. 1837,	23rd Mar. 1838.,	10	16	History of England, English Reader, Murray's Grammar, Goldsmith's Geography, Old and New Testament, .....	4 0 6	10 14 6	14 15 0
Do.	George Simpson	Adam Telfer Andrew Scott, William Wilson.	13th June, 1837,	13th Dec'r. 1837,	19	8	Hutton's Geography, Walkingame's Arithmetic, Old and New Testament, Mavor's Spelling-book, .....	2 0 3	5 7 3	7 7 6
Do.	Alexander McDonald	D. McKenzie T. Hill, William McMillan.	24th Oct'r. 1837,	24th April, 1838,	10	11	Walkingame's, Gray's, Dillworth's and Daboll's Arithmetic, English Reader, Old and New Testament, Spelling-book, .....	2 0 3	3 17 3	5 17 6
Do.	James Rutledge	Robert Robson George Robson, Luth Stinson.	27th May, 1837,	26th May, 1838,	24	7	History of England, Murray's Grammar, Olney's Geography, Old and New Testament, Mavor's Spelling-book, .....	4 0 6	10 14 6	14 15 0
Do.	William Fletcher Fill	John Donaldson Hugh McGriffin, William Kimble.	1st Dec'r. 1837,	31st May, 1838.,	23	0	Old and New Testament, English Reader, Mavor's Spelling-book, .....	2 0 3	3 17 3	5 17 6
Do.	David Kent	R. H. Jackson Solomon Sheuick, William Nelles.	3rd July, 1837,	11th Jan'y. 1838,	19	15	Daboll's Arithmetic, Olney's Geography, Murray's Grammar, English Reader, Mavor's Spelling-book, .....	2 0 3	5 7 3	7 7 6
Do.	Oliver McClarey	Robert Jackson James M. Brown, Edward Green.	11th Oct'r. 1837,	11th April, 1838,	15	11	Books not reported, .....	2 0 3	3 17 3	5 17 6
	Carried forward				140	68				71 2 1½

ABSTRACT OF COMMON SCHOOLS—(Continued.)

TOWNSHIPS.	NAMES OF TEACHERS.	NAMES OF TRUSTEES.	From	To	No. of Boys.	No. of Girls.	BOOKS USED IN SCHOOLS.	Amount divided in compliance with an Act of Parliament, in 1838.	Amount proportioned in compliance with 1st Victoria, chap. 4.	Total amount paid to each Teacher.
								£ s. d.	£ s. d.	£ s. d.
London	Brought forward, Thomas Howard.	Henry Collins, John Sifton, Thomas Shoebottom.	6 28th Oct'r. 1837,	28th April, 1838,	140	68	Old and New Testament, English Reader, Murray's English Grammar, Mavor's Spelling-book, . . . . .	2 0 3	5 7 3	7 7 6
Do.	William Taylor, Jr.	John Ferguson, Patrick Smith, James Monahan.	6 27th Oct'r. 1837,	29th April, 1838,	15	10	Bible, Murray's English Reader, Goldsmith's England, Walkin- game's Arithmetic, Daboll's do Goldsmith's Geography, Mavor's Spelling-book . . . . .	2 0 3	5 7 3	7 7 6
Do.	William Taylor.	Lawrence Lawrason, James Odell, Thomas Cronyn.	12 12th Mar. 1837,	12th Mar. 1838,	14	9	Bible, Daboll's and Gray's Arithmetic, Goldsmith's Geography, Murray's English Grammar, Mavor's Spelling-book . . . . .	4 0 6	14 8 9	18 9 3
Do.	Henry Rigney.	Samuel Howard, George T. Fitzgerald, Ambrose Powell.	6 6th Nov. 1837,	6th May, 1838,	20	3	Olney's Geography, Walton and Pike's Arithmetic, Murray's English Grammar, Mavor's and Cobb's Spelling-book . . . . .	2 0 3	5 7 3	7 7 6
Do.	James Howard.	Henry O'Neil, Ralph Deacon, George Shoebottom.	6 27th Nov. 1837,	27th May, 1838,	17	8	Daboll's Arithmetic, Murray's English Grammar and English Reader, Testament, Mavor's Spelling-book, . . . . .	2 0 3	5 7 3	7 7 6
Westminster.	Adam Murray	Thomas Beatie, James Nixon, Alexander Strathy.	12 16th Jan'y. 1837,	16th Jan'y. 1838,	20	10	Rudiments, Ingram's Practical Geometry, Murray's English Grammar, Walkin game's and Gray's Arithmetic, Goldsmith's History of England . . . . .	4 0 6	10 14 6	14 15 0
Do.	Oliver McClarey	James Beatie, William Eyres, Andrew Banyhart.	6 11th April, 1837,	11th Oct. 1838,	11	13	English Reader, New Testament, Mavor's Spelling-book . . . . .	2 0 3	3 17 3	5 17 6
Do.	Alpha Turbell,	Joseph Odell, John Odell, William Odell.	6 7th Jan'y. 1836,	7th July, 1836,	15	6	Olney's, Woodbridge's, and Hull's Geography, Daboll's and Adams' Arithmetic, English Reader, New Testament, Mavor's Spelling-book . . . . .	2 0 3	3 17 3	5 17 6

Do.	William McClary	William Odell, Joseph Odell.	6 25th Sept. 1837,	25th Mar. 1838,	16	8	No Books reported to the Board of Education . . . . .	2 0 3	3 17 3	5 17 6
Do.	Joseph Hodson	James Unshulam, Andrew Nevills.	6 6th June, 1837,	2nd Nov'r. 1837,	25	0	Holy Scriptures and English Reader, Mavor's Spelling-book . . . . .	2 0 3	3 17 3	5 17 6
Do.	Merrill S. Ayers	Calvin Birch, Jacob Hall, Jesse Cornwall.	12 19th Dec'r. 1836,	19th Dec'r. 1837,	14	12	Daboll's & Pike's Arithmetic, Olney's Geography, Murray's English Grammar, Reader, Testament, and Mavor's Spelling-book . . . . .	4 0 6	7 14 6	11 15 0
Do.	Susan C. Hyde	Gardner Merrick, David Doty, George Stevens.	6 8th May, 1837,	8th Nov'r. 1837,	8	14	English Reader, Murray's English Grammar, Testament, and Cobb's Spelling-book . . . . .	2 0 3	3 17 3	5 17 6
London	Duncan McKenzie	Truman Hull, D. McKenzie, William McMullen.	6 20th Dec'r. 1836,	20th June, 1837,	15	7	Daboll's Arithmetic, Murray's English Grammar, English Reader, Introduction, Testament, Webster's Mavor's and Cobb's Spelling-book, . . . . .	2 0 3	5 7 3	7 7 6
Southwold	John Fraser	Samuel Skinner, James Ferguson, David Anderson.	12 18th Feb. 1837,	18th Feb'y. 1838,	16	4	Murray's English Grammar & Reader, Daboll's Arithmetic, Wood- bridge's Geography, Testament, and Mavor's Spelling-book . . . . .	4 0 6	7 14 6	11 15 0
Do.	John Howee	Daniel Silcox, H. Hamilton, William Decow.	6 26th Mar. 1837,	25th Sept. 1837,	20	4	Mavor's Spelling-book, English Reader, Testament . . . . .	2 0 3	3 17 3	5 17 6
Do.	Mary Ann Spackner	William Spackman, Phineas Drake, Henry Stringer.	6 6th Aug. 1837,	6th Feb'y. 1838,	10	14	Lennie's Grammar, Daboll's Arithmetic, Testament, and Cobb's Spelling-book . . . . .	2 0 3	3 17 3	5 17 6
Do.	Samuel McCartney	Jonathan Burden, Andrew Ham.	12 27th May, 1837,	22nd May, 1838,	20	10	Murray's and Lennie's Grammar, Woodbridge's Geography, Daboll's Arithmetic, Mavor's and Cobb's Spelling-book . . . . .	4 0 6	7 14 6	11 15 0
Do.	James Turrell	John Fletcher, Thomas Kettlewell, David Barden.	6 28th May, 1837,	28th Nov'r. 1837,	21	9	No Books reported to the Board of Education . . . . .	2 0 3	5 7 3	7 7 6
Do.	Crowell Wilson	M. Burwell, Richard Williams, John McNair.	6 4th Sept'r. 1837,	4th Mar. 1838,	13	10	Virgil, Livy, Cæsar's Commentaries in Latin, Rudiman's Latin Rudiments, Woodbridge's Geography, Goldsmith's History of England, Murray's English Grammar, Cobb's Spelling-book . . . . .	2 0 3	7 4 4	9 4 7
Carried forward										234 3 6

ABSTRACT OF COMMON SCHOOLS—(Continued.)

TOWNSHIPS.	NAMES OF TEACHERS.	NAMES OF TRUSTEES.	FROM	TO	No. of Boys.	No. of Girls.	BOOKS USED IN SCHOOLS.	Amount divided in compliance with an Act of Parliament in 1880.	Amount proportioned, in compliance with Chap. 4.	Total amount paid to each Teacher.
								£ s. d.	£ s. d.	£ s. d.
Southwold	Brought forward Noah Silcox	Daniel Silcox William Van Velson, Duncan Campbell.	6 9th Oct'r. 1887,	9th April, 1888,	448 18	228	Woodbridge's Geography, Daboll's Arithmetic, Lennie's English Grammar, English Reader, Testament, and Cobb's Spelling-book,	2 0 3	5 7 9	7 7 6
Do.	James H. L. Begg	David Welter Joseph Werdell, Abraham Begg.	6 2nd Oct'r. 1887,	2nd April, 1888,	20	0	Kirkham's Grammar, Goldsmith's Geography, Daboll's and Gray's Arithmetic, English Reader, Mavor's and Cobb's Spelling-book	2 0 3	3 17 6	5 17 6
Do.	Duncan McKenzie	Alexander Campbell Donald Munroe, John McIntosh.	6 11th Sept. 1887,	11th Mar. 1888,	15	6	Gray's, and Morrison's Arithmetic, English Reader, New Testament, Mavor's Spelling-book	2 0 3	5 7 3	7 7 6
Yarmouth	James W. Drake	Edward Eimantinger Andrew Smith, Henry Warner.	12 19th Dec. 1886,	11th Jan'y. 1888,	20	11	Oiney's Geography, Murray's English Reader, Murray's English Grammar, English History, and Cobb's Spelling-book	4 0 6	10 14 6	14 15 0
Do.	Betsey M. Bostwick	John Bostwick E. E. Duncombe, James C. Cryslar.	12 1st Feb. 1887,	31st Jan'y. 1888,	11	16	Tyler's Ancient & Modern History, Walker's Dictionary, Daboll's Arithmetic, Murray's English Reader, New Testament, Cobb's Spelling-book	4 0 6	14 8 9	18 9 8
Do.	Arch'd. McCormick	William Buchanan Angus McInyre, John McKellar.	6 1st May, 1887,	31st Oct'r. 1887,	10	11	Goldsmith's Geography, English Reader, Murray's English Grammar, New Testament, and Cobb's Spelling-book	2 0 3	3 17 3	5 17 6
Do.	Mathew M. Hutchins	Leslie Pierce Daniel Mam, Joseph Marlatt.	6 21st May, 1887,	19th Nov. 1887,	12	9	Willett's Geography, Murray's English Reader, Murray's English Grammar, New Testament, Cobb's Spelling-book, & Burham's Primer,	2 0 3	5 7 3	7 7 6
Do.	Richard Andrews	John McLarty Peter McGill, John Jones.	6 1st Nov. 1887,	1st May, 1888,	13	7	The Holy Scriptures, Murray's Reader, Murray's Grammar, Walker's Arithmetic, Graham's and Cobb's Spelling-book	2 0 3	3 17 3	5 17 6

Yarmouth	Sally Ann Brush	William P. Secord Andrew Davis.	6 1st Nov'r. 1837,	30th April, 1838,	4	18	Murray's English Grammar, New Testament, English Reader, and Cobb's Spelling-book	2 0 3	3 17 3	5 17 6
Do.	John Lannury	Rolph Johnson Thomas Mills, Jesse Page.	6 23rd Oct'r. 1837,	28th April, 1838,	16	17	Walkingame's and Pike's Arithmetic, Woodbridge's and Oiney's Geography, Murray's English Grammar, New Testament, and Cobb's Spelling-book	2 0 3	5 7 3	7 7 6
Malahide	Eliza Joyce	Edward D'Anoy John Huffman, Henry Sawyer.	6 1st May, 1837,	30th Oct'r. 1837,	8	15	Olaey's Geography, Murray's Grammar, English Reader, New Testament, and Cobb's Spelling-book	4 0 6	7 14 6	11 15 0
Do.	Orin H. Tyrrill	Luke Kept William B. Willard, Walter Brown.	12 1st June, 1837,	1st June, 1838,	12	9	Pike's Arithmetic, Murray's English Reader, English Spelling-books	4 0 6	7 14 6	11 15 0
Do.	Augustus Hewitt	David Hutchison Daniel A. Cull, Samuel Baker.	12 19th June, 1837,	19th June, 1838,	19	6	Murray's English Reader, New Testament, Mavor's Spelling-book	4 0 6	7 14 6	11 15 0
Do.	William Caldwell	Levi H. Soper Hiram Boye, William Davis.	12 1st May, 1837,	30th April, 1838,	20	2	Pike's Arithmetic, English Reader, Introduction, New Testament, Mavor's Spelling-book	4 0 6	7 14 6	11 15 0
Beyham	John Kerr	John Burwell John Wright, John Scott.	12 1st Mar. 1837,	28th Feb'y. 1838,	16	6	Hume's History of England, Murray's English Grammar, Daboll's Arithmetic, New Testament, and Early Spelling	4 0 6	14 8 9	18 9 3
Do.	Henry Ratesback	Andrew Dobbie George Dobbie, James Bentley.	6 2nd Jan'y. 1837,	2nd July, 1837,	14	11	Dillworth's School-maste's Assistant, English Readers, and Introduction, Mavor's Spelling-book	2 0 3	3 17 3	5 17 6
Do.	John Holst	Isaac D. White Eliza Phelps, Asa Ostrander.	6 29th May, 1837,	29th Nov. 1837,	18	5	Books not reported	2 0 3	3 17 3	5 17 6
Do.	William Mothersill	Charles Pound David Pound.	12 11th June, 1837,	11th June, 1838,	17	11	New Testament, Murray's English Reader, Introduction to the English Reader, Mavor's, Cobb's, and Webster's Spelling-books	4 0 6	7 14 6	11 15 0
Do.	Robert Key McKill	William Anderson Francis Harris, J. Draper.	12 1st Mar. 1837,	1st Mar. 1838,	14	11	Murray's Grammar, Murray's Reader, Daboll's Arithmetic, Old and New Testament, Mavor's Spelling-book	4 0 6	10 14 6	14 15 0
Carried forward					720	395				419 14 6

ABSTRACT OF COMMON SCHOOLS—(Continued.)

TOWNSHIPS.	NAMES OF TEACHERS.	NAMES OF TRUSTEES.	From	To	No. of Boys.	No. of Girls.	BOOKS USED IN SCHOOLS.	Amount divided in compliance with an Act of Parliament, in 1890.	Amount proportional, in compliance with 1st Victoria, Chap. 4.	Total amount paid to each Teacher.
								£ s. d.	£ s. d.	£ s. d.
Bayham	Brought forward Benjamin N. Tisdale	James Hawksworth. James Kins, Edward E. Collins.	12 9th May, 1836	9th May, 1837	720	395	Goldsmith's Geography, Murray's English Grammar, Daboll's Arithmetic, English Reader, & Mavor's Spelling-book	4 0 6	7 14 6	11 15 0
Do.	Benjamin N. Tisdale	James Hawksworth. Isaac Saxton, John Hodgstone.	12 10th May, 1837	10th May, 1838	20	0	Goldsmith's Geography, Murray's English Grammar, Daboll's Arithmetic, English Reader, & Mavor's Spelling-book	4 0 6	7 14 6	11 15 0
Do.	Thomas Boyd	George Dobbie. A. Dobbie, James Bentley.	12 1st June, 1837	1st June, 1838	16	9	Joyce's Arithmetic, Murray's English Reader, Murray's English Grammar, Olney's Geography, and Spelling-book	4 0 6	7 14 6	11 15 0
Charlotteville,	Charles W. Gilbert	B. Brown. Joseph VanNorman,	6 25th May, 1836	25th Nov. 1836	12	10	Goldsmith's Geography, Murray's Grammar, Mavor's Spelling-book,	2 0 3	3 17 3	5 17 6
Townsend	Thomas Jordan	James Barber. John Scofield, Abraham Johnson.	6 1st June, 1837	1st Dec. 1837	24	0	Murray's English Grammar and English Reader, Gray's Arithmetic, Goldsmith's Geography, & Cobb's Spelling-book	2 0 3	5 7 3	7 7 6
Westminster	Leonard Bisbie	William Ayers. James Beattie, Andrew Banghart.	6 1st Nov. 1837	1st May, 1838	12	8	Murray's English Reader, Daboll's Arithmetic, Testament, & Mavor's Spelling-book	2 0 3	3 17 3	5 17 6
Townsend	John H. Dodge	John Slaght. Ezra Perney, William Slaght.	6 3rd April, 1837	7th Oct'r. 1837	17	8	Murray's English Reader, Old and New Testament, Mavor's Spelling-book	2 0 3	3 17 3	5 17 6
Do.	Henry Hawley	Aaron Slaght. William Mister, Levi Lewis.	18 1st June, 1836	1st Dec'r. 1837	20	7	Olney's Geography, Gray's Arithmetic, Murray's English Grammar, and English Reader, Mavor's, Webster's, and Cobb's Spelling-books	6 0 9	11 11 9	17 12 6
Oakland	Elvira Parke	John Eddy. Onori Eddy, George Cunningham.	6 24th April, 1837	24th Oct'r. 1837	9	12	Hutton's Arithmetic, Murray's English Reader, Introduction, and Mavor's Spelling-book	2 0 3	5 7 3	7 7 6

Oakland	John H. Dodge	Nicholas McIntyre Matthias Woods, Thomas Robinson.	6 3rd Nov. 1837	2nd May, 1838	17	6	Lennie's Grammar, Murray's English Reader, Testament, and Cobb's Spelling-book	2 0 3	3 17 3	5 17 6
Nisouri	Hugh Mulholland	E. Day. Donald McDonald, James McDonald.	6 1st July, 1837	1st Jan'y. 1838	13	8	Gray's Arithmetic, Murray's English Reader, Introduction, Mavor's, and Cobb's Spelling-books	2 0 3	3 17 3	5 17 6
Lobo	Alexander McNab	Hugh Carmichael Charles Carmichael, John McLaughlin.	12 12th June, 1837	12th June, 1838	12	12	Olney's Geography, Gray's Arithmetic, Murray's Grammar and Reader, Testament, and Mavor's Spelling-book	4 0 6	7 14 6	11 15 0
Do.	Donald Sinclair	John McDonald Peter McKellat, Donald Johnson.	6 16th Nov. 1837	16th May, 1838	14	10	Daboll's Arithmetic, Murray's English Grammar and English Reader, Mavor's Spelling-book	2 0 3	7 4 4½	9 4 7½
Ekfrid	William Livingston	John Campbell, Duncan McLean, Daniel Lockwood.	6 19th June, 1836	13th Dec'r. 1836	23	8	Goldsmith's Geography and History of England, Murray's English Reader, Mavor's and Cobb's Spelling-books	2 0 3	7 4 4½	9 4 7½
Do.	William Livingston	John Campbell Duncan McLean, Daniel Lockwood.	12 14th Jan'y. 1837	14th July, 1837, 14th Oct'r. 1837	23	8	Hall's Arithmetic, Murray's English Reader, Testament, Goldsmith's Geography, Mavor's Spelling-book,	4 0 6	14 8 9	18 9 3
Dunwich	Robert Mawbury	Angus Gunn. George Gunn, Henry Coyne.	12 1st June, 1837	1st June, 1838	15	9	Gray's and Hutton's Arithmetic, Murray's Eng. Grammar, Ewan's Geography, Murray's and Mavor's Spelling-books	4 0 6	10 14 6	14 15 0
Do.	David McDougald	John Thayer Meredith Cann, Stephen Baker.	6 28th April, 1837	18th Oct'r. 1837	11	11	Goldsmith's History of England, Daboll's Arithmetic, Olney's Geography, Murray's English Reader, Cobb's Spelling-book, (Canadian Edition)	2 0 3	5 7 3	7 7 6
Do.	Alexander Weldon	Stephen Backhouse John Thare, Meredith Cann.	6 20th Nov. 1837	20th May, 1838	14	11	Gray's and Daboll's Arithmetic, Murray's Grammar, Hume's History of England, Mavor's and Cobb's Spelling-books	2 0 3	5 7 3	7 7 6
Goderich	John C. Tims	W. F. Gooding Jacob Cummer, E. C. Taylor.	6 1st June, 1837	1st Dec'r. 1837	21	7	Walkingsame's Arithmetic, Joyce's do. Eaton's Latin Grammar, Murray's English Grammar, Woodbridge's Geography, Mavor's Spelling-book	2 0 3	7 4 4½	9 4 7½
Carried forward					968	551				607 2 7½

ABSTRACT OF COMMON SCHOOLS—(Continued.)

TOWNSHIPS.	NAMES OF TEACHERS.	NAMES OF TRUSTEES.	From	To	No. of Boys.	No. of Girls.	BOOKS USED IN SCHOOLS.	Amount divided in compliance with an Act of Parliament, 1820.	Amount proportioned in compliance with the Victoria, chap. 4.	Total amount paid to each Teacher.
								£ s. d.	£ s. d.	£ s. d.
Goderich	Brought forward John Begg	George Elliott, Mathew Donnelly, John Peacock.	6 5th June, 1837.	5th Dec'r. 1837.	968	551	Gray's Arithmetic, Murray's Grammar and Reader, Olney's Geography, Mavor's and Cobb's Spelling-books	2 0 3	5 7 3	607 2 7½
Downie	John J. E. Lynton	John Sebring, Peter Rastman, Alexander Gourlay.	6 12th Aug. 1837.	13th Feb. 1838.	16	8	New Testament, Webster's Elementary Spelling-books, Primer	2 0 3	5 7 3	7 7 6
Williams	William Munro	James McArthur, Hugh McKenzie, Donald Fraser.	6 21st Aug. 1837.	21st Feb. 1838.	18	6	Pike and Gray's Arithmetic, Murray's Reader, Mavor's Spelling-book, New Testament	2 0 3	5 7 3	7 7 6
Aldborough	Andrew McCormack	Donald Shaw, Duncan McKellop, Duncan McCallum.	6 7th Sept'r. 1837.	7th Mar. 1838.	16	10	Primer, Mavor's Spelling-book, Murray's English Reader, Testament,	2 0 3	3 17 3	5 17 6
Do.	Donald Kennedy	Neil Proctor, George McGregor, Evan McKenley.	6 1st Nov. 1837.	30th April, 1838.	17	8	Murray's English Grammar, Dillworth's Arithmetic, New Testament, Cobb's and Mavor's Spelling-books	2 0 3	7 4 4½	9 4 7½
Dereham	Lydia Raney	Henry Hill, Huson Sinclair, Peter Hayell.	12 1st June, 1837.	30th May, 1838.	11	16	Murray's Grammar, English Reader, Testament, Mavor's Spelling-book	4 0 6	7 14 6	11 15 0
Burford	Henry P. Goff	Jacob Smith, John Gage, John Moore.	6 1st Dec'r. 1836.	31st May, 1837.	15	10	Mavor's Spelling-book, Dillworth's Arithmetic, English Reader	2 0 3	3 17 3	5 17 6
Do.	Robert Francis	William Smith, Jacob Smith.	6 10th Oct. 1836.	10th April, 1837.	14	11	Dillworth's Arithmetic, English Reader, New Testament, Mavor's Spelling-book	2 0 3	3 17 3	5 17 6
Do.	John L. Biggar	Lot Tisdale, John Neltes.	6 30th Oct. 1837.	30th April, 1838.	17	8	Walker's Dictionary, English Reader, Olney's Geography, Mavor's Spelling-book	2 0 3	3 17 3	5 17 6

Burford	Thomas Taylor	Simon Stephens, Wellington Barns.	12 1st June, 1837.	1st June, 1838.	19	10	Daboll's Arithmetic, Murray's English Grammar, English Reader, New Testament, and Mavor's Spelling-book	4 0 6	7 14 6	11 15 0
Oxford	Lois Hyde	Walter B. Mayley, Joel Piper.	6 21st Mar. 1837.	21st Sept'r. 1837.	10	19	Daboll's Arithmetic, Kirkham's English Grammar, English Reader, Testament, Mavor's and Cobb's Spelling-books	2 0 3	3 17 3	5 17 6
Do.	William Kingston	John Gallaway, Isaac Dygert, Herman James.	6 3rd Oct'r. 1837.	3rd April, 1838.	18	11	Blair's Rhetoric, Adams' & Daboll's Arithmetic, Kirkham's English Grammar, Olney's Geography, Cobb's Spelling-book	2 0 3	5 7 3	7 7 6
Do.	James Hughes	William Maynard, Boyle Traverser, Charles Parkhurst.	12 6th June, 1837.	6th June, 1838.	24	4	Daboll's Arithmetic, Murray's Grammar, Olney's Geography, Murray's Reader, New Testament, and Mavor's Spelling-book	4 0 6	7 14 6	11 15 0
Do.	Robert Smeaton	Edward Vizards, Henry Vansittart, Nicholas Overholts.	12 1st June, 1837.	1st June, 1838.	14	12	Olney's Geography, Daboll's Arithmetic, Murray's English Grammar, New Testament, and Cobb's Spelling-book	4 0 6	10 14 6	14 15 0
Zorra	Hugh Matheson	L. Crittenden, Alexander Wood, William Walsh.	6 6th Nov'r. 1837.	6th May, 1838.	20	0	English Reader, New Testament, Mavor's Spelling-book	2 0 3	5 7 3	7 7 6
Do.	Lois Hyde	Leonard Lewis, Oratio Lewis, George W. Harris.	6 16th Oct'r. 1837.	17th April, 1838.	10	20	Daboll's Arithmetic, Kirkham's Grammar, English Reader, Testament, Mavor's and Cobb's Spelling-books	2 0 3	3 17 3	5 17 6
Do.	Hugh Gordon	John D. Dent, George McDonald.	6 1st Sept'r. 1836.	1st Mar. 1837.	17	4	Daboll's Arithmetic, Murray's English Reader, Mavor's Spelling-book	2 0 3	5 7 3	7 7 6
Moss	Lachlan McPherson	Archibald McNellar, Duncan Campbell, John McTavish.	12 20th Jan'y. 1837.	20th Jan'y. 1838.	19	10	Gray's and Dillworth's Arithmetic, Murray's English Grammar, Introduction, Mavor's Spelling-book	4 0 6	10 14 6	14 15 0
Do.	Finlay Munro	Hugh Such, Donald Graham, Alexander Dewan.	6 1st Sept'r. 1837.	1st Mar. 1838.	26	3	Bible, and Mavor's Spelling-book	2 0 3	3 17 3	5 17 3
Carried forward										766 9 9

ABSTRACT OF COMMON SCHOOLS—(Continued.)

TOWNSHIPS.	NAMES OF TEACHERS.	NAMES OF TRUSTEES.	From	To	No. of Boys.	No. of Girls.	BOOKS USED IN SCHOOLS.	Amount divided in compliance with an Act of Parliament, in 1850.	Amount proportioned in compliance with 1st Victoria, chap. 4.	Total amount paid to each Teacher.
								£ s. d.	£ s. d.	£ s. d.
Southwold ...	Brought forward ... Asa Landon.	Joseph Steinhof ... Joseph Spiller, William Spiller.	6 1st July, 1837,	30th Dec. 1837.	1284	731	Keith's Arithmetic, Murray's Grammar, English Reader, Mavor's Spelling-book	2 0 3	3 17 3	766 9 9
Aldborough ..	Donald Currie	John McIntyre ... Mungo Forbes, George Wilson.	12 1st June, 1837,	1st June, 1838.	14	12	Goldsmith's Geography, Joyce's and Daboll's Arithmetic, Murray's English Grammar and Reader, Mavor's and Cobb's Spelling-books, and New Testament	4 0 6	14 8 9	18 9 3
Oxford.....	Robert Smeaton	Edward Vizards ... Henry Vansittart, Nicholas Overholts.	12 1st June, 1836,	1st June, 1837.	19	6	Olney's Geography, Daboll's Arithmetic, Murray's English Grammar, Testament, and Cobb's Spelling-book	4 0 6	10 14 6	14 15 0
Yarmouth ...	Philip H. Green	William Yorke..... Benjamin H. Doan.	6 1st Nov'r. 1837,	30th April, 1838.	20	8	Daboll's Arithmetic, Murray's English Grammar, and English Reader, Mavor's and Cobb's Spelling-books, and New Testament	2 0 3	5 7 3	7 7 6
	Total				1356	750				812 19 0
							To John H. L. Askin, his salary under two Acts of Parliament		10 0 0	
							To ditto, for Postage, and Notices, by orders of the Board of Education.		1 11 0	11 11 0
										£824 10 0

TO THE TREASURER OF THE DISTRICT OF LONDON.

Sir: You are hereby authorised and directed to pay to the Teachers named in the within Abstract, the amount set opposite their respective names, the same being the appropriation as directed by Acts of Parliament, for the year ending on the 1st June, 1838, amounting in the whole to the sum of Eight Hundred and Twenty-four Pounds and Ten Shillings, Currency.

(Signed) MARK BURNHAM,  
ALEXANDER ROSS,  
JOHN B. ASKIN, } MEMBERS OF THE BOARD OF EDUCATION.

REPORT OF THE NIAGARA DISTRICT SCHOOL:

Which was publicly Examined by the Trustees, on Monday, the 24th December, 1838.

CLASSES.	Number of Pupils	BOOKS AND AUTHORS.
	Total 36.	
GREEK CLASS, .....	2..	Greek Testament, Homer, &c.
LATIN CLASS—No. 1.....	1..	Livy, Horace, Cicero, &c.
No. 2.....	6..	Cæsar, Ovid, &c.
ENGLISH GRAMMAR—No. 1.....	10..	Murray's Grammar, Exercises, &c.
No. 2.....	16..	Do.
ARITHMETIC—No. 1.....	18..	Elementary Rules.
No. 2.....	12..	Proportion, Vulgar and Decimal Fractions.
No. 3.....	6..	Finished the ordinary course of School Arithmetic, and commenced Algebra.
READING,.....	36..	Spelling-book, Bible, English Reader, &c.
WRITING, .....	36..	
GEOMETRY—No. 1.....	4..	Third Book of Euclid's Elements.
No. 2.....	16..	First do. do.
HISTORY AND GEOGRAPHY.....	10..	Goldsmith's Roman History, Olney's Geography.

THE undersigned, Trustees of the District School, are bound to examine it every half year, and do now certify the satisfaction with which they discharge this duty. The progress of the pupils in the common branches has been highly satisfactory; the senior pupils in Latin and Geometry have, on several occasions, called forth our particular approbation. On the whole, it gives us much pleasure to attest the ability and industry with which Dr. Whytlaw has discharged the duties of his office, and the success with which his labours has been crowned.

(Signed) THOMAS CREEN,  
CHAIRMAN.  
ROBERT MCGILL.

NIAGARA, February 25th, 1839.

**LIST OF TEACHERS OF COMMON TOWNSHIP SCHOOLS,**  
*In the District of Niagara—their birth, place and period of residence in Canada.*

TOWNSHIPS.	NAMES.	PLACE OF BIRTH.	No. of Years in Canada.	Certificate of character.	REMARKS.
Bertie	John Hawn	Upper Canada	Life	Certificates have been produced, of good character, as to sobriety, loyalty and good conduct, generally.	
Do.	Walker E. Murray	Scotland	9		
Do.	Thomas E. FitzGerald	Ireland	16		
Do.	Leonard J. Belding				No Return.
Do.	Frederick Anger	Upper Canada	Life		
Do.	William Hamilton	Ireland	7		
Clinton	James H. Cummins				No Return.
Do.	Philip Wismer				No Return.
Do.	Timothy Shyne	Ireland	3		
Do.	George Silver				No Return.
Caistor	Thomas Jordan				No Return.
Crowland	John E. Divy	Great Britain	2		
Grimsbv	Thomas Owens				No Return.
Do.	Jeremiah Taylor				No Return.
Do.	Joseph Doll				No Return.
Do.	Minor Sumner				No Return.
Do.	Hugh Armstrong				No Return.
Gainsboro'	M. W. Seeber	United States	38		
Grantham	John B. Reid	Upper Canada	Life		
Do.	James Barbour	Ireland	7		
Do.	John Clendennan				No Return.
Do.	James Bodfish	England	1		
Humberstone	William Mullen	Upper Canada	Life		
Do.	Pollexfen Herbert	England	5		
Louth	William Howard				No Return.
Do.	Thomas Foley	Ireland	7		
Do.	William H. Read	Upper Canada	Life		
Niagara	Asa J. Carpenter	United States	14		
Do.	Amos Adams	do.	9		
Do.	William Cockell	England	8		
Do.	Angus Ray	Scotland	6		
Do.	Dennis B. Hanlan	Ireland	17		Places of birth and residence attested by affidavit before a Magistrate.
Do.	Robert Beattie	Scotland	5		
Do.	John Campbell	Ireland	6		
Pelham	Amos Whittmore	United States	5		
Do.	Philo Power				No Return.
Do.	William Quinn				No Return.
Do.	Freeman Eldridge	United States	6		
Queenston	Patrick Lee	Ireland	15		
Rainham	Allan W. Williams	England	21		
Stamford	William J. Thomas	do.	2		
Do.	John W. Kermott	New Brunswick	6		
Do.	James K. Liston	Scotland	6		
Thorold	James Brown	Ireland	3		
Do.	William Sutton	Upper Canada	Life		
Do.	W. J. Omulvenny	Ireland	5		
Do.	John McKinlay	Scotland	4		
Walpole	John Brown			No Return.	

Attested,

(Signed),

**THOMAS GREEN,**  
 PRESIDENT,  
*Board of Education.*

**ROBERT MCGILL.**  
**ROBERT DICKSON.**

NIAGARA, February 24th, 1839.

## TALBOT DISTRICT SCHOOL.

(Copy.)

RECTORY, WOODHOUSE,  
February 12th, 1839.

SIR,

In reply to your Circular, addressed to the Trustees of the Board for the District School in this District, I have the honour to inform you that the Teacher of the Talbot District School was not appointed until September last, and was not able to commence the discharge of his duties before the first of January.

The Board of Trustees have therefore to report the opening of the District School for the Talbot District, on the second of January, 1839.

I have, &amp;c.

FRANCIS EVANS,  
*Acting Secretary to the  
Board of Trustees,  
TALBOT DISTRICT.*To the Hon. JOHN MACAULAY,  
&c. &c. &c.REPORT OF THE WESTERN DISTRICT SCHOOL:  
FOR THE YEAR 1838.

NAMES.	Reading English.	Writing.	Arithmetic.	Geography, &c.	English Grammar, and Parsing.	History.	Mathematics.	Latin.	Greek.	REMARKS.
J. P. Duke .....	1	1	1	1	1	1	1	1	1	Besides the list here presented, many other pupils during the past year attended for some months, but owing to the removal of their Parents, were withdrawn from the School.
J. McMullen .....	1	1	1	1	1	1	1	1	1	
J. Baby .....	1	1	1	1	1	1	1	1	1	
J. D. Askin .....	1	1	1	1	1	1	1	1	1	
W. McMullin .....	1	1	1	1	1	1	1	1	1	
W. Johnson .....	1	1	1	1	1	1	1	1	1	
J. Mowissey .....	1	1	1	1	1	1	1	1	1	
A. Wilkinson .....	1	1	1	1	1	1	1	1	1	
W. Wilkinson .....	1	1	1	1	1	1	1	1	1	
J. Wilkinson .....	1	1	1	1	1	1	1	1	1	
Thomas McKee .....	1	1	1	1	1	1	1	1	1	
Alexander McKee .....	1	1	1	1	1	1	1	1	1	
J. McKee .....	1	1	1	1	1	1	1	1	1	
C. C. Johnson .....	1	1	1	1	1	1	1	1	1	
A. B. Askin .....	1	1	1	1	1	1	1	1	1	
D. McMullin .....	1	1	1	1	1	1	1	1	1	
J. Watson .....	1	1	1	1	1	1	1	1	1	
W. Hall .....	1	1	1	1	1	1	1	1	1	
J. Lewis .....	1	1	1	1	1	1	1	1	1	
T. Thebo .....	1	1	1	1	1	1	1	1	1	
H. Parant .....	1	1	1	1	1	1	1	1	1	
A. Hawkin .....	1	1	1	1	1	1	1	1	1	
E. Barrowman .....	1	1	1	1	1	1	1	1	1	
A. Barrowman .....	1	1	1	1	1	1	1	1	1	
C. Westaway .....	1	1	1	1	1	1	1	1	1	
E. Westaway .....	1	1	1	1	1	1	1	1	1	
J. Tenckle .....	1	1	1	1	1	1	1	1	1	
A. Hill .....	1	1	1	1	1	1	1	1	1	
J. Hill .....	1	1	1	1	1	1	1	1	1	
J. Kennedy .....	1	1	1	1	1	1	1	1	1	

W. JOHNSON, A. M.  
*Master, W. D. S.*

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**REPORT OF COMMON SCHOOLS, WESTERN DISTRICT.**


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(Copy.)

SANDWICH, 22nd February, 1839.

SIR,

I have the honour to enclose to you, in compliance with His Excellency's order, a report of the Township Schools of this District. The report is not so perfect as I could have wished, though I have (there being no Clerk at present of the Board) used my utmost diligence to have it fully and correctly made out.

I have taken the liberty of enclosing with the report, a few hints in relation to the Common Schools of the District, which, if you think fit, you may lay before His Excellency; I also enclose the annual report of the District School.

I have, &amp;c.

(Signed) W. JOHNSON.

The Hon. JOHN MACAULAY.

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**Present State of the Common Schools of the Western District of Upper Canada.**


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(Copy.)

*First*—The situation of the School-house is not always judiciously chosen—it being situated often more for the convenience of some one influential person, than for that of the inhabitants generally of the settlement.

*Second*—The School-house is often a wretched log hut, or a ruinous building, altogether unfit for the purpose—especially in the winter season.

*Third*—In too many cases the Teachers are badly qualified for the task which they undertake; and some of them having taken up the profession more from necessity than choice, are seldom permanent—and consequently, very ineffectual Teachers.

*Fourth*—The remuneration which the Teachers of Common Schools receive for their services, are by no means sufficient to induce respectable, and well qualified Teachers to undertake the irksome and laborious task. The allowance made by Government seldom exceeds £17 or £18, Currency, per annum; and the small fees due by the parents of the pupils, are most generally very ill paid.

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**Some Hints for the Improvement of the Common Schools of the Province.**


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**FIRST.**—The School-room should be erected in a dry and healthy situation, if possible, and situated so as to suit the majority of the inhabitants of the settlement in which it is erected.

The School-room should be a neat and commodious building, sufficiently large to render it airy and healthy in the summer season, and well finished inside and out, to cause it to be comfortable in the winter. It would be advisable to have all the School-houses throughout each District uniform, at least in their external appearance.

**SECONDLY.**—A comfortable dwelling should be erected for the accommodation of the Teacher and his family, and three or four boarders, if necessary, contiguous to the School-room; and if ten or fifteen acres of land could be obtained, so much the better.

**THIRDLY.**—The Teachers throughout the Province might be divided into *three classes*, according to their acquirements;

The *first class* to be qualified to teach Classics, Mathematics, together with the minor branches.

The *second*, Mathematics, Book-keeping, &c.

The *third* to be capable of giving a good English Education.

To the first class should be given an allowance from Government of not less than £100 currency, annually.

To the second, £75.

To the third, not less than £50.

FOURTHLY.—Every Teacher, previous to receiving any appointment, should be examined, as to his literary acquirements, his political opinions, and his moral character; and after having given full satisfaction on these points, should receive from the Lieutenant Governor of the Province, a Licence, signed by His Excellency, and sealed with the Seal of the Province.

FIFTHLY.—A uniform set of Elementary Books should be compiled and published for the use of the Common Schools of the Province, and those Republican productions, that tend to poison the minds of the youth of the country, should be driven out of the Province.

A uniformity should also be adopted in relation to the other School apparatus. The pupils should be furnished by the Teacher with pens, ink and writing-books, and a quarterly charge made for the same; and the writing-books should be retained to the end of each quarter, or six months, by the Teacher—and it would thus be seen what progress the pupil has made in that branch during the period.

SIXTHLY.—A discreet and competent person should be appointed by His Excellency the Lieutenant Governor, to visit the Schools in each District, eight or at least four times in the year, to examine the Scholars, and the internal economy of the School, and to report thereon annually; and this person should have a salary allowed him for his services.

SANDWICH, 21st February, 1839.

(Copy.)

Report of Common Schools in the Western District, Upper Canada, for 1838.

NAMES OF TEACHERS.	PLACES OF THEIR BIRTH.	Length of residence in the Province.	TOWNSHIP where the School is situated.	No. of SCHOLARS.		REMARKS.	
				Males.	Females.		
Thomas Jones.....	England.....	6 years...	Sandwich.....	26	20	The books generally in use in the Common Schools of this District, are Mavor's Spelling-book, Introduction to Murray's English Reader, Murray's English Reader, and the New Testament. There is a variety of books of Arithmetic—none, however, altogether suitable for the Children of this Province.	
William Smith.....	Scotland.....	9 do ...	do.....	13	17		
L. J. Fluette.....	L. Canada.....	14 do ...	do.....	21	9		
J. Honlihan.....	Ireland.....	8 do ...	do.....	18	11		
D. Droyer.....	do.....	2 do ...	do.....	20	6		
J. B. Elle.....	France.....	7 do ...	do.....	21	9		
J. B. Mercure.....	L. Canada.....	16 do ...	Malden.....	23	14		
Andrew Webster.....	Scotland.....	4 do ...	do.....	27	1		
Rev. G. Cheyne.....	do.....	7 do ...	do.....	21	4		
Thomas Brush.....	U. Canada.....	All his life	do.....	17	3		
James Bell.....	Scotland.....	6 years...	{ do now Colchester }	16	19		
Robert McMurray.....	Ireland.....	48 do ...	Gosfield.....	19	6		
James King.....	do.....	3 do ...	do.....	20	5		
James Pulman.....	do.....	do.....	Moore.....	13	10		I have not been able to fill up the report in as satisfactory a manner as I could have wished, though I have made use of all exertions in my power.
J. Henderson.....	Scotland.....	do.....	do.....	19	7		
J. Fletcher.....	England.....	3 years...	Raleigh.....	14	12		
Archibald McKillop.....	Scotland.....	9 do ...	Chatham.....	11	12		
W. Griffis.....	U. Canada.....	do.....	do.....	19	7		
W. McVity.....	Ireland.....	5 years...	do.....	13	7		
Alexander McKillop.....	Scotland.....	9 do ...	Orford.....	13	9		
Archibald Currie.....	do.....	do.....	do.....	16	10		
D. McCall.....	do.....	do.....	do.....	18	9		
Christopher Webb.....	do.....	do.....	do.....	17	11		
Alex'r. McNaughton.....	Scotland.....	do.....	Sarnia.....	15	12	I have reason, however, to believe, that there is not within our District a single Teacher who is not (bona fide) a true and loyal British Subject.	
John Duncan.....	do.....	3 years...	do.....	13	8		
D. Mulholland.....	Ireland.....	18 do ...	Howard.....	12	13		
W. Armstrong.....	Scotland.....	13 do ...	do.....	19	8		
Thomas Renwick.....	England.....	18 do ...	Romney.....	17	4		
J. Dunlop.....	Scotland.....	3 do ...	Plympton.....	17	5		
P. Kearny.....	Ireland.....	6 do ...	Camden.....	19	7		
Robert Mobrai.....	Scotland.....	do.....	Howard.....	13	9		
James Borgue.....	France.....	do.....	Rochester.....	14	7		
J. W. Leonard.....	England.....	10 years...	Camden.....	20	6		

W. JOHNSON, M. B. E.

Acting as Clerk pro tempore.

SANDWICH, 21st February, 1839.

# REPORT OF TRUSTEES OF TORONTO HOSPITAL.

(Copy.)

TORONTO, 19th *March*, 1839.

SIR,

I have the honour to enclose, for the information of His Excellency the Lieutenant Governor, the report of the General Hospital for the year ending on the 31st December last.

I likewise transmit certain other documents, marked 7, 8, 9, with a letter from the Treasurer, on the deplorable state of the funds of the Institution; I have added some printed documents, which have already been before the Government and Legislature, that His Excellency may have the subject of the Hospital wholly before him.

I regret to state, that from these documents it appears, that notwithstanding the greatest economy, the expense of supporting the Hospital, on account of the great number of patients, has, for the last three years, averaged nearly £1,300 per annum—a sum more than double its income during the same period.

Indeed the statement of the Treasurer proves, that the funds are almost entirely exhausted; that the capital arising from the sale of lands given for its endowment, has been, of necessity, used in meeting current expenses; and that matters are so nearly at a stand, that if assistance be not promptly obtained from some quarter, the doors of the Hospital must soon be closed.

To prevent so great a calamity, (for the benefit of the Institution may be considered rather Provincial than sectional,) I see no resource but that of applying to the Legislature for relief.

Allow me, therefore, to request you to move His Excellency, in sending down the report and documents, to recommend the Hospital to the favourable consideration of the two Houses of Parliament.

I have, &c.

(Signed) JOHN STRACHAN.

The Honourable JOHN MACAULAY,

*&c. &c. &c.*

(Copy.)

## REPORT OF THE GENERAL HOSPITAL, TORONTO:

*Commencing 1st January, and ending 31st December, 1838.*

DISEASES.	Remaining from last Report.	Admitted.	Discharged—cured.	Discharged for irregularity.	Discharged—relieved.	Discharged—incurable.	Died.	Died within two days after admission.	Remaining in Hospital.	REMARKS, &c.	
Fever—intermittent and remittent...		15	15								
Fever—continued .....	2	61	60		3						
Fever—typhus .....	6	60	48				12	6			
Fever—eruptive .....		28	21		1		6				
Inflammation—phlegmious .....		5	5								
Inflammation—erysipelatus .....		6	6								
Inflammation, and disease of the } brain .....		8	3	1	1		3				
Inflammation, and disease of lungs } and chest .....	11	36	29	2	7	4	5				
Inflammation, and disease of throat } and fauces .....		3	2		1						
Carried forward .....	19	222	241	174	3	13	4	26	6	0	241

REPORT OF THE GENERAL HOSPITAL, TORONTO—(CONTINUED.)

DISEASES.	Remaining from last Report.	Admitted.	Discharged—cured.	Discharged for irregularity.	Discharged—relieved.	Discharged—incurable.	Died.	Died within two days after admission.	Remaining in Hospital.	REMARKS, &c.	
Brought forward .....	19	222	174	3	13	4	26	6	0		
Inflammation, and disease of stomach and bowels .....		4	4								
Inflammation, and disease of liver and heart .....	1	7	5		2				1		
Ophthalmia .....	2	22	13	2	5				4		
Rheumatism .....	1	16	13		1	1			2		
Dysentery .....		6	5		1						
Paralysis .....	1	4	1		2	2					
Dyspepsia .....	2	24	19	1	4				2		
Diarrhœa .....		9	8	1							
Consumption .....	2	13				3	9		3	{ 1 operation : subsequently died.	
Dropsy .....	2	17	13			1	3		2		
Cutaneous diseases .....	1	9	5	1	2				2		
Female diseases .....		6	6								
Mania .....	1	2				2		1			
Delirium tremens .....		6	5					1			
Fracture .....	2	10	6	1		2	2		3	{ 1 amputation of lower extremity : recovered.	
Dislocation .....		4	3			1				{ 3 reductions.	
Burns and scalds .....	1	6	3						4	{ 1 amputation, upper extremity : successful.	
Wounds and ulcers .....	11	36	31	5	4		2		5	{ 1 amputation, lower extremity : died.	
Syphilis and gonorrhœa .....	4	22	14	6	4				2	{ 2 operations : successful.	
Hydrocele, and affliction of testis .....		2	2							{ 2 amputations, lower extremity : successful.	
Disease of bones and joints .....	4	5	1		3	2	1		2		
Contusion, and superficial injuries .....	1	23	23		1						
Frost-bite .....	3	8	7				1		3		
Abscess .....	1	8	8		1				1		
Canceromstratus disease .....	1				1						
Rupture .....		1								{ 4 operations : successful.	
Cataract .....		4	2		2					{ 3 operations : successful.	
Fistula .....		3	1	1					1		
Stricture .....		3	2				1			{ 1 operation : subsequently died.	
Piles .....		1		1							
Asthma .....		1				1					
Fungus hæmatodes .....		1					1				
Obstetric women .....		8	8							{ Persons allowed to stay with their sick friends.	
		7	7								
	60	520	580	404	22	47	17	46	8	37	580

(Signed) F. S. G. WILKINSON,  
House Surgeon.

(Signed) C. WIDMER, Surgeon.  
( " ) JOHN KING, M.D. Surgeon.  
( " ) ROBERT HORNBY, M.D. Surgeon.

Out-patients relieved, 1154.

(Copy.)

TORONTO, 16th March, 1839.

VENERABLE SIR,

I have the honour to transmit to you herewith, account in continuation of the sums received by me for sales and rents of lands appropriated in aid of the funds of the Toronto General Hospital, and of the manner in which the same have been expended; also, an account of the expenses of the Institution, from the 3rd February, 1836, to the 2nd February, 1839, and beg to acquaint you that the sum of £200 is due on account of the quarter ended at the last-mentioned period, which I have no present means of discharging. I have also to remark, that although collectively there is a considerable amount due on the sales of the Park Lots, that the payment of the instalments is very irregular and uncertain, and cannot be depended upon any longer to meet the necessary disbursements of the Institution, and maintain its effective operation; and even this resource, which has hitherto mainly contributed to its support, must necessarily, in a short period, be wholly exhausted, the land being nearly disposed of.

I have, &amp;c.

(Signed)

JAMES NATION,

TREASURER, &amp;c.

The Honourable &amp; Venerable

THE ARCHDEACON OF YORK,

Trustee, &amp;c.

(Copy.)

No. 7.

CONTINUATION OF RECEIPTS, on account of Sales and Rents of Land, the proceeds of which are appropriated in aid of the funds of the York General Hospital, to 3rd February, 1839.

	£	s.	d.		£	s.	d.
Amount of Receipts, as per statement No. 2, dated February 24th, 1836.....	4978	4	2½	Brought forward.....	6492	3	4½
On account of sales of Park Lots—				From Bartholomew Buchanan.....	17	10	0
From William Davis.....	13	10	0	“ Bartholomew Buchanan, Jun'r.....	17	10	0
“ Thomas Milburn.....	40	15	0	“ Owen Conell.....	14	15	0
“ Peter Sheppard.....	29	5	0	“ Joseph Mulligan.....	29	0	0
“ F. A. La Roque.....	39	11	3	“ Patrick Coolaghan.....	8	0	0
“ John Harper.....	33	6	0	“ William C. Cook.....	18	15	0
“ Arthur Whiteside.....	31	5	0	“ John Scanlan.....	12	10	0
“ John Ashbridge.....	12	10	0	“ Thomas Watts.....	12	10	0
“ Enoch Turner.....	284	19	2	“ Stephen Secord.....	25	15	0
“ William Gooderham.....	25	0	0	“ William Rown.....	5	0	0
“ Thomas Bright.....	179	5	0	“ John Willis.....	46	7	0
“ John Meridith.....	45	0	0	“ W. Rown and H. Dufries.....	12	10	0
“ Edward Cooner.....	35	0	0	“ John Beamish.....	10	0	0
“ Francis Thornton.....	7	10	0	“ George Hamilton.....	121	5	0
“ James Fitz Morris.....	20	0	0	“ John Blackburn.....	10	0	0
“ George Truscott.....	113	4	0	“ Elizabeth Cullen.....	17	10	6
“ John Cruthers.....	10	0	0	“ Martin Scanlan.....	24	12	6
“ Mary Roberts.....	8	0	0	“ Patrick McCarrick.....	6	0	0
“ Michael McGrath.....	5	0	0	“ James Sampson.....	10	0	0
“ John Carrigan.....	37	10	0	“ James Durney.....	4	15	0
“ Thomas McKinney.....	7	10	0	“ William Andrews.....	67	10	0
“ Mark Mason.....	10	0	0	“ James Scofield.....	36	5	0
“ James Sparks.....	23	8	9	“ James Oxford.....	21	5	0
“ David Donovan.....	25	0	0	“ Michael Neeson.....	15	0	0
“ John Parr.....	10	0	0	“ William Morin.....	25	0	0
“ Samuel Ridout.....	296	10	0	“ Francis Langrill.....	125	0	0
“ Joseph Coolaghan.....	18	10	0	“ William McAboy.....	7	10	0
“ John Waite.....	10	0	0	“ William Hanlin.....	18	15	0
“ John Seirson.....	72	10	0	“ James Chambers.....	12	10	0
“ James Cruthers.....	10	0	0	“ Lawrence Thornton.....	5	0	0
“ Patrick Phillips.....	22	10	0	“ John Dempsey.....	37	10	0
“ William Coolaghan.....	13	0	0	“ Asa Reynolds.....	12	10	0
“ David Dyer.....	24	10	0	“ John Hilliard.....	11	5	0
				“ John S. Hamlin.....	18	15	0
				“ William B. Jarvis.....	6	0	0
Carried forward.....	6492	3	4½	Carried forward.....	7396	3	4½

RECEIPTS ON ACCOUNT OF SALES AND RENTS OF LAND—(Continued.)

	£	s.	D.		£	s.	D.
Brought forward.....	7386	3	4½	Brought forward.....	7687	13	4½
" J. Townsend.....	5	0	0	" Gabriel Reid.....	6	10	0
" John Beatty.....	3	0	0	" John Conolly.....	20	0	0
" Patrick Lowe.....	5	0	0	" David Hepburn.....	15	0	0
" William Foley.....	11	15	0	" Thomas Fay.....	9	0	0
" James Munroe.....	8	15	0	" John Burke.....	6	10	0
" Mary O'Brien.....	7	10	0	" John Ritchie.....	30	0	0
" Rev. R. H. Grasett.....	27	10	0	" James Carroll.....	12	10	0
" Betsey Shanahan.....	7	10	0				
" John W. Dempsey.....	12	10	0		£ 7787	3	4½
" Michael Rigney.....	6	5	0	Less 5 per cent. Commission on sales,			
" Thomas Donaha.....	39	15	0	£4844 2s. 6d. since 3rd Feb'y. 1836 ..	242	4	1½
" James Stewart.....	6	0	0		£ 7544	19	2¾
" James Sullivan.....	15	0	0				
" James Shutter.....	4	10	0	<b>SALES—HOSPITAL LOTS.</b>			
" Enoch Turner.....	40	0	0	From Robert Stewart.....	£37	10	0
" John Murdith.....	10	0	0	" James Turner.....	56	0	0
" Thomas Reid.....	15	0	0				
" Michael Murnan.....	10	0	0	<b>RENTS—HOSPITAL LOTS.</b>			
" Patrick Donnellan.....	7	10	0	From Miss W. Rose.....	£29	15	0
" Edward Manar.....	7	10	0	" John Somerset.....	6	19	0½
" James Donaldson.....	15	0	0	" James Hunter.....	7	10	0
" John Mulligan.....	10	0	0	" George Duggan.....	20	0	0
" John Dawson.....	12	10	0	" Charles Stotesbury.....	75	12	0
" J. O. Heron.....	5	0	0	" Rev. J. W. Padfield... ..	36	0	0
" Peter Sylvester.....	6	0	0	" Robert Stewart.....	6	4	4½
" Henry Watson.....	10	10	0	" Robert Petch.....	72	18	0
" John Thomas.....	12	10	0	" James Turner.....	34	17	6
" John Walsh.....	30	0	0				
Carried forward.....	£ 7687	13	4½	Total, Currency.....	£ 7928	1	1¾

(Signed) JAMES NATION,  
TREASURER, &c.

TORONTO, 16th March, 1839.

(Copy.)

No. 8.

CONTINUATION OF STATEMENT of Payments by the Trustees of the Park and Hospital Reserves, from the 3rd February, 1836, to the 3rd February, 1839.

	£	s.	D.
Amount of payments, as per statement No. 3.....	4,441	9	4½
Paid James G. Chewett, Esquire, for services in 1830, 1831, 1832 and 1833, and for Surveys....	131	7	6
Paid the Treasurer of the York General Hospital, from the 3rd Feb'y. 1836, to the 3rd Feb'y. 1839,	2,702	11	9
Amount paid to John Roberts.....	3	5	0
Amount paid to Robert Stewart.....	32	10	0
Paid Secretary's services, for the years 1836, 1837 and 1838.....	68	10	0
Amount due by the Estate of the late Stephen Heward, Esquire, the former Treasurer to the Board of Trustees.....	536	14	10
Total, Currency.....	£7,916	8	5½

(Signed) JAMES NATION,  
TREASURER, &c

TORONTO, 16th March, 1839.

(Copy.)

No. 9.

Dr. **The York General Hospital, in Account with the Treasurer.** Cr.

		£	s.	D.			£	s.	D.
1836..	To balance, per Account No. 4 ...	30	18	8½	1836..	By Bank Stock dividends.....	164	0	0
	" Hospital expenses for the quarter ended the 2nd May .....	277	5	8½		" Cash received from the Trustees of the Park and Hospital Reserves .....	1000	0	0
	" Paid for Insurance .....	17	5	0	1837..	" Bank Stock dividends .....	164	0	0
	" Hospital expenses for the quarter ended the 2nd August.....	217	9	0		" Appropriation by the Provinc'l. Legislature .....	250	0	0
	" Do. do. 2nd September....	246	0	8		" Cash received from the Trustees of the Park and Hospital Reserves .....	700	0	0
	" Secretary's salary .....	10	0	0		" Cash rec'd. from the Emigrant Agent .....	71	12	0
1837..	" Hospital expenses for the quarter ended the 2nd February.....	309	1	5¾	1838..	" Cash received from E. Turner, as a donation to the Institution,	100	0	0
	" Do. do. 2nd May .....	336	3	2¼		" Bank Stock dividends.....	164	0	0
	" Paid for Insurance .....	17	5	0		" Cash rec'd. from the Emigrant Agent .....	31	13	0
	" Hospital expenses for the quarter ended the 2nd August.....	351	15	8		" Cash received from the Provincial Government, on account of State Prisoners admitted...	73	10	0
	" Paid Paul Bishop, for Iron Bedsteads .....	163	10	0		" Cash received from the Trustees of the Park and Hospital Reserves .....	1002	11	8¾
	" Hospital expenses for the quarter ended the 2nd November....	311	7	6					
	" Secretary's salary .....	10	0	0					
1838..	" Hospital expenses for the quarter ended the 2nd February.....	347	0	3					
	" Do. do. 2nd May.....	308	8	11¼					
	" Paid for Insurance .....	17	5	0					
	" Paid John Ritchie, for repairs to the Hospital.....	14	18	6					
	" Hospital expenses for the quarter ended the 2nd August .....	255	7	9½					
	" Do. do. 2nd November....	248	7	1½					
	" Secretary's salary .....	10	0	0					
1839..	" Paid on account of Hospital expenses, for the quarter ended 2nd February.....	114	7	6					
	" Allowance to Treasurer, at 3 per cent. on £3,582 18s. 1½d.	107	9	8¾					
	<b>Total, Cur'cy.....£</b>	<b>3721</b>	<b>6</b>	<b>8¾</b>		<b>Total Cur'cy.....£</b>	<b>3721</b>	<b>6</b>	<b>8¾</b>

Errors Excepted.

(Signed)

JAMES NATION,

TREASURER, &amp;c.

TORONTO, 16th March, 1839.

REPORT OF COMMISSIONERS,  
FOR  
ERECTING PRESQU'ISLE LIGHT-HOUSE.

*To His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor  
of Upper Canada, Major General Commanding Her Majesty's  
Forces therein, &c. &c. &c.*

THE Commissioners for superintending the erection of a Light-house at Presqu'isle Point, respectfully report :

That considering it advisable for the public interest—for the more efficient prosecution of the work in its details—for reporting on the most eligible site—furnishing the necessary plans, specifications, &c. as well as for the general superintendence of the work—they engaged the services of N. H. Baird, Esquire, Civil Engineer, and on the 29th July, 1837, in company with that gentleman, inspected the ground along the point, and on his recommendation, which met the concurrence of your Commissioners, the south-easterly point of the Peninsula, commonly known as Gibson's Point, at the entrance to Presqu'isle Harbour, was fixed upon as in all respects the site best suited for the Light-house, in which opinion they find themselves generally borne out by the Captains of vessels navigating Lake Ontario.

On the same day, your Commissioners issued advertisements for tenders, and in consequence, concluded an agreement with John McLeod, on the 15th day of October, 1837, for the execution of the whole work, including the lantern, &c. at the sum of £1050—stipulating, however, in said agreement, that £100 should be withheld until the same should be obtained from the Legislature. As your Commissioners are satisfied that the tender was a reasonable one, and that unavoidable contingent expenses would require fully that amount, your Commissioners trust that your Excellency will consider the arrangement judicious.

From the circumstance of the appropriation being made without any previous estimate of the work to be done, and the sum of £1000 assumed as sufficient for a Light-house under ordinary circumstances, there will be a deficit for accomplishing the whole, of £150.

The chief item of excess may be attributed to the increased height of the tower on this very low situation—(the foundation of the tower being below the level of the water of the lake)—so as to shew the light as much as possible over the extreme western point of Presqu'isle Peninsula, together with the superior description of work which your Commissioners thought advisable to adopt, and which, from the accompanying report of the Engineer, appears to have been so far done to satisfaction, with some slight exceptions, which your Commissioners will see remedied before finally taken off the Contractor's hands.

The work has not progressed to completion so rapidly as your Commissioners could have wished—the term for completion of Contract being the 1st November, 1838.

By the Engineer's report, there still remains to be completed, "the railing to the stairs—two coats of plastering—glazing the sashes—replacing the main door with one in terms of specification—some re-pointing, and levelling off properly around the building, together with the completion of the clearing and burning off the quantity of land required per agreement—and the lantern, which the Contractor has pledged himself to have immediately completed."

From the accompanying progress statement, it appears that the entire cost of the Light-house, including contingent expenses, will amount, per Engineer's statement, as reported prior to the tenders being received, to £1150, leaving £150 to be provided—which, your Commissioners trust, that your Excellency will recommend to the favourable consideration of the Legislature.

Besides the mere erection of the building, lantern, &c. which will be accomplished for the sum of £1150, as above stated, it occurs to your Commissioners, that there are several matters which ought to be provided for—Light-house utensils, or furniture: such as butts for holding a stock of oil, oil-cans, fillers, &c. ; as also the consideration of a house for the Keeper, which can be more conveniently done at present than at a future period.

Your Commissioners would also suggest, whether a lightning-rod should not be attached to the tower: also a large bell, to be rung during fogs.

Your Commissioners also beg to suggest, whether it would not be advisable to reserve a quantity of land in the immediate vicinity of the Light-house, for the use of the Keeper, in providing fire-wood, &c.

Your Commissioners, in closing their report, beg to state that they have been desirous of adhering strictly to the obligations of the Statute, requiring that their report should be furnished by the 1st January last, but have been prevented doing so by unavoidable circumstances.

All which is respectfully submitted.

DONALD CAMPBELL.

B. McMAHON.

THOMAS REID.

BRIGHTON, 8th April, 1839.

*To the Commissioners for the erection of a Light-house at Presqu'isle.*

GENTLEMEN:

IN compliance with your desire, that I should inspect and report on the progress of the work on the erection of the Presqu'isle Light-house, I proceeded on the 5th instant, accompanied by Donald Campbell, Esquire, one of your number, to the necessary inspection, the result of which I beg to submit for your consideration.

The masonry of the building is completed in a very substantial and workmanlike manner, with some slight deviations from the original design, involving no extra charge on the part of the contractor, and on the whole probably an improvement on the original. The masonry and pointing have stood the severe winter better than I expected; the wood work and plastering, I regret to state, have not been so satisfactorily done, owing chiefly to the indisposition of the contractor—the former, in several instances, at variance with the specification, and which must be remedied on the contractor resuming operations.

The defects I severally pointed out to Mr. Campbell, on the spot. The enlargement of the well-holes in the several floors, to allow a free passage, will also have to be attended to.

To complete the building, there still remains to be done the railing of the stairs—two coats of plastering—glazing the sashes—replacing the main door with one in terms of specification—some re-pointing, and levelling-off properly around the building, together with the completion of the clearing and burning-off the quantity of land required per agreement.

The lantern, the contractor has pledged himself to have immediately completed; but in the mean time, from circumstances which have come to my knowledge, I should recommend Mr. McLeod being written to, requesting him to inform your Board of the precise state of the progress of the lantern, with the dimensions thereof, as I should not advise your admitting any thing short of the dimensions shewn on the plan; this step I should recommend as necessary to ensure the completion of a work so much required. The contractor has already considerably over-run the period allowed for completion, and if some steps be not taken to hurry him on, a longer time may elapse than your Board at present may consider advisable to allow.

I have the honour to be,

GENTLEMEN,

Your most obedient Servant,

N. H. BAIRD,

*Civil Engineer.*

ENGINEER'S OFFICE, COBOURG, 8th April, 1839.

To

DONALD CAMPBELL, Esquire, }  
B. McMAHON, Esquire, and } *Commissioners for the erection of Presqu'isle Light-house.*  
THOMAS REID, Esquire, }

**PROGRESS STATEMENT**

*Of the erection of the Presqu'isle Light-house, 31st December, 1838.*

DESCRIPTION OF WORK.	Amount performed.			Remaining to complete.			Total, when completed.			Original Grant.			EXCESS.			REMARKS, &c.
	£	s.	D.	£	s.	D.	£	s.	D.	£	s.	D.	£	s.	D.	
Masonry of Tower, with Carpenter's and Joiner's work .....	675	0	0	60	0	0	0	0	0	0	0	0	0	0	0	The Mason's work is completed, with the exception of some pointing, plastering, &c. The Carpenter's work nearly completed—glazing windows, construction of an outer door, &c. The land to be cleared, as per agreement.
Lantern, complete .....	0	0	0	300	0	0	0	0	0	0	0	0	0	0	0	
Clearing Land, &c. ....	0	0	0	15	0	0	1050	0	0	1000	0	0	50	0	0	
<b>CONTINGENCIES.</b>																
Superintendence, providing Plans, Specifications, &c. paid to Mr. Baird .....	46	13	5	18	6	7	65	0	0	0	0	0	65	0	0	In the column of "remaining to complete," are the probable amounts which may still be incurred under these services.
Advertising for tenders, drawing Contracts, &c. and furnishing duplicates .....	5	6	6	4	13	6	10	0	0	0	0	0	10	0	0	
Commissioners' incidental expenses.....	18	5	0	11	15	0	25	0	0	0	0	0	25	0	0	
<b>Total .....</b>	<b>£740</b>	<b>4</b>	<b>11</b>	<b>409</b>	<b>15</b>	<b>1</b>	<b>1150</b>	<b>0</b>	<b>0</b>	<b>1000</b>	<b>0</b>	<b>0</b>	<b>*150</b>	<b>0</b>	<b>0</b>	* This amount of £150 to be provided to complete the erection of the Light-house. The building a Keeper's House—providing Butts for holding a stock of Oil, &c. must form matter for a separate provision.
<b>RECAPITULATION.</b>																
Amount of Grant .....	£ 1000 0 0															
Expended, per account .....	740 4 11															
In Commissioners' hands .....	259 15 1															
Required to complete .....	150 0 0															
Still to be expended .....	409 15 1															

E. E.

N. H. BAIRD,  
CIVIL ENGINEER.

31st December, 1838.

**REPORT OF COMMISSIONERS,  
FOR  
ERECTING A LIGHT-HOUSE AT PORT COLBORNE.**

HAMILTON, 3rd January, 1839.

*To His Excellency Major General SIR GEORGE ARTHUR, K.C.H. Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.*

THE undersigned Commissioners for erecting a Light-house at Port Colborne, have the honour to report: that in the designs for the improvement of that Harbour, the Light-house is placed on the east pier, which not being yet built, they have taken no steps towards the construction of the before-mentioned work, which cannot be commenced until the eastern pier head shall have been completed.

J. S. MACAULAY.  
JOSEPH HAMILTON.  
JOHN WILLSON.

REPORT OF THE COMMISSIONERS,  
FOR SUPERINTENDING THE  
**ERECTION OF A LIGHT-HOUSE AT OAKVILLE,**  
IN THE GORE DISTRICT.

*To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.*

The Commissioners appointed under authority of the Provincial Statute, 7th Wm. IV. chap. 95, granting the sum of five hundred pounds, for the erection of a Light-house at Oakville, in the Gore District—

**MOST RESPECTFULLY BEG LEAVE TO REPORT :**

The Commissioners advised with several of the Masters of Vessels, respecting the proper place to erect the Light-house, and after due consideration, the end of the Pier was decided upon. To make the foundation sufficient, it was found necessary to sink three additional cribs.

The foundation was commenced on the 22nd of August, 1837, and with the Light-house, was completed on the 1st day of November, 1838, and has, since that time, been regularly lighted.

The Commissioners beg leave to refer your Excellency to the enclosed statement of moneys disbursed by them.

Of the sum of five hundred pounds, appropriated for the erection of said Light-house, a balance of three hundred and fifty-two pounds, seven pence half-penny, was wanting to complete, which sum has been paid by William Chisholm, Esq. one of the Commissioners.

The Commissioners would respectfully beg leave to state, that having thus closed their proceedings, are of opinion, that the Light-house at Oakville is inferior to none on Lake Ontario, and trust that the duty assigned to them has been discharged in a manner that may be found satisfactory.

All which they have the honour to submit with great deference and respect.

W. CHISHOLM,  
GEORGE CHALMERS, } COMMISSIONERS.  
MERRICK THOMAS,

**STATEMENT OF MONIES expended by the Commissioners for erecting a Light-house and Foundation at Oakville, in the Gore District.**

	£	s.	D.
Edward Anderson—Voucher No. 1, .....	157	3	1½
Jacob Randall, " " 2, .....	158	7	6
John Moore, " " 3, .....	384	0	0
David Patterson, " " 4, .....	84	10	7½
John L. Biggar, " " 5, .....	47	2	6
John Trampton, " " 6, .....	1	13	9
Robert Robinson, " " 7, .....	3	0	0
Henry Piper, " " 8, .....	14	15	7½
James Anderson, " " 9, .....	1	7	6
<b>Total, Currency.....</b>	<b>£ 852</b>	<b>0</b>	<b>7½</b>

W. CHISHOLM,  
GEORGE CHALMERS, } COMMISSIONERS.  
MERRICK THOMAS,

**No. 1.***Commissioners, Oakville Light-house,**To Edward Anderson.*

To 12,500 feet square timber, 16s. 3d. ....	£101	11	3
" 3,150 feet three-inch plank, 10s. ....	15	15	0
" 450 ties, round, 9d. ....	16	17	6
" 12,250 feet sawed lumber, 37s. 6d. ....	22	19	4½
	<hr/>		
	Currency, £157	3	1½

£157 3s. 1½d. Currency.

OAKVILLE, 1st November, 1838.

RECEIVED from the Commissioners, the sum of one hundred and fifty-seven pounds, three shillings and one penny half-penny, Halifax Currency, for lumber furnished as above.

EDWARD ANDERSON.

**No. 2.***Commissioners, Oakville Light-house,**To Jacob Randall.*

To 52 days' labour, at 8s. 9d. ....	£ 22	15	0
" 434 do. do. of men, at 6s. 3d. ....	135	12	6
	<hr/>		
	£158	7	6

£158 7s. 6d.

OAKVILLE, 1st November, 1838.

RECEIVED from the Commissioners, the sum of one hundred and fifty-eight pounds, seven shillings and six-pence, Currency, for labour, as above.

JACOB RANDALL.

**No. 3.**

RECEIVED from the Commissioners of the Oakville Light-house, the sum of three hundred and eighty-four pounds, being for 384 cords stone, furnished at 20s. per cord.

JOHN MOORE.

OAKVILLE, 31st December, 1838.

**No. 4.***Commissioners, Oakville Light-house,**To David Patterson.*

To 59¾ days' labour, at 10s. ....	£29	17	6
" 145¼ do. do. of men, at 7s. 6d. ....	54	13	1½
	<hr/>		
	£84	10	7½

£84 10s. 7½d.

OAKVILLE, 1st November, 1838.

RECEIVED from the Commissioners, the sum of eighty-four pounds, ten shillings and seven-pence half-penny, for labour, as above.

DAVID PATTERSON.

## No. 5.

Commissioners Oakville Light-house,

To John L. Bigger.

To 334lbs. spikes, a 6d. ....	£ 8 7 0
" 20 cwt. round and square iron, a 25s. ....	25 0 0
" 75 lights glass, 7 × 9, a 3d. ....	0 18 9
" 2 half boxes glass, 11 × 15, a 23s. 9d. ....	2 7 6
" 24 lbs. putty, a 5d. ....	0 10 0
" 2 pairs strap hinges, a 3s. 9d. ....	7 6 0
" 1 stock-lock, a 2s. 6d. ....	0 2 6
" 1 pad-lock, a 2s. ....	0 2 0
" 135lbs. nails, assorted, a 5d. ....	3 17 1
" 4 chalk-lines, a 2s. 6d.; 1 hambro'-line, a 2s. 6d. ....	0 5 0
" 2 doz. screws, 1s. 4d.; 1 tin kettle, a 2s. ....	0 3 4
" 1 hambro'-line, a 2s. 6d.; 1 pair hinges, a 1s. 10d. ....	0 4 4
" 3 kegs white paint, a 12s. 6d. ....	1 17 6
" 6 gallons boiled oil, a 10s. ....	3 0 0
	Currency,..... £47 2 6

£47 2s. 6d. Currency.

OAKVILLE, 1st November, 1838.

Received from the Commissioners the sum of forty-seven pounds, two shillings and six-pence, Currency, for Sundries furnished as above.

J. L. BIGGER.

## No. 6.

Commissioners Oakville Light-house,

To John Frampton.

To painting light-top, and glazing windows, .....	£1 13 9
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Received from the Commissioners, the sum of one pound, thirteen shillings and nine-pence, Currency, for labour as above.

JOHN FRAMPTON,  
PAINTER.

OAKVILLE, 1st November, 1838.

## No. 7.

Commissioners Oakville Light-House,

To Robert Robinson.

To 72 lights sash, 7 × 9 a 3½d. ....	£ 1 0 0
" 48 " " 11 × 15 a 10d. ....	2 0 0
	£ 3 0 0

£3 0s. 0d. Currency.

OAKVILLE, 1st November, 1838.

Received from the Commissioners, the sum of three pounds, Currency, for Sash furnished, as above.

ROBERT ROBINSON.

## No. 8.

Commissioners Oakville Light-House,

To H. Piper.

To 1 large lanthorn, .....	£ 4 10 0
" 1 iron rod, .....	0 5 7½
" 3 lamps, a 30s. ....	4 10 0
" 1 weather-cock. ....	1 5 0
" ½ box tin, a 75s. ....	1 5 0
" 4 days work of man, a 10s. ....	2 0 0
" Expenses and board, .....	1 0 0
	<hr/>
	£ 14 15 7½

£14 15s. 7½d.

OAKVILLE, 1st November, 1838.

Received from the Commissioners, the sum of fourteen pounds, fifteen shillings and seven-pence, half-penny, Currency, for Sundries and work done, as above.

H. PIPER.

## No. 9.

Commissioners Oakville Light-house,

To James Anderson.

To making lamp-frame, and iron .....	£ 1 0 0
" 1 hook and 2 staples, .....	0 3 9
" 1 clasp, and 2 staples, .....	0 3 9
	<hr/>
	£ 1 7 6

£1 7s. 6d. Currency.

OAKVILLE, 1st November, 1838.

Received from the Commissioners, the sum of one pound, seven shillings and six-pence, Currency, for Sundries furnished, as above.

JAMES ANDERSON.

REPORT OF MR. SECRETARY MACAULAY,  
ON NEW ARRANGEMENT OF THE OFFICES OF THE  
**PRIVATE AND PROVINCIAL SECRETARIES.**

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*To His Excellency SIR GEORGE ARTHUR, K.C.H. Lieutenant Governor  
of Upper Canada, Major General Commanding Her Majesty's  
Forces therein, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY:

IN obedience to your Excellency's commands, I have inquired, as carefully as circumstances would admit, into the best method of rendering the Offices of the *Private* and the *Provincial* Secretary more efficient than they now are, for the discharge of public business, in the present circumstances of the country, and have the honour, most respectfully, to submit my views upon this subject, for your Excellency's consideration, in the following—

**MEMORANDUM:**

It is proposed by your Excellency, to re-organize the Offices of Provincial and Private Secretary, and with that view to restore to the former Office much of the business which is understood to have belonged to it at an early period of the Government, and to assimilate it to the department of a Colonial or Civil Secretary, existing in most of the other Colonies of the Empire.

At present the duties of the Provincial Secretary are limited to the engrossing and recording of all Patents for Land, Commissions, Proclamations, &c.—and the care and use of the Great Seal of the Province; the preparation of the "Blue Book"; the transcribing of the Acts of Parliament for the Secretary of State, and for the Printer; the preparing and recording of Patents for Inventions, &c. &c.—all of which will be found particularly stated in a paper marked A, attached hereto.

These duties are performed by the Principal, with the aid of a senior Clerk, and two junior Clerks; and though they of course require much method, attention and accuracy, they never demand any extraordinary intellectual effort.

The duties of the *Private* Secretary, as they now exist, are various and extensive, comprehending the general correspondence of the Lieutenant Governor; the receipt and acknowledgment of Addresses, Petitions, Memorials, and Applications for Office, &c.; the transmission of Messages and Public Documents to the Legislature; the reference of Petitions, &c. to the Public Departments, to be reported on, and afterwards considered by the Executive Council; the preparation and issue of Marriage, Land Surveying, Medical and other Licences; and the various Commissions, and other Documents, to which the Governor's Office Seal (which is in the Private Secretary's custody) is applied; the record of applications for Office, and of recommendations for Magisterial and other appointments; the supervision of the Court of Requests, according to the divisions from time to time fixed by the Magistrates of the several Districts, and now amounting in number to 173, including the inquiry into complaints preferred against the said Courts, and the fitness of persons to be selected as Commissioners in all parts of the Province (their number at the present time exceeding 1000); the preparation in duplicate, and the recording of warrants for the issue of money from the several funds applicable to the Public Service; the submission of all Commissions, Warrants, Patents, &c. for the signature of the Lieutenant Governor; and finally, the multifarious correspondence obviously resulting from these duties, which he must himself personally carry on.

To be efficiently discharged, these duties must of course continually demand the closest application on the part of the Principal, and press severely upon his mental energies. His regular assistants consist of a chief Clerk, a second Clerk, and two junior Clerks, as stated in Appendix B—whose united labours, however, proved quite inadequate to the extraordinary and urgent calls of the public service during the last year; and it accordingly became necessary to employ occasional writers on every emergency, when they were found indispensable to the proper dispatch of the public business.

Such being the nature and extent of the duties at present performed at the two Offices, the question arises, what portion of the business of the Private Secretary may, with the greatest advantage, be transferred to the Office of the Provincial Secretary?

Upon this point, the answer which, on the first view of the subject, presents itself is, that the extensive correspondence, which the community has been in the habit, and appears desirous, of addressing direct to the Lieutenant Governor; and His Excellency's Despatches to Her Majesty's Ministers; the Governors of other Provinces, and the Minister at Washington; the issuing of Licences and Certificates, and the custody of the Governor's Office Seal, should continue to be transacted by the Private Secretary, and that the rest of the business should be transferred to the Provincial Secretary. This appears an obvious and natural division of the duties—a division which is, indeed, so marked and distinctive, as very materially to diminish, if not wholly prevent, the chances of collision or of difference between the two Secretaries. But though I would look upon this as the most convenient arrangement that could be made for the actual transaction of business, I am aware that there are other considerations, besides mere convenience, to be regarded, of such weight and importance, as to render a deviation from it, to a certain degree, expedient.

In no point connected with the administration of public affairs is the conduct of the Government more closely scrutinized, than in the dispensation of the Royal patronage, and the appointment to office in the Province.

The aspirants to office, in particular, are very jealous respecting the manner in which the mind of the Lieutenant Governor may be swayed in the distribution of appointments, and are prone to attribute to the influence of party, or of race, or of family, decisions which may, in fact, result from the free exercise of the Lieutenant Governor's own unbiassed judgment and conscientious sense of duty.

Under these circumstances, it appears proper, that the entire branch of duty connected with appointments to office, with the exception hereafter noticed, should continue to be conducted by the Private Secretary for the time being, and not to be transferred to the Office of the Provincial Secretary, who is a permanent public functionary, and must necessarily become, more or less, connected with the parties in the Province. Assuming, therefore, that the appointment-books, and the correspondence relating thereto, will be allowed, to remain with the Private Secretary, I proceed to suggest a plan for the efficient organization of the Offices.

*First.*—With respect to the *Private Secretary's Office*, which should, perhaps, rather be called the *Lieutenant Governor's Office*.

The business of this Office resolves itself into two branches or departments, viz:—one, embracing the Governor's correspondence; and the other, the correspondence of the Secretary—and in order to carry it on, the Principal will require three Clerks or Assistants.

1st. For the Department relating to his own correspondence, one Clerk will be required to receive, acknowledge, docket, enter and file, all applications for office; assist in the preparation and issue of Licences and Certificates; affix the Governor's office Seal to documents sent from the Provincial Secretary's Office, and attend to other minor duties.

2nd. For the Department relating to the Lieutenant Governor's correspondence—one chief Clerk will be required, capable of drafting papers with skill and readiness: and one junior Clerk to transcribe from the drafts, and enter from them into the books; prepare duplicates of Despatches, and enclosures for them; make up the bags of Despatches; docket the Despatches received from the Secretary of State, the Governor General, &c. and enter a minute thereof in the docket-book.

This establishment of Clerks, it is true, will not be sufficient for the performance of the whole work of the Office; but it is, perhaps, all that should, at present, be proposed as a permanent one.

On all occasions, when voluminous enclosures are to be transmitted to the Secretary of State, or an unusual press occurs in the preparation of Despatches or of Documents for the Legislature, extraordinary aid, according to the existing practice, can readily be provided.

This arrangement would, perhaps, be the most economical that could be devised, while it would, at the same time, be efficient. Future experience would determine, from the permanent increase of business, when it might become advisable to make additions to the establishment.

*Second.*—With respect to the office of *Provincial Secretary*. The nature and extent of the duties which will devolve on this Officer, render it most important that they should be carefully systematized, and distributed into branches or departments, under superior Clerks, each responsible to the Principal for his particular charge.

First branch or department, to be in charge of a Chief, or Senior Clerk, upon whom should devolve the general superintendence of the whole office, upon occasions when the Principal, from illness or other causes, might be absent. His Assistants should consist of two Junior Clerks, in charge of the duties at present performed by the third and fourth Clerks in the Private Secretary's office, viz :—One, docketing and recording all memorials, petitions, &c. referred to the several Public Departments; and the other entering, and sometimes copying, the Secretary's letters—docketing and filing the letters received, &c. The receipt and custody of reports, and other documents to be laid before the Legislature; the examination and reference of applications for pensions; remission of fines; sentences of imprisonment, &c.; together with the communication to individuals or public bodies, of the answers conveyed in the Despatches from the Colonial Office, to applications referred to Her Majesty's Government—form the proper duties of the Chief Clerk of this department of the office business.

Second branch or department to be in the charge of one individual, with the rank and allowances of a Chief Clerk. The duty, (with the exception of the appointment-books) will be nearly the same as that now performed by the second Clerk in the Private Secretary's office. He should be charged with the keeping of all money-warrant books, and the preparation of all money-warrants. He should also prepare all Licences and Commissions to which the Governor's office-seal is usually affixed; and superintend the execution, by occasional writers, of extra work, required as enclosures for the Despatches, or for the information of the two branches of the Legislature.

Though it may be expedient, for the reasons stated in the former part of this Memorandum, to retain the appointment-books in the Governor's office, I am inclined to think, nevertheless, that to this Clerk should be assigned the whole duties connected with the Courts of Requests. This is the lowest class of appointments made by the Governor, as well in respect of rank as of emolument, and it differs from others in this particular, viz —that continual complaints are made against the conduct of Commissioners in those Courts, which occasion infinite trouble, in references and inquiries necessary to determine whether the parties professing to be aggrieved have, in point of fact, suffered by reason of the incompetence or corruption of the members of the Court—to which extent only the Government may reasonably be called on to interfere, because it is obviously bound to remove from judicial station, all persons who are shewn to be incompetent or corrupt. This duty of making inquiries into such cases, belongs to the Provincial Secretary, and on that ground it would appear most conducive to the public service, that the management of the business relating to the Courts of Requests should be exclusively under his directions. The information he will necessarily collect in the course of his investigations into the conduct of the Commissioners in the various divisions, will be of the greatest use, as often as the appointment of Commissioners becomes the subject of consideration by the Lieutenant Governor. This department would thus embrace a wide field, but it is competent, in ordinary circumstances, for one individual to discharge its duties. To do this satisfactorily, however, the Clerk in charge of it must be, to a considerable extent, acquainted with accounts, and financial matters, and have a general knowledge of the business and condition of the country. I am not prepared to say that a necessity may not arise for granting an Assistant to this superior Clerk, but at present I am anxious to limit the establishment to the lowest possible scale consistent with its efficiency.

Third branch or department.—The duties now performed at the *Private Secretary's* office, should be assigned to this department, with the same number of Clerks.

Such an organization of the offices would, as it appears to me, ensure the prompt and satisfactory performance of the public business, in a methodical and regular manner.

I have merely adverted, in a general way, to the arrangements which appear desirable. The Principals will hereafter, of course, be enabled so to modify them as to suit their own views of efficiency, and to correspond with the occasional pressure of duty in the several departments.

One duty to which I have not yet adverted, might be assigned to a particular Clerk, or be distributed among the departments,—I mean the duty of endorsing on each paper a note of its purport, in a summary way, for the more ready information of the Lieutenant Governor, on its being submitted by the Secretary.

I now come to the consideration of the *expense* of the offices under the new arrangement, which it will be seen, I have proposed to keep within the limit of the expenses incurred by the existing establishment in former years, although public business has increased in a most extraordinary manner, as the statement which I have the honour of annexing, marked C, will clearly explain.

*First*—With respect to the expense of the *Private Secretary's* office.

In the annual grant, the sum of £208 is allowed as the salary of the *Private Secretary*. The fees on Marriage, Medical, and Surveyor's Licences, Certificates, Commissions, and all Instruments, &c. under the Seal of the Governor's office, yield at present, I am persuaded, upwards of £900 per annum, and they appear to be rapidly increasing. Perhaps the total income of the *Private Secretary*, for the current year, may safely be estimated at £1,200.

On the transfer of a great proportion of his present duties to another office, this income would seem large, and therefore he might not unreasonably be called upon to relieve the Province from the burden of salaries for his Chief Assistant Clerk, and one of the Junior Clerks, by allowing them suitable compensation from the fee fund. Thus, if there be charged in the estimate for the Civil expenses of the Government, the usual allowance of £208 currency, to the *Private Secretary*, and £175 for one Junior Clerk, there will remain to be provided for by the *Private Secretary*, £350 to the Assistant Secretary or Chief Clerk, and £175 for one Junior Clerk—making together the sum of £525, which deducted from his total receipts of £1,200 per annum, would leave him a net salary of nearly £700.

I have proposed allowing £350 to the Assistant Secretary, which exceeds, by £50 the usual salary of Chief Clerks, because he will be continually liable to the performance of night-work.

*Second*—With respect to the expense of the *Provincial Secretary's* office.—The whole burden of this office must fall upon the public chest, for its fees are inconsiderable.

It is my impression that each superior Clerk in charge of a branch or division of the business, should receive £300 per annum, which is the present allowance to all the Chief Clerks in the public offices.

If any distinction were made among them, it should be in favour of the Superior Clerk of department No. 1, who might be allowed an addition of £50, especially if, besides the circumstance of an extensive sphere of duty in the most important office under the Government, he should have any claim to further consideration, on the ground of personal merit or long service. All the other Clerks should receive salaries of £175 each.

The late *Provincial Secretary* received, in the latter part of his life, a salary of £300 per annum, and the sum of £636 11s. 4d. as a commuted allowance for fees—together, amounting to £936 11s. 4d. sterling; on his death, a salary was established for this office, of £600 sterling, and the fees which are received do not exceed £20 per annum.

In consequence of the greatly increased duties proposed to be assigned to this Officer, it would seem but reasonable that his salary should be correspondingly augmented; but without further remark upon this point, I respectfully submit a—

## COMPARATIVE STATEMENT,

*Between the charges for SALARIES of the Offices of PRIVATE and PROVINCIAL Secretaries, as they have been until a late period, and as it is proposed that they shall hereafter be:*

## PRIVATE SECRETARY'S OFFICE, BEFORE 1839.

Principal .....	£ 208	0	0	
1st Clerk .....	£300	0	0	
2nd do. ....	200	0	0	
3rd and 4th do. at £175 each.....	350	0	0	
		850	0	0
				1058 0 0

## PROVINCIAL SECRETARY'S OFFICE.

Principal .....	£1040	12	7	
1st Clerk .....	£300	0	0	
2nd do. ....	200	0	0	
3rd do. ....	175	0	0	
		675	0	0
				1715 12 7
				<u>2773 12 7</u>

## PROPOSED ESTIMATE.

## PRIVATE SECRETARY'S OFFICE.

Principal .....	£ 208	0	0	
Clerk .....	175	0	0	
				383 0 0

## PROVINCIAL SECRETARY'S OFFICE.

Principal .....	£ 666	13	4	
1st Clerk .....	£350	0	0	
Two Senior Clerks .....	600	0	0	
Four Junior do. at £175 each ..	700	0	0	
		1650	0	0
				2316 13 4
				<u>2699 13 4</u>

Salary to Clerk in charged of papers not to exceed £73 19s. 3d.

From this statement it will be seen, that a new organization of the Offices may be effected, upon a plan to render them infinitely more effective than they now are, without any addition to the charges on the public Revenue, by a reduction of £373 19s. 3d. from the salary of the Provincial Secretary, and by the transfer of £525 per annum, from the emoluments of the Private Secretary, to the payment of the salaries of the Clerks.

It will be remarked, that I have omitted the class of Clerks, on salaries of £200. I have done this, because I do not consider that it should be continued under an arrangement of the business into departments or branches, by which the labour of the junior Clerks is equalized; at the same time, it is a proper subject for consideration, whether at the expiration of a certain fixed term of service, junior Clerks should not, upon principles of sound policy, be allowed a reasonable increase of salary.

When it is observed, that the gentleman filling the principal situation in the Private Secretary's Office, has occupied it for the long space of twenty-nine years, it is obvious, that the hope of preferment, by succession, must be very slender; and as it is, on every consideration, proper that no subordinate station of the public service should be without hope, I respectfully give it as my opinion, that the junior Clerks of this Department, after — years service, should be entitled to an increase of their salaries.

Indeed a scale might be framed, commencing with £60 or £70 per annum, for Youths on their first admission into the office, and gradually increasing, at stated periods, until it reached the maximum allowance to be granted for any length of service. Upon a principle of this kind, I believe, the Clerks in the Post Office and in other Civil Departments in England, are compensated.

In the Governor's Office, as well as in that of the Provincial Secretary, the charge of the Stationery should be specially assigned to a Clerk, who should superintend occasional small issues for the current service, from the Deposit-room, of which he should keep the key.

Though I have no reason to question the integrity of the Messenger to whom the duty is at present confided, at the Governor's Office, I think it is not fit that supplies of such magnitude in the aggregate, as are now annually required, should be committed to his charge. This, it is true, is a digression, respecting a matter of mere detail; but it is a matter of some importance, and for that reason, deserves to be noticed on the present occasion.

With respect to the Stationery annually consumed for public uses in this Province, I am strongly impressed with the belief, that supplies might be obtained of a better quality than is now in use, and on far more advantageous terms than are now had, if the whole quantity required were annually imported by the authority of the Government, and then distributed among the Public Officers, under such regulations as would prevent imposition and ensure frugality.

To return to the proposed estimate, it is my impression, that the Legislature cannot but approve of it, when they become fully sensible of its advantages, and of the necessity which the growing urgency and extent of the public business has created, for a more efficient and systematic mode of conducting it. It is, indeed, understood, that the Assembly has often shewn a disposition to provide generously for the Clerks in the Public Offices, and to grant them salaries corresponding to the unavoidable expenses of living in a place where the necessities of life are far dearer than in any other part of the Province.

It may be proper here to remark, that the fee upon the Seal attached to Certificates, originally established at 5s. was needlessly, as I understand, and without previously taking the pleasure of the then Lieutenant-Governor, reduced, by the Private Secretary, a few years since, to 2s. 6d. It might, with great propriety, be again raised to the original amount.

For the purpose of testing the propriety and value of the foregoing suggestions, it would be desirable to inspect the account of disbursements, for contingencies actually and unavoidably incurred, in conducting the public business at the Private Secretary's Office, during the year 1838.

The sum voted by the Legislature, in conformity to the Estimate, was £1,110.

The amount of the actual expenses for that year, is found to be £2,420 0s. 9d. which may be thus classified:—

For Messengers,.....	£ 155	0	0
Mr. Moore, Agent at New-York, Correspondence, &c.....	42	15	0
Postage, .....	979	17	3
For Stationery and Printing, .....	284	6	0
Candles and Oil,.....	45	12	0
Fire-wood,.....	33	0	6
Sundry small expenses, including repairs of the Office,.....	107	0	0
Extra Work in copying, inclusive of salary to an extra Clerk,.....	772	10	0
	£2,420 0 9		

That the contingent expenses should, in the course of one year, be considerably more than doubled, is a fact well calculated to attract the particular attention of the Government and the Legislature.

It may be proper to observe, with respect to it, that the political circumstances of the Province during the past year, were of an unprecedented character, and that the correspondence of the Government with the Colonial Office, the Governor-in-Chief, and the Envoy Extraordinary at Washington, was voluminous and extensive, far, very far, beyond all former experience. A bare reference to the accounts for Stationery, Candles, and the work of extra writers, amply proves this.

Although it may be hoped that the country will not be in future exposed to agitations, similar to those by which it has been recently afflicted, I cannot allow myself to fancy that the

expenses of the Government, in conducting the business now concentrated in the Private Secretary's office, will immediately sink to a point approaching the average of former years.

It will not escape notice, that a sum exceeding the salaries of four junior Clerks, has been disbursed during the year, for the services of extra writers, and this circumstance may justify an inquiry, whether it might not be advisable to increase the regular establishment of Clerks, rather than continue the practice of employing occasional writers to so great an extent.

Upon this point I would observe, that there would be much gained, as respects convenience and method, by adding to the number of permanent Clerks, rather than hiring occasional writers, provided the Government were satisfied that there would be a corresponding increase of a *permanent* character in the business of the office.

In coming to any conclusion upon this subject, it should however be recollected, that extra writing is not required in regular daily course, but generally occurs after uncertain intervals, and then in such amount, that the additional permanent Clerks alone, could not perform it within the time limited by the exigency of the public service, and therefore the resort to occasional aid would still be requisite to a certain extent.

It may also be submitted, on a view of the whole case, whether in the actual circumstances of the Province, and the difficulty of estimating the degree of future pressure on the public Departments, it would not be better to defer, for the current year, making, on such grounds, any permanent addition to the strength of the office, and to continue, as at present, to procure temporary aid, until a calculation could be made with a satisfactory degree of precision, upon a more settled state of things.

The regular office hours are from ten to three o'clock, and it is presumed that they will not be altered in the Government Office, as they are such as prevail in other departments, and at Banks, and other public institutions, where they are found sufficient for public convenience, and appear to require no alteration. As a general rule it might be laid down, that no arrears of ordinary business should be allowed to accumulate in a public office; and with this in view the principal should be held responsible, that when such a pressure occurs, as may cause business of an ordinary character to accumulate in arrear, his Clerks should continue in the office, after the usual time for closing it, one hour daily, or more if requisite, until the work in arrear should be fully disposed of.

When business of an extraordinary nature occurs, requiring attention after the proper office hours, it might perhaps be considered advisable to allow, in future, a general gratuity to the Clerks, at the end of each year, in which they wrought after regular hours, and at night. To this plan however it may be objected, that it offers no stimulus to diligence equal to that of the present system, by which night-work is paid for by the hour, at a rate equivalent to an hour of labour performed within the usual office hours.

Before I conclude this paper, I beg permission to advert to the proper accommodation of the Departments, as it is a subject that, on the present occasion, ought not to be overlooked. The building now occupied by the Private Secretary, is much too small for its present purposes. Indeed it has recently been found necessary to convert the room originally appropriated as a waiting-room, for the accommodation of the public, into a deposit-room for the public correspondence, and for the use of the Clerks in charge of it; and it frequently distresses me to find gentlemen of the first respectability waiting in the messenger's room, until I can attend to their business in its regular course.

This building would, however, amply accommodate the Private Secretary, under the new arrangement.

With regard to the accommodation of the Provincial Secretary, some difficulty will be found to exist. The rooms which have hitherto been open to him in the eastern division of the public buildings, are obviously insufficient for his Clerks, under the new arrangement, which would require four rooms for himself, and the three distinct branches into which it is proposed to distribute the subordinate duties of his office, besides a waiting-room for the public, a messenger's room, and a stationery or store-room.

But independently of this difficulty, there is a serious objection, arising from the want of safety in the east wing, as a depository for the important records now contained in the office of the Provincial Secretary.

It is evident, that very considerable risk of loss or damage arises from exposure to fire. The rooms now occupied as the Secretary's Office, in the easternmost part of the public build-

ings, are not vaulted, or in any manner protected from fire, if it should accidentally break out in any other part of the eastern wing; and it is possible that if a fire broke out there in the night time, no means might be at hand for rescuing the books and papers.

On this account it is to be regretted, that when the present range of public offices was constructed, a building separate from all others, with fire-proof rooms, had not been provided for the safe keeping of the Secretary's records. Under present circumstances, the risk is certainly very considerable, and in order to lessen the inconvenience which the destruction of the Secretary's Office would occasion, it occurs to me, that if no other or better arrangement should take place, it would be proper to cause a duplicate of the volumes containing the index, to be made out and deposited in some other public building:

This would not be a work of very great time or labour, but might probably be accomplished by the present Clerks, during the intervals, when the ordinary current business was not very pressing.

In order to obviate all risk, and promote general convenience, I at one time thought it practicable to build a range of apartments for the Provincial Secretary, in connection with the Private Secretary's Office, but on examination I found that it could not be done, without occasioning an unsightly and unpleasant exposure of wood-yards and out-houses in front of Government House.

It has since occurred to me, that on the lot purchased from Mr. Hagerman, near Government House, there was ample space for building, in a most convenient position a Provincial Secretary's Office, with tin roof and fire-proof vaults, to which might be added a chamber for the Executive Council, and rooms for the Clerks of the Executive Council Office.

The expense of such a building is, doubtless, a consideration not to be overlooked in the present state of the public finances. Nevertheless, the security of invaluable public records, continually exposed to great risk of destruction by fire, in the offices now occupied by the Executive Council and the Provincial Secretary, is an object deserving the immediate and serious attention of the Government and the Legislature.

Connected with this subject, I have yet an observation to submit, upon the necessity of providing convenient depositories for the despatches, reports, addresses, letters and other public documents, which, after being docketed, should be put away in such a methodical manner, that reference might at any time be had to them with ease and certainty.

At present, I regret to say that there are very great defects in the system of filing away papers in the Private Secretary's Office, owing to which cause, and the want of proper accommodation, important papers are frequently mislaid, and much inconvenience and loss of time to the Clerks, as well as delay in the transaction of the public business, are thus unavoidably incurred.

Nothing seems more urgently to require attention, than this branch of the duties of the office, and yet while the present insufficiency of the building exists, the evil cannot be entirely obviated.

Although I have been under the necessity of preparing this paper, while subjected to an unremitting pressure of public business, I yet venture to hope, that it will be found to have a correct bearing on the several points which, in the course of this investigation, have commanded my attention.

I have, at least, endeavoured to make my suggestions comport equally with economy and the efficient discharge of the duties of the Private and Provincial Secretary's Offices, and when it is contemplated how much those offices come in contact with the interest, feelings and wishes, and even with the prejudices and passions of the community at large, too much pains cannot be taken to render them able and effective departments of the public service, where all applications may be received and considered willingly, courteously, judiciously and promptly, and such of them as require the report of the several other branches of the service, despatched without delay, through their proper channels.

It cannot be denied, that the want of due attention in these important particulars, on the part of persons holding official stations, might justly cause much dissatisfaction.

All which is respectfully submitted.

JOHN MACAULAY,

GOVERNMENT HOUSE,  
10th March, 1839.

A.

UPPER CANADA.

STATEMENT, of the nature and extent of the DUTIES performed in the Office of the PROVINCIAL SECRETARY AND REGISTRAR—shewing the number of Clerks therein, with their respective Salaries; the number and description of Books kept for Record, &c.; the number, respectively, of Patents for Land, and other instruments, completed and issued annually. Prepared in obedience to an order, dated 10th September, 1838, of His Excellency the Lieutenant-Governor, directing the Civil Secretary to institute an inquiry into, and report upon the subject.

Number of Clerks, &c.

		APPOINTED,	£	s.	D.	
1	{ Deputy Secretary, } { and Senior Clerk, }	*Samuel P. Jarvis, . . . . .	In 1827, . . . . .	300	0	0
2	..Second Clerk, . . . . .	{ T. D. Harrington, first } { joined the Office in } { November, 1832, . . . . . }	1st July, 1836, . . . . .	200	0	0
3	..Junior Clerk, . . . . .	E. Kent, . . . . .	1st January, 1837, . . . . .	175	0	0

\* MEMORANDUM.—In July, 1837, Mr. Jarvis was appointed Chief Superintendent of Indian Affairs, with permission to retain the above, until confirmed by the Home Government, and on condition of his providing the necessary assistance, should the Secretary's Office require it—Mr. William Kent has accordingly been employed since April, 1838.

Number of Books kept for Record.

LAND PATENTS.

NO.	DESCRIPTION.	PAGES.	
85	Common Grants, . . . . .	42,130	} In these Books, the blank form of Grant is printed and the record completed by the boundaries, &c. being inserted in ink.
3	Crown Leases, . . . . .	1,178	
4	Clergy do. . . . .	1,331	
2	Clergy Sales, . . . . .	1,115	
2	Crown do. . . . .	1,164	
1	School do. . . . .	550	
3	Special Grants, . . . . .	1,300	} In these three Books, Grants and Leases, having special Clauses or Trusts, are recorded—such as Grants to Canada Company, Churches, &c.; Leases of Ferries, Mill-sites, &c.—These are all long Instruments, and require to be engrossed and registered in full.
100	Books, . . . . .	48,768	

In addition to the above, which contain *fac-simile* copies of the original Patents, there are thirty-five INDEX BOOKS—so kept as to shew the particulars of each Grant, viz :

Original grantee.	Number of Acres.	Date of Patent.	Lot.	Concession.	Township.	District.	When issued.	To whom issued.	For what Service granted.
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Should the Books of Registry, by any accident, be destroyed, the Indexes (which, from their size, could be easily secured) would define the title of the Grantees to their several lots of Land. From the year 1821, they are very clear; but previous to that period, it is requisite

to refer to three Books, before the necessary intelligence can be furnished to individuals making searches. It would be for public convenience, if they were made up to 1821; and if completed in duplicate, one copy could be deposited in a separate place—and would thus form a clue to the title of Grantees from the Crown, if the office and originals were destroyed by accident, or in case of a war.

**Books of Record, for Public Instruments, &c.**

NO.	PAGES.	DESCRIPTION.
10	4500	{ In which are recorded, at length, all Commissions of the Peace; Pardons; Appointments, &c. Proclamations. Writs of Election. Oyer and Terminer, and Assize. Inventions.
2	750	
6	2500	
3	1700	
1	450	
22	9900	Pages.

To these there is one GENERAL INDEX, kept as follows:

Description of Instrument.	Name.	For what purpose.	Date.	Book.	Folio.	Remarks.
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The Provincial Secretary and Registrar, also keeps Books for the Record of—  
 Endowments, &c. to Churches.  
 Oaths of Allegiance.  
 Bank of British North America Stockholders.  
 Blue Book, (from 1832.)

The *Original Statutes* are also deposited in his keeping.

Of the foregoing Books, there are *in actual present use*, (the remainder being in request for public and individual information only,) as follows:

NO.	DESCRIPTION.
10	Common Land Grants, .....
2	Special do. ....
1	Crown Sales, .....
1	Clergy do. ....
1	School do. ....
1	Leases, .....
	} <i>Land Granting Department.</i>
1	Commissions, Appointments, &c.
1	Proclamations.
2	Writs of Election.
1	Commissions of the Peace,
1	Inventions.
1	Church Endowments.
2	Oyer and Terminer.
1	Bank of British North America Stockholders.
1	Naturalization.
1	Index to Great Seal Instruments.
1	Index to Grants in Townships.
1	Index to Grants in Towns.
1	Index to Special Grants.
4	Copies, Blue Book, (annually:)

## Number of Patents, and other Instruments, completed Annually.

	1834.	1835.	IN 1836.	1837.	PART OF 1838.		
Land Patents, . . . . .	1476	1795	3792	1979	657	.....	{ Including Grants to Churches; the Canada Company; Leases, and Sales.
Great Seal } Instruments, }	82	109	137	165	135	.....	{ Including Proclamations Commissions; Inventions; Oyer and Terminer, Assize, (now two Circuits); Pardons; Exemptions, and Surrenders.
Writs of Election, . . .	114	13	152	8	12	.....	{ General Election, every four years.
Provincial Statutes, } each copy. }	61	49	48	136	62	{ Number } of Acts.	{ In duplicate, and extra copies are often called for.
	2640	1234	1250	3850	2700	Folios.	

## GENERAL REMARKS, CONNECTED WITH THE ABOVE.

The duties of the PROVINCIAL SECRETARY AND REGISTRAR, consist in engrossing Grants of Land from the Crown, of every description, in affixing the GREAT SEAL of the Province (*of which he is the Guardian,*) thereto, and registering the same, previous to the delivery to the respective Grantees, or their Agents: in the latter case demanding a written authority, which is filed for reference. Every Commission, Proclamation, Writ of Election, Commission of Assize, Commission of the Peace, and other Public Instrument, requiring the Great Seal, is prepared in his Office, and an exact record kept of the same. Patents of Endowment to Churches, and of Presentation of Clergymen thereto, form a portion of his duty.

The Provincial Statutes are deposited with him: and he furnishes two copies every Session—one upon parchment, for the Secretary of State—the other for the Government Printer; besides extra ones, for individual advantage, if called upon,—[31 Geo. III. chap. 31.] He transmits copies, also, of all Proclamations to the Queen's Printer, for insertion in the *Gazette*. The annual Blue Book is compiled by him, in quadruplicate: two copies for England; one for the Lieutenant-Governor; and one office copy. It is his duty to keep an Alphabetical Record of all persons who become Naturalized.—[9th Geo. IV. chap. 21.] Sheriff's Covenants must be lodged with, and filed by him.—[3rd Wm. IV. chap. 9.] The list of Stockholders of the "Bank of British North America." is now deposited with him; and he is compelled, by statute, to furnish a copy of the same, upon demand.—[7th Wm. IV. chap. 34.] Models of Inventions are, by law, lodged in his office, previous to the Patents being prepared.—7th Geo. IV. chap. 5.] The Standard Weights and Measures are under his charge. A list of Land sold for Taxes must now be filed by him, on being returned by the Sheriffs, for reference, if called for.—[7th Wm. IV. chap. 19.] As Registrar, this Officer is constantly called upon to make searches; supply copies of Patents, Exemptions and Certificates; to enter, upon the margin of the Registry, all surrenders to the Crown; and to furnish lengthy Returns for the Government and Legislature; and the Vice-Chancellor has decided, (*Becket vs. Watson*) that in the absence of the Original Patent, a certified copy of the same, from the Provincial Registrar, is indispensable, to prove the unfettered right of the Grantee, without Trusts or other Conditions. The addition of new Districts, will cause a corresponding increase of labour to the Secretary and Registrar, as each will require its separate Appointments, Magistrates, Assizes, &c. The number of Books of Record will be seen, by references to the second part of this Statement; and in addition to them, it should be mentioned, that the Surveyor General's Descriptions, from which the Land Patents are prepared, amounting to 40 or 50,000,

are alphabetically filed as vouchers, and constantly appealed to, in proof of correctness of boundaries, &c. There is no particular distribution of the work. Every thing, as it comes into the office, is completed forthwith. Although always work sufficient for the whole of the Clerks, at times there is not enough of one class of labour (engrossing) to occupy one person exclusively; and at other periods, there is too much. Each, therefore, proceeds with that he finds on hand—and by this means, the office is never unnecessarily in arrear, except after the Session of Parliament, when the press is so great, owing to the copies of the Statutes, Blue Book, and ordinary routine of work, being obliged to progress together, that it is found to be impossible to avoid it, and extra hands have always been employed for a few weeks.

The salary and allowances of the Provincial Secretary and Registrar, have been as follows: Salary, £300 sterling, per annum; commutation in lieu of fees, as an officer of the Land Granting Department, £636 11s. 4d. sterling, per annum, and he is disbursed the expense of stationary for the Patents. His small fees of office, derived from searches, certificates, copies, commissions; &c. averaged about £30 per annum. Up to 16th May, 1836, he charged the Government half-yearly (as Secretary) for engrossing *special public* Instruments, 1s. per folio; affixing the Great Seal, 23s. 4d. currency; and parchment, 2s. 6d. per press; and (as Registrar) for recording the same, 1s. per folio—clerk hire being defrayed by him. Subsequent, however, to the 16th May, the Government having furnished the requisite assistance, stationery, &c. the foregoing charges have ceased altogether.

T. DOUGLAS HARRINGTON,

*Clerk in Charge.*

*Provincial Secretary and Registrar's Office,  
Toronto, 19th September, 1838.*

## B.

### Establishment of the Government Office.

#### DUTIES.

*First Clerk, with a Salary of £270 sterling—Twenty-nine years Service.*

It would be difficult to define the duties of the First Clerk, in any other way than calling them a general superintendence of the whole duties of the Office; and aiding the Secretary in meeting the numberless matters that daily come under his attention, connected with the general business of the Country.

*Second Clerk, with a Salary of £180 sterling—Ten years Service.*

Preparing and recording all Money Warrants, on the Public Service; preparing and recording the Appointments; Commissions of the Courts of Request throughout the Province; preparing and recording all Commissions under the Office Seal; filing and recording applications for office; preparing letters for the Secretary's signature, on routine matters, connected with the above.

*Third Clerk, with a Salary of £157 10s. sterling—Seven years Service.*

Docketing and recording the reference of all petitions referred to the several Departments to report on, and writing letters connected therewith.

*Fourth Clerk, with a Salary of £157 10s. sterling—Six years Service.*

Preparing from the Secretary's rough drafts, such of his letters as he does not write the originals of himself; recording all the Secretary's letters; and docketing and putting away all letters addressed to the Secretary.

NOTE—In addition to these Clerks, which form the regular establishment hitherto provided for in the estimate—Fifth Clerk has been employed since December, 1837, at £157 10s. sterling, who will be permanently required: and should, without reference to any new organization of the Department, be hereafter included in the annual estimate.

TABLE C.

STATEMENT, *shewing the relative amount of Business transacted in the Lieutenant Governor's Office, Upper Canada, at the different periods undermentioned; also the Establishment of the Office, and Population of the Province, at said periods:*

YEARS, .....	1817.	1819.	1827.	1834.	1837.	1838.
Number of Despatches to the Secretary of State, written in duplicate, and recorded .....	27	.....	43	.....	140	178
Civil Secretary's Letters, written and recorded .....	365	.....	562	.....	2,368	*2,851
Money Warrants, issued for the Public Service, prepared in duplicate, and recorded .....	186	.....	261	.....	470	511
Petitions received, docketed, recorded and referred to the Public Departments .....	.....	.....	.....	3009	2,476	1,665
Population .....	.....	105,980	186,687	.....	376,442	{ Returns not } { complete. }
Establishment .....	2	.....	3	.....	4	4

\* 1,959 of which were written during the last six months of this year.

**The following Reports belong to the Report of Commissioners of East York Road, sent down in the Session of 1837-8.**

TO THE TRUSTEES OF THE KINGSTON ROAD:

GENTLEMEN,

I have the honour to present the following as a result of a survey of the banks of the River Rouge, preparatory to the erection of a bridge, excavating the hills, and levelling the road, accompanied with a plan and estimate of the cost.

The levelling commences at a point A, on an east and westerly course south, 50° west, and vice versa, passing to the north of the houses in the valley, as shewn by the stakes driven. This line I should strongly recommend, if the new channel is cut, but not otherwise, as the present road down the west hill would not require more than half the excavating on the old course, and the road would be equally good. The red line shews the profile of the hills in feet and inches; the blue line, the inclination of intended road; the space coloured between the red and blue, the earth to be removed; and that not coloured between the two lines, the part to be raised. With regard to the new channel, I am rather doubtful as to the expediency of cutting it, as I find the water of the River to the north is 6 inches and  $\frac{2}{10}$  above the water to the south, by the wreck: this might be considered as a favourable circumstance, in cutting the channel, as the current would assist greatly in forming it. The appearance of the ground indicates a former channel, though now 6 feet above the water on the line, but only 2 feet above on the old road—which, I have little doubt, has frequently been inundated; and I am of opinion, is composed of such soil as would render it almost impossible to keep the water out during the progress of the works. And the chances are, in the first place, that by making the cut, you reduce the depth of water above bridge 6 inches and  $\frac{2}{10}$ ; and from the impossibility of thoroughly charging the new cut before it is thrown open, the rush of water passing through might throw up obstacles that would greatly impede the navigation, and be continually fretting away the east side of the channel, unless the sides were piled and planked.

I should rather recommend, that the new bridge be erected where the old one now stands: and the side channel, from the north-west, filled up with stones, brush and earth. This would have a tendency to deepen what I consider the proper channel, and by judiciously applying the earth taken from the hills on the west side of the bridge, you can effectually protect the abutments on that side—there will be no danger from those on the other. The bridge may be erected from 30 to 50 feet above the water, which would allow schooners to pass under; the dotted curve line would give 40 feet above the water, and the rise 1 in 7; the rise of the blue line on the east hill is 1 in 5; the rise of the west is 1 in 11. Part of the old bridge would be very serviceable in erecting the new one: the abutments of the bridge should be erected with good coursing stones—the foundation to be piled and planked—to be of a circular form—the radius 300 feet, as shewn on plan, which form is best adapted to resist the action of the water, and the lateral thrust of the bridge. The piers at the back are to assist the abutments, and to resist the pressure of earth against them before the bridge is erected; they are likewise calculated to sustain a weight of 200 tons, suspended from 30 to 50 feet above the surface of the water: the bridge itself weighing 101 tons, 10 cwt. 3 qrs. and will sustain 100 tons in the centre, though it is not likely half that weight will ever be upon it at one time. The abutments might be erected with less materials, but being the high road, I should in no wise recommend its being of less dimensions than shewn on the plan: for when the improvements are made, for one team that travels the road now, ten may be expected. The bridge, you will perceive, is without any apparent covering; but in fact it is so constructed, as to render it impervious to the weather, and saves the necessity of erecting a covering over it, which is very unsightly and expensive: and when perched up, as this will be, would cause a vibration that would not otherwise exist, which all persons acquainted with bridge-building, strenuously strive to avoid.

*The following is an Estimate of the Cost:*

115,370 cubic yards of excavation, east bank, 9d. ....	£4,326	6	8	
55,533 do. do. do. west bank, 9d. ....	2,082	9	9	
				£ 6,408 16 5
3,554 do. do. do. and pumping for the piers of east bridge, 2s. 6d. ....	444	5	0	
1,947 masons' toise of stone, or 649 large toise, ....	1,947	0	0	
				2,391 5 0
200 piles, driven .....				200 0 0

**BRIDGE.**

5,260 feet hewn timber, .....	52	10	0	
300 feet hewn oak, .....	75	0	0	
3,000 feet 4 by 3 scantling, .....	5	5	0	
6,000 feet inch boards, .....	10	10	0	
6,000 feet oak plank, .....	22	10	0	
150 strong screw bolts, .....	150	0	0	
Spikes, nails, tar and hair, .....	45	0	0	
Labour to ditto, .....	525	0	0	
				885 15 0

				£ 9,885 16 5
Deduct half the excavation of west bank, .....				1,041 4 10½
				£ 8,844 11 6½

**NEW CUT.**

4,750 cubic yards of digging, 1s. 3d.—including the piers for bridge, .....	£ 296	17	8	
1,152 toise of stone, .....	1,152	0	0	
22,222 cubic yards digging cut, .....	1,388	17	8	
Bridge as before, .....	885	15	0	
				£3,724 10 4
				6,408 16 5
				£10,133 6 9

## TO THE COMMISSIONERS OF THE EAST ROAD:

GENTLEMEN,

In pursuance of your instructions, I have examined the Highland Creek, and investigated the hills on both sides of it, with the intention of exhibiting to you the best and most economical method of forming a useful safe road through this difficult portion of the country: the line which I would recommend is shewn on a plan and section, made to accompany this report, to which I would request your attention.

Previously to entering upon the description of the proposed line, I would premise, that I have also exhibited a section of the present road, in order to shew the difficulty of forming a road on the eastern side of the Creek. The present road on that side has a rise somewhat steeper than 1 in 6, for nearly 400 feet; the red line on the section shews the depth of excavation requisite to reduce this road to an inclination of 1 in 15. The quantity to be excavated, allowing for a slope on the sides of  $1\frac{1}{2}$  horizontal to 1 vertical, is 72,132 cubic yards: at 1s. 3d. per yard, it amounts to £4,510 16s. 3d.—a sum too large to be used for this purpose; besides, the earth to be excavated could not be usefully employed.

Before fixing upon the line proposed, I took elevations at other places, in order to ascertain if any better or cheaper line could be found.

I would now draw your attention to the proposed line—On the western side, you will perceive, that it does not materially deviate from the present line of road: indeed nothing better is to be found there. The excavation on the crest of the hill, and the embankment at its base, will both be considerable, in order to render the inclination easy, and the road safe and useful; I have cast it out in two forms: *First*, as 1 in 18, (as shewn by the blue line in the section)—this gives an inclined plane of 1,690 feet in length, rising 93 feet from its base: the elevation of its summit being 115 feet above the surface of the water in the Creek. In order to obtain this, 20,481 cubic yards of excavation, and 22,095 cubic yards of embankment, will be required. The excavation is for the most part near the summit; the soil is light and sandy; I would therefore value it at 1s. per yard—the earth excavated to be placed so as to form the embankment: 22,095 cubic yards at 1s.—£1,104 15s.

*Second*, as 1 in 15, (shewn by the red line on the section)—which gives an inclined plane of 1,410 feet in length, also rising 93 feet from its base; to obtain this there will be 11,646 cubic yards of excavation, and 11,212 cubic yards of embankment. The soil is the same as above described, and the earth excavated to be so placed as to form the embankment; therefore 11,646 yards at 1s. per yard—£582 6s. It will remain with yourselves to determine upon the inclination to be acted upon: 1 in 18 is too steep, if better could be procured; nothing steeper than 1 in 25 can be called tolerably good—but to obtain that inclination in this place, a very heavy expense would be incurred.

I would observe here, that it is indispensable that the small brook at the summit be turned off, in the direction shewn by the dotted line B. on the plan.

By referring to the plan, you will perceive that from the base of the inclination, onward to the curve at the sand hill, the road is proposed to be kept on the present line. It is nearly level, elevated about 22 feet above the water in the creek. I would propose that the roadway on the tops of the bridge, be elevated 21 feet above the surface of the water. The ground at the curve, and onward to the river, is low. The sum of £150 will be required, to elevate and level the road at the ends of the bridge.

On the eastern side of the river, the hill is more difficult. By referring to the Plan, you will perceive that the proposed line crosses the river in a straight direction; it then curves along the base of the hill, and rises upon its side; about the middle elevation, it curves again, to join the line of road already formed to the eastward, encircling the high point on which the present road rises—maintaining as much as possible the highest ground near the base, and the lowest ground near the crest of the hill. The inclination, 1 in 15—1230 feet in length—commences 27 feet eastward from the bridge, and rises 82 feet. The proposed elevation of the bridge, is 21 feet, and the elevation of the summit of the hill, is 103 feet above the surface of the water in the river. The quantity of excavation, is 25,003 cubic yards, and of embankment, 24,578 yards. The excavation is, as much as possible, placed on the crest of the hill, where the soil is light and sandy; but to a considerable extent, it goes down into the stiff hard clay;—I would average its value at 1s. 3d. per cubic yard—therefore, 25,003 cubic yards, at 1s. 3d.—£1,562 13s. 9d. The earth excavated to be laid down to form the embankment.

This rise of 1 in 15, is steeper than could be desired, but it is all that can be obtained here, without going to an enormous expense. The inclination commences near the bridge: therefore, the embankment cannot be elongated at that end, and any farther decrease must be obtained by cutting deep into the crest of the hill, which, I am satisfied, could not be done to a much greater depth than is proposed, under 2s. per cubic yard. If the curve were directed more to the southward, the line would pass along low ground, which would cause the embankment to be more than double what is now shewn, even to obtain this arise of 1 in 15. It cannot be called an easy line; but as the inclination is short, it will at least be safe and useful. The slopes on the sides of the excavation, and the embankment, are calculated at  $1\frac{1}{2}$  horizontal to 1 vertical, and the curves are laid out on a radius of 400 feet.

From what I witnessed at and about the time when the bridge over this River was washed away, as well as from what I have observed elsewhere in this country, I am convinced that the only means by which absolute security and uninterrupted intercourse can be obtained, where roads cross large rivers, full of drift wood, and liable to sudden floods, is by placing arches of large span across them.

The present resources of the Country, forbid forming such splendid and enduring stone bridges as those which are the boast and ornament of older and richer countries, but by a better adaptation of timber, and a moderate use of iron, bridges scarcely less strong and nearly as elegant, requiring few repairs for a long series of years, may be formed at a comparatively small expense. From measurements which I took during the late floods, I am satisfied that an arch of 50 feet span is required, and will be sufficient for the Highland Creek; a design for such a bridge (of which the following are specifications) accompanies this report.

#### SPECIFICATION.

The piers to be of sound mason work, in the form shewn on the ground plan; the length or River front of each pier to be 27 feet; the ends to be rounded as shewn on the plan; the thickness to be 3 feet; the counterforts on each end to be placed truly perpendicular to the River front—to be a straight line for 8 feet, then to curve out, as shewn on the plan, to the width of 40 feet from one circular termination to the other, in order to form a parapet wall: the thickness to be 3 feet. The counterfort behind the centre of each pier to be placed as shewn on the ground plan: the length of each to be 10 feet, the thickness to be 2 feet. The foundations throughout to be made thicker in the form shewn on the sectional elevation, as the nature of the ground shall require; these dimensions to be maintained to the height of 10 feet above the ground line, at which elevation a regular and equal slope of 8 inches shall commence on the River front of the piers, (as shewn on the sectional elevation,) to be continued to the height of 24 feet from the ground line: at which elevation the thickness of the walls shall be 2 feet, 4 inches. Recesses or hollow quoins, 8 inches in depth, to be truly wrought into the walls, to receive the arch timbers, as shewn on "the plan of one of the piers," at the elevation of 10 feet above the ground line; the counterforts shall also slope regularly, so as to make their length, at the elevation of 24 feet, to be 4 feet—the thickness to be maintained throughout to this elevation of 24 feet, in the form shewn on the plan of the top of one of the piers. At the elevation of 10 feet from the ground line, the parapet walls to be reduced to the thickness of 2 feet, 8 inches; the break to be on the inside, and at the elevation of 18 feet from the ground line to be reduced to the thickness of 2 feet, 4 inches—which thickness is to be continued to the elevation of the flooring of the bridge; the pier walls on the River front also to be carried up to the elevation of the flooring of the bridge, as shewn on the sectional elevation. The counterforts to terminate at the elevation of 24 feet, except only in so far as they become a part of the parapet walls; at the elevation of the flooring of the bridge a course of broad, well-jointed stones to project 4 inches beyond the lower walls, on which to erect the parapet, 4 feet high above the flooring of the bridge, and 1 foot, 4 inches thick, to be finished with a coping of well-jointed flat stones, projecting 1 inch on each side.

#### TIMBER WORK.

The arch frames of the bridge (three in number) to be constructed of the best oak timber, 14 inches square, to be well and truly jointed in all respects, according to the form shewn on the sectional elevation; the tenons to be cut to one-third of the thickness of the timber, and to be let into the depth of two-thirds of the timber; two well-formed oak trenails,  $1\frac{1}{2}$  inches diameter, to be firmly drove through each tenon; the joints to be farther secured by iron plates on each side of the timbers of each frame, in the form shewn on the sectional elevation: the plates to be 3 inches wide, and  $1\frac{1}{2}$  inches thick, and to extend at least 2 feet in length beyond the joint on each connecting timber—to be well and truly fitted on each side of the

frame, and to be held fast by 3 iron screw-bolts,  $\frac{3}{4}$  inch square on each side of the joints, passing through both plates, and the thickness of the frame timbers; the iron plates to be of a greater width at the points of welding, as shewn on the sectional elevation.

The cross-bearers to be of the best oak, 12 inches thick by 10 inches: to be formed and fitted upon the arch timbers, (as shewn by the enlarged view of a cross-bearer, and of the flooring of the bridge,) and to be held fast in their true positions by iron bolts, 1 inch square, and  $1\frac{1}{2}$  feet in length, driven down through the bearer into the arch frame timber at each joining; the ends of the bearers to project 9 inches on each side, to support the railing; the joists to be of sound oak, 10 inches by 7 inches—to be formed and let into the cross-bearers in the form shewn by the enlarged view of a joist, and of the flooring of the bridge; the flooring to be of oak plank, 6 inches wide by 4 inches thick, even-laid and firmly spiked and tre-nailed down upon the joists.

The railing to be formed as shewn on the sectional elevation. The sills to rest upon, and to be strongly secured with iron, to the cross bearers. The sills, square upright posts, and top-rails, to be of oak, 9 inches by 9 inches. The other timbers to be 9 inches by  $4\frac{1}{2}$  inches.

The cost of this proposed bridge, as given in detail, (see estimates) is £462 10s. 6d. exclusive of the expense which will be incurred for constructing dams, digging the foundations, &c. &c. These expenses, however, I trust will be covered by the sum of £46 5s.—put down to meet contingencies.

The form shewn is the cheapest which I could devise—combining the advantages of a stone arch of 50 feet span, with even greater strength than would probably be obtained from such an arch built with lake-stone, or indeed with any other material, except good hewn stone, having piers upwards of 12 feet thick, and voussoirs nearly three feet thick. It is shewn by the drawings, that the arch frames abut upon the counterforts—therefore, the piers bear only the pressure of the earth behind them, which is reduced more than one-half, by the intervening counterforts, and is further met by the horizontal arch formed by the circular parapet: indeed, if required, a great pressure could be met in this form, by merely constructing strong abutments at the extreme circular ends of the parapet, and at the circular ends of the river front; the span of the arch may also be enlarged to 60, or even 70 feet, if the counterforts are proportionably enlarged.

#### ESTIMATE.

232 toise mason-work, <i>a</i> 23s.....	£266	16	0
Dressing stone for the frame recesses, .....	13	2	6
Three arch-frames, £10 each, .....	30	0	0
Cross-bearers, and fitting 135 feet, <i>a</i> 80s.....	5	8	0
450 feet of longitudinal bearers, and fitting, <i>a</i> 60s. ....	13	10	0
2500 flooring plank, 6 inches by 4 inches at $12\frac{1}{2}$ d.....	15	0	0
Laying ditto, and spikes, .....	11	5	0
Railing 104 feet, <i>a</i> 4s. ....	20	4	0
22 cwt. 46 lbs. wrought iron plates, for binding the arch-frames—bolts for the bearers, &c. &c. <i>a</i> 56s.....	62	15	0
7 cwt. of bolts, nuts, screws, &c. &c. <i>a</i> 70s. ....	24	10	0
	£ 462	10	6
Add for contingencies 10 per cent.....	46	5	0
	£ 508	15	6

#### Summary of the Estimated Cost of these Works.

##### No. 1.

To form a Road having a rise of 1 in 18 on the West Hill, and of 1 in 15 on the East Hill.

WEST HILL.—Excavation, 20,481 cubic yards. }	} <i>a</i> 1s.....	£ 1104	15	0
Embankment, 22,095 do. do. }				
EAST HILL.—Excavation, 25,003 do. do. }	} <i>a</i> 1s. 3d. ....	1562	13	9
Embankment, 24,507 do. do. }				
The earth excavated to be laid down to form the embankments.				
Bridge, as per Estimate,.....		508	15	6
Forming the road at the ends of the Bridge,.....		150	0	0
Total,.....		£ 3326	4	3

## No. 2.

To form a Road having a rise of 1 in 15 on both Hills.

WEST HILL.—Excavation, 11,646 cubic yards.	} a 1s. ....	£ 582 6 0
Embankment, 11,212 do. do.		
EAST HILL.—Excavation, 25,003 do. do.	} a 1s. 3d. ....	1562 13 9
Embankment, 24,578 do. do.		
The earth excavated, to be laid down to form the embankments.		
Bridge, as per Estimates,.....		508 15 6
Forming the road at the ends of the bridge, .....		150 0 0
	Total,.....	£ 2803 15 3

## GENTLEMEN :

The above designs I respectfully lay before you. The Form No. 1, I would recommend, notwithstanding the difference of cost, £522 9s. as by adopting it, a farther expenditure at a future time will probably be prevented.

THOMAS ROY,  
CIVIL ENGINEER.

DECEMBER 30th, 1837.

## DETAILED ACCOUNTS OF THE PUBLIC OFFICES.

## Schedule of Accounts for the Year 1838.

No. 1	Contingent account, Surveyor General's Department, from 1st July to 31st December, 1837,	£ 42 3 10
2	James Nation's account for contingencies of the Public Offices, the same period, .....	398 10 3
3	Executive Council Office, account for contingencies, the same period, .....	65 4 7
4	Contingencies of the Government Office, the same period, .....	612 2 5½
5	Contingencies of the Receiver General's Office, the same period, .....	185 13 6
6	Robert Stanton, Esquire, his account, .....	278 10 3
7	Contingent account, Inspector General, .....	45 16 7
8	William A. Campbell, account as Clerk of Assize, .....	71 4 0
9	Francis T. Billings, Esquire, his account, .....	333 0 11
10	James Hamilton, Esquire, Sheriff of the London District, his account for State Prisoners, ..	706 2 4
11	Sir Allan N. MacNab, his account as Queen's Counsel, .....	122 0 0
12	Robert Stanton, Esquire, his account for printing the Statutes of 1837, .....	1940 9 3
13	George H. Markland, Esquire, his account for fitting up the Public Offices, .....	46 4 6
14	Robert Hervey, his account as Clerk of Assize, .....	38 12 0
15	J. S. Cartwright, his account as Queen's Counsel, .....	163 10 0
16	Henry Sherwood, Esquire, his account as Queen's Counsel, .....	65 0 0
17	Vice Chancellor, for fitting up Office, .....	92 14 7½
18	W. B. Jarvis, Esquire, for contingencies of the Court of Queen's Bench, .....	41 5 0
19	Mr. William A. Geddes, his account as Clerk of Assize, .....	22 18 0
20	James M. Cawdell, Esquire, his account as Clerk of Assize, .....	31 5 6
21	Mr. John S. McDonald, his account as Clerk of Assize, .....	100 17 10
22	Mr. William A. Geddes, his account as Clerk of Assize, .....	17 17 0
23	Mr. Samuel Sherwood, his account as Clerk of Assize, .....	21 3 0
24	Account of the contingencies of the Inspector General's Office, .....	
25	Robert Stanton, Esquire, his account for advertising, .....	494 1 4
26	John Beikie, Esquire, for the contingencies of the Executive Council Office, .....	43 13 6
27	Robert Stanton, Esquire, his account for printing the Statutes for 1838, .....	983 7 1½
28	John Henry Dunn, Esquire, for the contingencies of the Receiver General's Office, .....	82 6 1½

JAMES NATION,  
Acting Inspector General.

INSPECTOR GENERAL'S OFFICE,  
27th February, 1839.

## CONTINGENT ACCOUNT.

Surveyor General, half year ended 30th June, 1838,.....	£ 30 14 0
Do. do. do. do. 31st December, 1838, .....	40 9 11
Inspector General, 30th December, 1838, .....	63 15 6
Robert Stanton, do. do. ....	382 15 1
Receiver General, do. do. Sterling,.....	38 19 7
Executive Council Office, .....	118 14 9
Public Offices, .....	404 12 7½

## Surveyor General's Department.

A. 95.

DR. GOVERNMENT, to the Honourable JOHN MACAULAY, Surveyor General of the Province of Upper Canada, for the following contingent expenses of the Surveyor General's Department, for the half year ending 31st December, 1837.

Authority.	SERVICE.	No. of Voucher.	Provincial Currency. Dollars, at 5s.		
			£	s.	D.
O. C. 7th July, 1837,	To Mr. Thomas Steers, for his services in the Surveyor General's Office, ending 25th February, 1836, 112 hours, a 1s. 10d. ....	1	10	5	4
	To Mr. Robert Stanton, for stationary and printing, for half year ending 31st December, 1837, .....	2	13	3	8
	To postage account, for quarter ending 30th September, 1837, .....	3	6	19	6
	To do. do. do. ending 31st December, 1837, .....	4	9	13	5
	To William Walker, for sundries furnished for used of the Office, .....	5	2	1	11
			£42	3	10

Amounting to the sum of forty-two pounds, three shillings and ten-pence, Provincial Currency.

Errors excepted.

JOHN MACAULAY,  
Surveyor General.

Examined.

GEORGE H. MARKLAND,  
Inspector General.

BEFORE me, the Honourable JOHN BEVERLY ROBINSON, Her Majesty's Chief Justice of the Court of King's Bench, of the Province of Upper Canada, personally appeared the Honourable JOHN MACAULAY, Surveyor General of the said Province, who made oath and said, that the foregoing account, amounting to forty-two pounds, three shillings and ten-pence, Provincial Currency, dollars at five shillings, is just and true, to the best of his knowledge and belief.

JOHN MACAULAY,  
Surveyor General.

Sworn before me, at Toronto, this thirty-first  
day of January, 1838.

JOHN B. ROBINSON, C. J.

Audited in Council, 1st February, 1838.

R. B. SULLIVAN.

THE GOVERNMENT, to JAMES NATION Dr. for disbursements for the Contingent Expenses of the Public Offices, for the half-year, ending the 31st December, 1837.

Voucher	1 Sundry persons, for Fuel, .....	£ 184 18 10½
	2 James Bathie, sawing wood, .....	21 12 6
	3 Watkins & Co. Door-lock, .....	1 0 0
	4 John Craig, Painting, .....	3 5 0
	5 George Johnson, White-washing, .....	5 5 0
	6 R. Newsom, labour, .....	0 12 6
	7 Samuel Wiggins, Blacksmith, .....	0 9 6
	8 Robert Marchant, Carpenter's work, .....	2 12 6
	9 A. Hawkins, (Messenger) salary, .....	£25 0 0
	House-rent, .....	10 10 0
	Contingencies, .....	12 1 4½
		47 11 4½
	10 Assistant Messenger, East Wing, .....	15 13 5
	11 Do. Do. West Wing, .....	12 10 0
	12 House-keeper's contingencies West Wing, .....	13 12 6
	13 Jacques & Hay, Carpenter's Work, .....	20 16 9
	14 Sweeping chimnies, .....	9 5 0
	15 William Musson, cleaning and putting up Stoves, .....	8 11 3
	16 William Hutchison, Bricklayer, .....	1 10 9½
	17 Peter Patterson & Co. one Stove, .....	4 0 0
		303 6 11½
	Allowance to Accountant, 5 per cent., .....	15 3 3½
		318 10 3
	18 House-keeper's salary and allowances, .....	37 10 0
	19 John McClosky, Messenger, .....	17 10 0
	20 William Walker, do. ....	25 0 0
	Total, Currency, .....	£ 398 10 3

JAMES NATION makes oath, that the within Account, amounting to three hundred and ninety-eight pounds, ten shillings and three-pence; is just and true, to the best of his knowledge and belief.

JAMES NATION.

Sworn before me, at Toronto, the }  
8th day of February, 1838. }

J. G. CHEWETT, J. P. Home District.

Examined.

GEORGE H. MARKLAND,

Inspector General.

Audited in Council, 8th February, 1838.

R. B. SULLIVAN, P. C.

THE GOVERNMENT, to JOHN BEIKIE, Esquire, Clerk Executive Council, for the usual allowances and contingencies in the Council Office, from the 1st July to 31st December, 1837, inclusive.

No. of Vouchers.	ALLOWANCE AND CONTINGENCIES.	Provincial Currency. Dollars at 5s.
1	Hugh Carfrae, his half-year's salary as Door-keeper to the Executive Council, .....	£ 16 13 4
2	Do. do. as Door-keeper to the Commissioners under the Heir and Devisee Act, ..	5 0 0
3	Robert Stanton, for Stationery, &c. ....	22 15 3
4	Post-Office, for letters to and from the same Office, for the quarter ending 30th September, 1837, .....	£ 11 12 2
	For the quarter ending 31st December, 1837, .....	9 3 10
		20 16 0
	Provincial Currency, .....	£ 65 4 7

JOHN BEIKIE, Esquire, Clerk Executive Council, maketh oath and saith, that the above Account, amounting to the sum of sixty-five pounds, four shillings and seven-pence, Province Currency, is just and true, to the best of his knowledge and belief.

JOHN BEIKIE.

Sworn before me at Toronto, this 13th  
day of February, 1838.

JOHN B. ROBINSON, C. J.

Examined.

GEORGE H. MARKLAND,

Inspector General.

Audited in Council, 15th February, 1838.

R. B. SULLIVAN, P. C.

## Government Office.

## UPPER CANADA.

DEBTOR, the GOVERNMENT OF UPPER CANADA, to JOHN JOSEPH, Esq. for the ordinary and incidental expenses of the Government Office, for the half year, from the 1st July, to the 31st December, 1837.

No. of Voucher.		Canada Currency.		
		£	s.	d.
	To William Cloughly, Messenger and Keeper of the Government Office, his half-yearly salary, .....			
	Samuel Coulson, Assistant Messenger, his half-yearly salary, .....	42	10	0
	The Post Office at Toronto, for Postage, .....	32	10	0
	James Steward, for 40 cords of wood, .....	323	16	0
	Thomas W. Moore, Esquire, British Agent at New York, to reimburse him for postage on letters passing through the United States, .....	25	0	0
	Robert Stanton, Government Printer, for printing, &c. ....	20	15	0
	Henry Rowsell, for stationary, &c. ....	26	6	1
	Thomas Dalton, for advertising proclamations, public notices, general orders, &c. in the <i>Patriot</i> newspaper, and furnishing extra copies of various numbers of that paper, ..	1	19	0
	Kenneth McKay, for 2 months service as Messenger to the Lieutenant Governor, from the 1st of November, to the 31st December, a £65 per annum, .....	62	0	10
	To Alexander Gunn, for 45 days service, as an orderly Messenger, attendant on the Lieutenant Governor, from 1st November, to the 16th December, a £25 per annum, ..	10	13	8
	Thomas Wallis, Carpenter, for work and repairs, .....	8	0	3
	Edward McMahan, for disbursements for sundry small articles furnished by various persons, and services rendered on account of the said Office, and for newspapers, .....	5	8	1
		53	3	6½
		£612	2	5½
	<b>CREDIT:</b>			
	By Warrant on the Receiver General, on account of Postage, dated 4th October, 1837, .....	£148	0	5
	By do. on do. on account of contingencies, dated 10th February, 1838, ..	100	0	0
	By do. on do. on account of postage, dated 5th March, 1838, .....	175	15	7
	By do. on do. on account of contingencies, dated 17th March, 1838, .....	180	0	0
		603	16	0
	Balance due, .....	£ 8	6	5½

I, JOHN JOSEPH, do solemnly swear, that the foregoing Account, amounting to the sum of six hundred and twelve pounds, two shillings and five-pence half-penny, Canada Currency, is just and true, to the best of my knowledge and belief.

Sworn before me, at Toronto, in Upper Canada,  
this fourteenth day of April, 1838.

J. JONES, J.

J. JOSEPH.

Examined.

GEORGE H. MARKLAND,

Inspector General.

Audited in Council, 5th July, 1838.

See extract of Despatch from Lord Goderich, 6th April, 1832, No. 67, respecting the charge for newspapers; also, a Note from Mr. Secretary Macaulay, and one from Mr. Joseph, the late Secretary, explanatory of this charge.

R. B. SULLIVAN, P. C.

Receiver General's Office.

UPPER CANADA.

ORDINARY and Incidental Expenses of the Receiver General's Office, from 1st July to 31st December, 1837, inclusive.

No. of Voucher.	PAYMENTS.	Sterling.
1	To allowance for Stationery for the above period,.....	
2	To paid Mr. George Hamilton, travelling expenses from this place to New-York, and return, for the purpose of shipping Government Debentures to London,.....	£ 11 5 0
3	Do. Mr. John A. Newbold, for cost and transport from Buffalo to Lewiston, in the United States, of a double fire-proof wrought-iron Chest, for the use of the office.	9 9 5½
4	Do. Mr. B. Turquand, for expenses incurred by him, for freight of the above Chest from Lewiston to Toronto, &c. ....	52 4 0
5	Do. Postage of public letters for the half year, ending 31st December, 1837, .....	1 4 9
6	Do. Mr. Edward Nation, for extra services in the Office, from the 7th August to 29th September, 1837, inclusive, at 10s. currency per day, (Sundays excepted).....	31 4 9
	Do. Editors of the following public Papers, for advertising loans, viz. :	21 3 0
7	Christian Guardian, .....	
8	Commercial Herald,..... £2 5 0 Cy.	
9	Courier,..... 2 14 0	
10	Patriot,..... 2 11 0	
11	Correspondent,..... 2 10 9	
12	Mirror, ..... 2 19 10	
	£15 10 11 Cy.	13 19 9½
13	Do. Robert Stanton, Esquire, Government Printer, for blank Bills of Exchange, and Government Debentures,.....	24 17 2
14	Do. Henry Rowsell, for certain articles of Stationery furnished to the Office, on account of War Loss payments, .....	1 14 3
		£ 167 2 2

JOHN HENRY DUNN, Esq. Receiver General of Upper Canada, maketh oath, that the above Account, amounting to the sum of one hundred and sixty-seven pounds, two shillings and two-pence, Sterling, is just and true, to the best of his knowledge and belief.

JOHN H. DUNN.

Sworn before me, at Toronto, this 23rd day of February, 1838.

C. C. SMALL, J. P.

Examined.

GEORGE H. MARKLAND,

Inspector General.

Audited in Council, 15th March, 1838.

R. B. SULLIVAN, P. C.

Government Printer.

THE GOVERNMENT OF UPPER CANADA, to ROBERT STANTON, DR.

1837.		£	s.	D.
July .. 4	To Notice, naming Frankford, .....	10.	1.	
11	To Extra Gazette, Speech closing Parliament, .....	0	3	4
13	To Speech, closing Parliament, .....	2	14	8
	To Schedule, Bills passed, .....	1	6	0
	To Proclamation, proroguing Parliament, .....	25.	1.	
	To Act, affording relief to certain Banks, .....	4.	1.	
	To Appointment of J. Spragge, .....	172.	1.	
	To Act, authorizing Chartered Banks to suspend specie payments, .....	6.	1.	
	To Act, to continue expiring Laws, .....	209.	1.	
	To Act, to negotiate loans for Macadamized roads, .....	29.	1.	
20	To Appointment, Turquand, .....	68.	1.	
27	To do. McLean, .....	7.	1.	
August 1	To 100 Circulars, attendance proclaiming the Queen, .....	7.	1.	
	To 100 do. proclaiming Her Majesty, .....	1	0	0
		1	0	0
	Carried forward, .....	£ 14	19	8

1837.		Brought forward, .....		£	s.	d.
				14	19	8
August	3	To Proclamation, to continue Public Officers, .....	126. 1.	2	2	0
		To Notice, general Mourning, .....	25. 1.	0	8	4
		To Proclamation, King's death, .....	62. 1.	1	0	5
	17	To do. proroguing Parliament, .....	61. 6.	2	5	9
Sept'r.	14	To Notice, Mourning to cease, .....	9. 1.	0	3	0
		To Schedule, rates and tolls, Toronto port, .....	97. 15.	7	5	6
	28	To Proclamation, proroguing Parliament, .....	62. 6.	2	6	6
		To do. reward, depredation, Roman Catholic Church, .....	46. 13.	3	1	4
	30	To Extra Gazette, suspension, Commercial Bank, .....	.....	2	14	8
Oct'r.	2	To do. with do. and reward, Carfrae, .....	.....	2	14	8
	5	To Appointment, G. Malloch, .....	8. 1.	0	2	8
		To Proclamation, Commercial Bank to suspend specie payments, .....	46. 12.	2	17	6
		To do. reward offered, Carfrae, &c. ....	58. 12.	3	12	6
	12	To Appointment, G. Gurnett, .....	8. 1.	0	2	8
		To do. Raymond, <i>et al.</i> .....	23. 1.	0	7	8
	19	To do. Adamson, .....	8. 1.	0	2	8
		To do. Butler, <i>et al.</i> .....	30. 1.	0	10	0
Nov'r.	2	To Proclamation, proroguing Parliament, .....	63. 6.	2	7	3
Dec'r.	1	To 200 Sheets Inn-keeper's Licenses, .....	.....	3	6	0
		To 200 do. Shop Licenses, .....	.....	2	14	8
	4	To 100 do. do. do. ....	.....	2	3	4
		To 100 do. Inn-keepers, Toronto, .....	.....	2	3	4
	7	To Proclamation, reward, Mackenzie, <i>et al.</i> .....	88. 5.	2	4	0
		To 2000 Bills, Militia General Order, Colonels to call out Militia, .....	.....	5	15	0
	8	To 1000 do. Militia not to resort to Toronto, .....	.....	2	15	0
	9	To 200 do. Volunteer companies, for service, .....	.....	1	5	0
	10	To 500 do. Second edition, do. do. do. ....	.....	1	10	0
		To 200 do. do. do. Militia not to resort to Toronto, .....	.....	1	5	0
		To 500 do. No Officer to release prisoners, .....	.....	1	10	0
		To 1000 do. Second edition, Militia General Order, Colonels to call out Militia, .....	.....	3	5	0
		To 8000 do. Reward, W. L. Mackenzie, <i>et al.</i> .....	.....	20	15	0
	11	To 500 do. do. John Rolph, .....	.....	1	10	0
		To 500 do. Special Commission, .....	.....	1	10	0
		To 500 do. Second edition, no Officer to release prisoners, .....	.....	1	10	0
		To Extra Gazette, calling Parliament, 21st instant, .....	.....	2	14	8
	14	To Proclamation, do. do. ....	64. 1.	1	1	4
		To do. apprehension, Rolph, .....	22. 2.	0	9	2
		To do. no Officer to release prisoners, .....	12. 2.	0	5	0
		To do. Appointment of Special Commission, .....	11. 2.	0	4	7
		To 200 Bills, no arrest to be made by Militia Officers, .....	.....	1	5	0
	16	To 200 do. reward, C. Duncombe, <i>et al.</i> .....	.....	1	10	0
	19	To Extra Gazette, calling Parliament for 28th instant, .....	.....	2	14	8
	21	To Proclamation, do. do. do. do. ....	65. 1.	1	1	8
		To Appointment, Bullock, .....	14. 1.	0	4	8
		To Proclamation, reward, C. Duncombe, <i>et al.</i> .....	26. 1.	0	8	8
	28	To Appointment, Jessupp, <i>et al.</i> .....	19. 1.	0	6	0
		To do. Newbigging, <i>et al.</i> .....	67. 1.	1	2	4
		To do. Brent, <i>et al.</i> .....	22. 1.	0	7	4
		To do. Stanton, <i>et al.</i> .....	64. 1.	1	1	4
		To do. Halkett, <i>et al.</i> .....	16. 1.	0	5	4
		To do. Pearson, <i>et al.</i> .....	37. 1.	0	12	4
		To 500 Bills, to prolong services of Militia, .....	.....	1	15	0
		To 3000 Extra Gazettes opening Session, .....	.....	7	10	0
	29	To 100 Circulars, defence of Niagara Frontier, .....	.....	1	0	0
	30	To 500 Bills, Militia General Order, 700 Volunteers wanted, .....	.....	1	15	0
		To 200 do. Colonel Radcliffe to repair to Sandwich, .....	.....	1	5	0
	31	To Notice, regular Council day, continued 26 weeks, a 8d. ....	.....	0	17	4
		To Gazette to 12 Clerks of Peace and Sheriff, 6 months, .....	.....	9	0	0
		To do. 12 Public Officers, 6 months, .....	.....	4	10	0
		To do. 4 Councillors, 6 months .....	.....	1	10	0
		To do. 12 Judges of District Court, 6 months, .....	.....	4	10	0
		To do. 93 Collectors, Treasurers, Ch'n. Qu'r. S'ns, and Inspectors, 6 months, ..	.....	34	17	6
		To do. 120 Courts of Request, .....	.....	45	0	0
		To 6 months Office-rent, .....	.....	20	0	0
		To do. Type allowance, .....	.....	25	0	0
				£	278	10 3

Amounting to the sum of two hundred and seventy-eight pounds, ten shillings and three-pence, Currency.

ROBERT STANTON.

Toronto, 31st December, 1837.

Examined.

GEORGE H. MARKLAND,

Inspector General.

ROBERT STANTON, Esquire, maketh oath and saith, that the within account, amounting to two hundred and seventy-eight pounds, ten shillings and three-pence, Currency, is just and true, to the best of his knowledge and belief.

ROBERT STANTON.

Sworn to before me, at Toronto, this  
9th day of March, 1838.

J. G. CHEWETT, J. P.  
Home District.

Audited in Council, 15th March, 1838.  
R. B. SULLIVAN, P. C.

**Inspector General's Department.**

**UPPER CANADA.**

THE GOVERNMENT, to GEORGE H. MARKLAND, Esquire, *Inspector General, for the Contingent Expenses of his Office, for the half year, ended the 31st December, 1837—Dr.*

Voucher 1	To amount of Postage of Public Letters to and from the Office, for the half year, ended 31st December, 1837,.....	£ 32 18 7
2	Henry Rowsell, for Stationery, &c.....	4 18 0
3	To Henry Hawkins, for assistance in the Office during extra hours, .....	2 0 0
4	To a Writing-table for the Office, with six drawers,.....	6 0 0
Total, Currency,.....		£ 45 16 7

GEORGE H. MARKLAND, Esquire, Inspector General, maketh oath and saith, that the above Account, amounting to the sum of forty-five pounds, sixteen shillings and seven-pence, Currency, is just and true, to the best of his knowledge and belief.

GEORGE H. MARKLAND,

Sworn before me, at Toronto, this  
seventh day of March, 1838.

J. G. CHEWETT, J. P. Home District.

Audited in Council, 15th March, 1838.  
R. B. SULLIVAN, P. C.

**Clerks of Assize—(W. A. CAMPBELL.)**

THE GOVERNMENT OF UPPER CANADA, in account with WILLIAM A. CAMPBELL, Dr.

1837.	Home District.	
March . . . . 28	Precept to Sheriff .....	£ 0 10 0
	Impannelling and swearing Grand Jury .....	0 10 0
	The King vs. Giles Fish— <i>Larceny</i> .—Reading and filing indictment, 2s. 6d.; arraig- ing prisoner, 2s. 6d.; impannelling and swearing Jury, &c. 15s.; sentence, 2s. 6d.	1 2 6
	The King vs. John Bedford— <i>Larceny</i> .—Reading and filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling and swearing Jury, 15s.; sentence, 2s. 6d. ....	1 2 6
	The King vs. Isaac Grant— <i>Larceny</i> .—Reading and filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling and swearing Jury, &c. 15s.; sentence, 2s. 6d. ....	1 2 6
	The King vs. Donald Russell— <i>Larceny</i> .—Reading and filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling and swearing Jury, 15s.; sentence, 2s. 6d. ....	1 2 6
	The King vs. Catharine Murray— <i>Larceny</i> .—Reading and filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling Jury, &c. 15s.; sentence, 2s. 6d. ....	1 2 6
	The King vs. William Ransom— <i>Larceny</i> .—Reading and filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; sentence, 2s. 6d. ....	0 7 6
	The King vs. Solomon Sleigh, Asa Willson, John Parliament, Mary Wilson, and Elizabeth Parliament— <i>Felony</i> .—Reading and filing indictment, 2s. 6d.; arraigning six prisoners, 2s. 6d. each—15s.; impannelling Jury, &c. 15s. ....	1 12 6
	Carried forward, .....	£ 8. 12. 6

		Brough forward.....	£ 8 12 6
1887- March.... 28		The King vs. Gerod Herington— <i>Felony</i> .—Reading and filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling Jury, 15s. ....	1 0 0
		The King vs. Albert Simons, Augustus Alexander, and Sarah Reid— <i>Larceny</i> .— Reading and filing indictment, 2s. 6d.; arraigning three prisoners, 2s. 6d. each— 7s. 11.; impannelling Jury, &c. 15s.; sentence 3 prisoners, 2s. 6d. each—7s. 6d.	1 12 6
		The King vs. William Camp— <i>Assault and Battery</i> .—Reading and filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling Jury, 15s.; sentence, 2s. 6d.	1 2 6
		The King vs. William Molloy and Terence Mooney—Reading and filing indict- ment, 2s. 6d.; arraigning two prisoners, 5s.; impannelling Jury, &c. 15; sen- tence 2 prisoners, 5s. ....	1 7 6
		The King vs. Beverly R. Snow— <i>Larceny</i> .—Reading and filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling Jury, 15s.; sentence, 2s. 6d. ....	1 2 6
		The King vs. John Shephard— <i>Larceny</i> .—Reading and filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; sentence, 2s. 6d. ....	0 7 6
		The King vs. Thomas O'Hara— <i>Furgery</i> .—Reading and filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling Jury, 15s.; sentence, 2s. 6d. ....	1 2 6
		The King vs. Thomas Armstrong— <i>Bigamy</i> .—Filing indictment, 2s. 6d.; Bench warrant, 3s. ....	0 5 6
		The King vs. James Gray— <i>Felony</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; sentence, 2s. 6d. ....	0 7 6
		The King, vs. Robert McKinnin— <i>Misdemeanor</i> .—Filing presentment, 2s. 6d.; bench warrant, 3s.; taking recognizance, 2s. 6d. ....	0 8 0
		Discharging James Wilson by proclamation .....	0 2 6
		Do. William Hutchison, do. ....	0 2 6
		Return of proceedings to Clerk of the Crown .....	0 10 0
		Two calendars, 2s. 6d. each .....	0 5 0
<b>District of Ottawa.</b>			
September 29		Precept to Sheriff .....	0 10 0
		Impannelling Grand Jury .....	0 10 0
		The Queen vs. Willis Sampson— <i>Burglary</i> .—Reading and filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling Jury, 15s.; sentence, 2s. 6d. ....	1 2 6
		Return of proceedings to Clerk of the Crown .....	0 10 0
		Two calendars, 2s. 6d. each .....	0 5 0
<b>Eastern District.</b>			
September 25		Precept to Sheriff .....	0 10 0
		Impannelling Grand Jury .....	0 10 0
		The Queen vs. William McLaughlin— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraign- ing prisoner, 2s. 6d.; impannelling Jury, 15s. ....	1 0 0
		The Queen vs. John Flood— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling Jury, 15s.; sentence, 2s. 6d. ....	1 2 6
		The Queen vs. Edward Quin— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling Jury, 15s.; sentence, 2s. 6d. ....	1 2 6
		The Queen vs. Henry York— <i>Manslaughter</i> .—Filing indictment, 2s. 6d.; arraign- ing prisoner, 2s. 6d.; impannelling jury, 15s. ....	1 0 0
		The Queen vs. John Godfield— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling jury, 15s.; sentence, 2s. 6d. ....	1 2 6
		The Queen vs. Geo. McDonald— <i>Assault and Battery</i> .—Filing indictment, 2s. 6d.; filing presentment, 2s. 6d.; arraigning prisoner, 2s. 6d.; taking recognizance, 2s. 6d.; bench warrant and sentence, 5s. 6d. ....	0 15 6
		The Queen vs. Ann O'Conner— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; sentence, 2s. 6d. ....	0 7 6
		The Queen vs. John Simpson— <i>Misdemeanor</i> .—Filing bill, .....	0 2 6
		One subpoena, 2s. 6d.; two calendars, 5s. ....	0 7 6
		Return of criminal proceedings, .....	0 10 0
<b>District of Johnstown.</b>			
October ... 4		Precept to Sheriff .....	0 10 0
		Impannelling and swearing Grand Jury .....	0 10 0
		The Queen vs. Louis Barron— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraigning pri- soner, 2s. 6d.; impannelling jury and sentence, 17s. 6d. ....	1 2 6
		The Queen vs. Charles M. Cooper— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraign- ing prisoner, 2s. 6d.; impannelling jury, &c., 15s.; sentence, 2s. 6d. ....	1 2 6
		The Queen vs. Patrick McEwen— <i>Felony</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling jury, 15s.; sentence, 2s. 6d. ....	1 2 6
		The Queen vs. Thomas Williams— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; sentence, 2s. 6d. ....	0 7 6
		The Queen vs. Patrick Walsh— <i>Murder</i> .—Filing indictment, 2s. 6d.; arraigning pri- soner, 2s. 6d.; impannelling jury, 15s. ....	1 0 0
		Carried forward, .....	£ 55 11 6

1837.		Brought forward,.....	£ 35 11 6
October ... 4	The Queen vs. Susannah Drinkwater— <i>Felony</i> .—Filing indictment, 2s. 6d.; arraig- ing prisoner, 2s. 6d.; impannelling jury, 15s.; sentence, 2s. 6d. ....		1 2 6
	The Queen vs. William Menley— <i>Felony</i> .—Filing indictment and presentment, 5s.; arraigning prisoner, 2s. 6d.; impannelling jury, &c., 15s.; bench warrant, 3s.; sentence, 2s. 6d. ....		1 8 0
	The Queen vs. Samuel Gray— <i>Felony</i> .—Filing indictment and presentment, 5s.; ar- raigning prisoner, 2s. 6d.; warrant, 3s.; impannelling jury, 15s. ....		1 5 6
	The Queen vs. Thomas S. Kenyon— <i>Misdemeanor</i> .—Filing indictment, 2s. 6d.; ar- raigning prisoner, 2s. 6d.; impannelling jury, 15s. ....		1 0 0
	The Queen vs. William Jervoise— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; sentence, 2s. 6d. ....		0 7 6
	The Queen vs. John and Henry Weekes— <i>Riot and Assault</i> .—Filing indictment, 2s. 6d.; taking recognizance, 2s. 6d.; warrant, 3s. ....		0 8 0
	The Queen vs. Louis Barron— <i>Felony</i> .—Filing presentment, 2s. 6d. ....		0 2 6
	The Queen vs. Archibald Dunhary— <i>Assault</i> .—Filing indictment and presentment, 5s.; bench warrant, 3s.; recognizance, 2s. 6d. ....		0 10 6
	Discharging Samuel Goody by proclamation,.....		0 2 6
	Two calenders, 5s.; twelve subpoenas, 2s. 6d.—30s. ....		1 15 0
	Return of proceedings,.....		0 10 0

## Home District.

October .. 31	Precept to Sheriff,.....		0 10 0
	Impannelling Grand Jury,.....		0 10 0
	The Queen vs. Mary Barnett, John Freeman and Mary Freeman— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraigning three prisoners, 7s. 6d.; impannelling jury, &c., 15s.; three sentences, 7s. 6d. ....		1 12 6
	The Queen vs. Peter Hardigan— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling jury, 15s. ....		1 0 0
	The Queen vs. John Burke and William Austin— <i>Felony</i> .—Filing indictment, 2s. 6d.; arraigning prisoners, 5s.; impannelling jury, 15s. ....		1 2 6
	The Queen vs. Isaac Pollard and Thomas Clarke— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraigning prisoners, 5s.; impannelling jury, &c., 15s.; two sentences, 5s. .....		1 7 6
	The Queen vs. Thomas Turnbull— <i>Misdemeanor</i> .—Filing indictment, 2s. 6d.; ar- raigning prisoner, 2s. 6d.; impannelling jury, &c., 15s.; sentence, 2s. 6d. ....		1 2 6
	The Queen vs. Henry Cleaveland and Catherine Meadow— <i>Larceny</i> .—Filing indict- ment, 2s. 6d.; arraigning prisoners, 5s.; impannelling jury, 15s.; sentences, 2s. 6d. .....		1 5 0
	The Queen vs. John Bearcroft— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling jury, 15s.; sentence, 2s. 6d. ....		1 2 6
	The Queen vs. Wilson Denis— <i>Arson</i> .—Filing indictment, 2s. 6d.; arraigning pri- soner, 2s. 6d.; impannelling jury, 15s. ....		1 0 0
	The Queen vs. Peter Bond— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraigning pri- soner, 2s. 6d.; impannelling jury, 15s.; sentence, 2s. 6d. ....		1 2 6
	The Queen vs. William Ayres— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; sentence, 2s. 6d. ....		0 7 6
	The Queen vs. ———— <i>Arson</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling jury, &c., 15s. ....		1 0 0
	The Queen vs. Robert Graydon— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling jury, 15s.; sentence, 2s. 6d. ....		1 2 6
	The Queen vs. Thomas Dixon— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling jury, 15s.; sentence, 2s. 6d. ....		1 2 6
	The Queen vs. A. Mitchell.—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling jury, 15s.; sentence, 2s. 6d. ....		1 2 6
	The Queen vs. Daniel Sullivan— <i>Assault and Battery</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling jury, 15s.; sentence, 2s. 6d.; warrant, 3s. .....		1 5 6
	The Queen vs. John Ostrander and James Hyote— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraigning prisoners, 5s.; impannelling jury, 15s.; two sentences, 5s. .....		1 7 6
	The Queen vs. William Bryant— <i>Felony</i> .—Filing indictment, 2s. 6d.; discharging prisoner by proclamation, 2s. 6d. ....		0 5 0
	The Queen vs. Thomas Fish— <i>Misdemeanor</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling jury, 15s.; sentence, 2s. 6d. ....		1 2 6
	The Queen vs. John Robinson— <i>Manslaughter</i> .—Filing indictment and presentment, 5s.; arraigning prisoner, 2s. 6d.; impannelling jury, &c., 15s. ....		1 2 6
	The Queen vs. Michael Masterson— <i>Assault and Battery</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling jury, 15s. ....		1 0 0
	The Queen vs. William Harris— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling jury, 15s.; sentence, 2s. 6d. ....		1 2 6
	The Queen vs. John Murdock— <i>Murder</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling jury, 15s.; sentence, 2s. 6d. ....		1 2 6
	The Queen vs. James Henry and Julia Murdock— <i>Murder</i> .—Filing indictment,....		0 2 6
	The Queen vs. Henry Henry and Richard Henry— <i>Felony</i> .—Filing presentment, 2s. 6d.; taking two recognizances, 5s. ....		0 7 6
	Carried forward,.....		£ 69 16 6

1837.	Brought forward,.....	£ 69 16 6
October .. 31	The Queen vs. John Young— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraigning prisoner, 2s. 6d.; impannelling jury, 15s.; sentence, 2s. 6d.....	1 2 6
	The Queen vs. James Henry— <i>Murder</i> .—Arraigning prisoner, 2s. 6d.; impannelling jury, 15s.....	0 17 6
	Discharging by proclamation A. Simon,.....	0 2 6
	Ditto ditto Maria Caruthers,.....	0 2 6
	Two calenders,.....	0 5 0
	Return of criminal proceedings,.....	0 10 0
	Total,.....£	£ 72 16 6

WILLIAM ALEXANDER CAMPBELL, Clerk of Assizes, maketh oath and saith, that the above Account is just and true, to the best of his belief and knowledge.

WILLIAM A. CAMPBELL.

Sworn before me at Toronto, this first day of June, 1838.

JOHN B. ROBINSON, C. J.

Examined.

GEORGE H. MARKLAND,  
Inspector General.

Amount of the within account brought down.....	£ 72 16 6
Deduct 32s. 6d. charged for 13 Subpœnas.....	1 12 6
	£ 71 4 0

Audited in Council, 21st June, 1838.

R. B. SULLIVAN, P. C.

**Treasurer's Account—(Home District.)**

THE GOVERNMENT OF UPPER CANADA, to F. T. BILLINGS, Treasurer of the Home District.

No. of Voucher.	NATURE OF EXPENSE.	£	s.	d.
1	To paid John Kidd, Gaoler, amount of expenses incurred on account of the State Prisoners, in the Gaol of the Home District, between the 4th and 31st December, 1837, .....	67	15	4
2	Paid John Kidd, Gaoler, amount of expenses incurred on account of the State Prisoners, in the Gaol of the Home District, between the 1st day of January, and 31st March, 1838, .....	265	14	9
		£ 333	10	1

I, FRANCIS THOMAS BILLINGS, do make oath, the above account, amounting to three hundred and thirty-three pounds, ten shillings and one penny, Currency, is just and true, to the best of my knowledge and belief.

F. T. BILLINGS,  
Treasurer, H. D.

Sworn before me, in the City of Toronto, this 19th day of April, 1838.

J. G. CHEWETT, J. P.  
Home District.

Examined.

GEORGE H. MARKLAND,  
Inspector General.

Amount of account brought down,.....	£ 333 10 1
Deduct overcharge in Voucher No. 1, .....	0 9 2
	£ 333 0 11

Audited in Council, 28th April, 1838.

R. B. SULLIVAN, P. C.

**Sheriff's Account—(London District.)**

DEBTOR, the GOVERNMENT OF UPPER CANADA, to JAMES HAMILTON, Esquire, Sheriff of the District of London, for the undermentioned disbursements and expenses, incurred on account of the State Prisoners confined in the Gaol of the said District, from the 15th day of December, 1837, to the 28th day of February, 1838, inclusive.

No. of Voucher.	NATURE OF EXPENSE.	Amount Currency.
1	To paid for sundries, provisions, &c. ....	£ 374 17 8½
2	To paid for sundries, labour and materials for gaol,.....	11 11 3
3	To paid for cooking for prisoners,.....	14 1 3
4	To paid Turnkey in charge,.....	108 0 0
5	To paid Dr. George Moore for medical attendance,.....	52 10 0
6	To paid John Jennings for sundry blankets,.....	25 10 0
7	To paid William Wheeler for sundry tin ware, .....	8 16 0
8	To paid Douglas, Warren & Co. for blankets and sundry merchandise,.....	61 5 5
9	To paid N. C. Holmes for making handcuffs and shackles,.....	10 12 6
10	To paid Denis O'Brien for sundry merchandise,.....	38 18 2½
		£ 706 2 4

I, JAMES HAMILTON, do solemnly swear, that the foregoing account, amounting to the sum of seven hundred and six pounds, two shillings and four-pence, Currency, is just and true, to the best of my knowledge and belief.

JAMES HAMILTON.

Sworn before me, at London, in the District of London,  
this thirtieth day of March, 1838.

JAMES GIVENS,  
A Commissioner for taking Affidavits in  
the B. R. London District.

Examined.

GEORGE H. MARKLAND,  
Inspector General.

Audited in Council, 10th May, 1838.

R. B. SULLIVAN, P. C.

**Queen's Counsel—(A. N. Macnab, Esquire.)**

THE GOVERNMENT OF UPPER CANADA, Dr. to ALLAN NAPIER MACNAB, Esquire, Queen's Counsel.

WESTERN DISTRICT ASSIZES, 19th SEPTEMBER, 1837.		£	s.	d.
The Queen vs. Patrick Fitzpatrick— <i>Rape</i> .—Drawing indictment, £2; conducting cause to judgment, £4 10s. ....		6	10	0
The Queen vs. Alexander Cotton— <i>Larceny</i> .—Drawing indictment, £2; conducting cause to judgment, £4 10s. ....		6	10	0
The Queen vs. The same— <i>Larceny</i> .—Drawing indictment, £2; conducting cause to judgment, £4 10s. ....		6	10	0
The Queen vs. Donnelteen— <i>Larceny</i> .—Drawing indictment, £2. ....		2	0	0
The Queen vs. George Côté alias George Bertrand— <i>Larceny</i> .—Drawing indictment, £2; conducting cause to judgment, £4 10s. ....		6	10	0
The Queen vs. The same— <i>Assault</i> .—Drawing indictment, £2. ....		2	0	0
The Queen vs. Alexander Green— <i>Rape</i> .—Drawing indictment, £2; conducting cause to judgment, £4 10s. ....		6	10	0
The Queen vs. James Wilson La Flache— <i>Felony</i> .—Drawing indictment, £2; conducting cause to judgment, £4 10s. ....		6	10	0
The Queen vs. George Wallace and John Knapp— <i>Felony</i> .—Drawing indictment, £2; conducting cause to judgment, £4 10s. ....		6	10	0
The Queen vs. Thomas Morgan, Alexander Cotton and James Smart— <i>Murder</i> .—Drawing indictment, £2; conducting cause to judgment, £4 10s. ....		6	10	0
Carried forward, .....		£ 56	0	0

	£	s.	p.
Brought forward, .....	56	0	0
<b>LONDON DISTRICT ASSIZES, 28th SEPTEMBER, 1837.</b>			
The Queen vs. Thomas Higginson— <i>Perjury</i> .—Drawing indictment, £2; conducting cause to judgment, £4 10s.....	6	10	0
The Queen vs. John Walker— <i>Felony</i> .—Drawing indictment, £2; conducting cause to judgment, £4 10s.....	6	10	0
The Queen vs. Samuel Edison— <i>Felony</i> .—Drawing indictment, £2,.....	2	0	9
The Queen vs. James Brown— <i>Misdemeanor</i> .—Drawing indictment, £2; conducting cause to judgment, £4 10s.....	6	10	0
The Queen vs. Alexander Vanalstine— <i>Felony</i> .—Drawing indictment, £2,.....	2	0	0
The Queen vs. Allen Smith— <i>Misdemeanor</i> .—Drawing indictment, £2,.....	2	0	0
The Queen vs. Erastus Gilbert— <i>Felony</i> .—Drawing indictment, £2,.....	2	0	0
The Queen vs. George Gallagher and Henry Chrysler— <i>Misdemeanor</i> .—Drawing indictment, £2; conducting cause to judgment, £4 10s.....	6	10	0
The Queen vs. William Walker— <i>Larceny</i> .—Drawing indictment, £2; conducting cause to judgment, £4 10s.....	6	10	0
The Queen vs. The same— <i>Larceny</i> .—Drawing indictment, £2; conducting cause to trial, £4 10s.....	6	10	0
The Queen vs. Aaron Gould, Robert Cooke and Stephen H. Elliott— <i>Riot and Assault</i> .—Drawing indictment, £2,.....	2	0	0
The Queen vs. The same— <i>Riot and Assault</i> .—Drawing indictment, £2,.....	2	0	0
The Queen vs. Norman Stafford and four others— <i>Conspiracy</i> .—Drawing indictment, £2,.....	2	0	0
The Queen vs. W. B. Stuart— <i>Misdemeanor</i> .—Drawing indictment, £2,.....	2	0	0
The Queen vs. James Brown— <i>Misdemeanor</i> .—Drawing indictment, £2; conducting cause to judgment, £4 10s.....	6	10	0
<b>GORE DISTRICT ASSIZES, 10th OCTOBER, 1837.</b>			
The Queen vs. Henry Merwin— <i>Perjury</i> .—Conducting cause to judgment, £4 10s.....	4	10	0
	£ 122	0	0

ALLAN NAPIER MACNAB, of Hamilton, in the Gore District, Esquire, maketh oath and saith, that the above account is just and true.

ALLAN N. MACNAB.

Sworn before me, at Toronto, this thirteenth day of June, 1838.

J. G. CHEWETT, J. P.

Home District.

Examined.

GEORGE H. MARKLAND,  
Inspector General.

Audited in Council, 15th June, 1838.

R. B. SULLIVAN, P. C.

**Government Printer.**

THE GOVERNMENT OF UPPER CANADA, to ROBERT STANTON, DR.

1837.	To 3500 Printed Copies Statutes, of the 1st Session, 13th Parliament—452 pages, at 36s. 6d.; and 34 additional hundred, each 56½ sheets, at 11s. 3d. ....	£ 1906	9	3
July.. 31	To folding and stitching 35 hundred, at 20s. ....		35	0
	Currency.....	£ 1940	9	3

Amounting to the sum of one thousand, nine hundred and forty pounds, nine shillings and three-pence, Currency.

ROBERT STANTON.

ROBERT STANTON, Government Printer, maketh oath and saith, that the above account, amounting to one thousand, nine hundred and forty pounds, nine shillings and three-pence, Currency, is just and true, to the best of his knowledge and belief.

ROBERT STANTON.

Sworn to before me, at Toronto, this 9th day of August, 1837.

A. B. HAWKE, J. P. Home District.

Examined. GEORGE H. MARKLAND,  
Inspector General.

Audited in Council, 21st August, 1837.

R. B. SULLIVAN, P. C.

**Inspector General's Account.**

**UPPER CANADA.**

THE GOVERNMENT, to GEORGE H. MARKLAND, Esquire, Dr.

Voucher 1	To amount of Jacques & Hay's account, for work and materials, in fitting up the Public Offices, .....	£ 46 4 6
		Currency, .....
		£ 46 6 6

GEORGE H. MARKLAND, Esquire, Inspector General, maketh oath and saith, that the above account, amounting to the sum of forty-six pounds, four shillings and six-pence, Currency, is just and true, to the best of his knowledge and belief.

GEORGE H. MARKLAND.

Sworn to before me, at Toronto, this  
22nd day of March, 1838.

A. B. HAWKE, J. P.  
Home District.

Examined.

GEORGE H. MARKLAND,  
Inspector General.

Audited in Council, 29th March, 1837.

R. B. SULLIVAN, P. C.

**Clerks of Assize—(ROBERT HERVEY.)**

THE GOVERNMENT OF UPPER CANADA, to ROBERT HERVEY, Junior, Clerk of Assize.

**Bathurst District.**

	£	s.	d.
Precept to Sheriff, 10s; swearing the Grand Jury, 10s .....	1	0	0
Regina vs Michael Fox.—Receiving and filing indictment, 2s 6d; arraigning prisoner, 2s 6d; impannelling, swearing and charging jury, swearing constables and witnesses, entering minutes of witnesses sworn, and entering and endorsing verdict, 15s; recording sentence on prisoner, 2s 6d	1	2	6
Regina vs Patrick Welsh.—Receiving and filing indictment, 2s 6d; arraigning prisoner, 2s 6d; impannelling jury, 15s; recording sentence of the court, 2s 6d .....	1	2	6
Regina vs John Mitchell.—Receiving and filing indictment, 2s 6d; arraigning prisoner, 2s 6d; impannelling jury, 15s .....	1	0	0
Regina vs Patrick Burke, Patrick O'Brien and James McDonald.—Receiving and filing indictment, 2s 6d; arraigning same prisoners, 7s 6d; impannelling jury, 15s; recording sentences, 7s 6d.	1	12	6
Regina vs John Tremble.—Receiving and filing indictment, 2s 6d; arraigning prisoner, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d .....	1	2	6
Regina vs John Gleeson.—Receiving and filing indictment, 2s 6d; arraigning prisoner, 2s 6d; impannelling jury, 15s .....	1	0	0
Regina vs Thomas Macaulay.—Receiving and filing indictment, 2s 6d; arraigning prisoner, 2s 6d; impannelling jury, 15s .....	1	0	0
Regina vs Mary Ann Thompson.—Receiving and filing indictment, 2s 6d; arraigning prisoner, 2s 6d; recording sentence, 2s 6d .....	0	7	6
Regina vs Peter Dulghish— <i>Rape</i> .—Receiving and filing indictment, 2s 6d; arraigning prisoner, 2s 6d; impannelling jury, 15s .....	1	0	0
Regina vs Michael Sleavin— <i>Assault on Officer</i> .—Receiving and filing indictment, 2s 6d; arraigning prisoner, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d .....	1	2	6
Regina vs James Young.—Receiving and filing presentment, 2s 6d; bench warrant, 3s; receiving and filing indictment, 2s 6d; arraigning prisoner, 2s 6d; impannelling and swearing jury, 15s.	1	5	6
Regina vs Patrick O'Brien— <i>Felony</i> .—Receiving and filing indictment, .....	0	2	6
Receiving and filing presentment on state of gaol, .....	0	2	6
Ditto ditto ditto ditto, .....	0	2	6
Regina vs Peter Ceylon.—Receiving and filing presentment, 2s 6d; bench warrant, 3s .....	0	5	6
Estreating recognizance of Peter Ayton's bail, .....	0	5	0
Regina vs John Hill and Robert Hill— <i>Larceny</i> .—Receiving and filing indictment, .....	0	2	6
Regina vs John Gleeson— <i>Felony</i> .—Receiving and filing indictment, .....	0	2	6
Regina vs John Gleeson— <i>Assault</i> .—Receiving and filing indictment, .....	0	2	6
Receiving and filing presentment on the state of a house in Perth, .....	0	2	6
Regina vs Michael Sleavin— <i>Assault on Officer</i> , 2nd case.—Receiving and filing indictment, .....	0	2	6
Carried forward, .....	£ 14	6	0

	£	s.	d.
Brought forward, .....	14	6	0
Regina vs John Gleeson— <i>Assault and Battery</i> .—Receiving and filing indictment, 2s 6d; arraig- ing prisoner, 2s 6d; recording sentence, 2s 6d.....	0	7	6
Regina vs Thomas Macaulay— <i>Assault</i> .—Receiving and filing presentment, 2s 6d; bench warrant, 3s Taking recognizance of John Dorn's witness in Regina vs John Macaulay— <i>Rape</i> ,.....	0	5	6
Regina vs Isaiah Haig, William Bormler and Adam Hull— <i>Murder</i> .—Receiving and filing indictment, Regina vs Philip Jordan— <i>Murder</i> .—Receiving and filing indictment,.....	0	2	6
Estreating recognizance of Peter Aylon's bail, .....	0	2	6
Return of criminal proceedings to Clerk of the Crown, .....	0	5	0
Three calenders,.....	0	10	0
	0	7	6
Total,.....	£ 16	9	0

**District of Prince Edward, 1837.**

Precept to Sheriff,.....	0	10	0
Swearing the Grand Jury,.....	0	10	0
Regina vs William Reid— <i>Larceny</i> .—Receiving and filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d .....	1	2	6
Receiving and filing presentment on state of goal,.....	0	2	6
Receiving and filing ditto in Register Office, .....	0	2	6
Regina vs Thomas Irvin— <i>Assault</i> .—Receiving and filing indictment, .....	0	2	6
Return of criminal proceedings to Clerk of the Crown Office,.....	0	10	0
Three calenders, .....	0	7	6
	£ 3	7	6

**Midland District, 1837.**

Precept to Sheriff, 10s; swearing the Grand Jury, 10s.....	1	0	0
Regina vs William Byar— <i>Larceny</i> .—Receiving and filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; recording sentence, 2s 6d.....	0	7	6
Regina vs John Harrison— <i>Larceny</i> .—Receiving and filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d .....	1	2	6
Regina vs Livingston Palmer— <i>Uttering Forged Money</i> .—Receiving and filing indictment, 2s 6d; discharging prisoner by proclamation, 2s 6d .....	0	5	0
Regina vs John Livett—Receiving and filing indictment, 2s 6d; discharging prisoner by proclama- tion, 2s 6d,.....	0	5	0
Regina vs Peter Beauchamp— <i>Exlony</i> .—Receiving and filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d .....	1	2	6
Regina vs Catherine Sullivan— <i>Larceny</i> .—Receiving and filing indictment, 2s 6d; arraiguing pri- soner, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d .....	1	2	6
Regina vs Wilson Baldrige— <i>Larceny</i> .—Receiving and filing indictment, 2s 6d; arraiguing pri- soner, 2s 6d; impannelling jury, 15s.....	1	0	0
Regina vs Caroline Rabie and Isabella Rabie.—Receiving and filing indictment, 2s 6d; arraiguing prisoners, 5s; impannelling jury, 15s.....	1	2	6
Regina vs William Brass— <i>Rape</i> .—Receiving and filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d .....	1	2	6
Estreating recognizance of Peter O'Rielly, witness in Regina vs William Byers,.....	0	5	0
Regina vs Peter Anderson— <i>Murder</i> .—Receiving and filing indictment, 2s 6d; arraiguing prisoner, 2s 6d .....	0	5	0
Regina vs William Brass— <i>Rape</i> , 2nd charge.—Receiving and filing presentment, receiving and filing indictment, .....	0	5	0
Regina vs Edward John Barker— <i>Libel</i> .—Receiving and filing presentment, 2s 6d; receiving and filing indictment, 2s 6d; taking recognizance, 2s 6d; arraiguing prisoner, 2s 6d; taking recog- nizance to bail, 2s 6d; defendant put off his trial, taking recognizance for next Assizes, 2s 6d; taking recognizance of bail for his appearance, 2s 6d .....	0	17	6
Regina vs David French— <i>Sheep Stealing</i> .—Receiving and filing indictment, 2s 6d; arraiguing pri- soner, 2s 6d; impannelling jury, 15s.....	1	0	0
Taking recognizance of John Henily (for assault) for the sessions, 2s 6d; taking recognizance of bail for his appearance, 2s 6d.....	0	5	0
Regina vs William Moore— <i>Forgery</i> .—Receiving and filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; impannelling jury, 15s; sentence, 2s 6d.....	1	2	6
Regina vs James Leavinson— <i>Larceny</i> —Receiving and filing indictment, 2s 6d; arraiguing priso- ner, 2s 6d; recording sentence, 2s 6d .....	0	7	6
Estreating recognizance of Jacob Banager, 5s; estreating recognizance of bail for his appearance, 5s	0	10	
Regina vs John McTaggart— <i>Larceny</i> .—Receiving and filing indictment, 2s 6d; arraiguing priso- ner, 2s 6d; impannelling jury, 15s .....	1	0	0
Regina vs Henry Smith, jun., George F. Corbett and Mathew Burns— <i>Riot</i> .—Receiving and filing indictment, 2s 6d; arraiguing Smith, 2s 6d; impannelling jury, 15s.....	1	0	0
Bench warrant against James Anderson, witness, some case, .....	0	3	0
Estreating recognizance of George F. Corbett, 5s; estreating recognizance of his bail, 5s.....	0	10	0
Estreating recognizance of Hannah Burrill and bail,.....	0	10	0
Receiving and filing presentment on state of goal,.....	0	2	6
Ditto ditto in favour of a house of industry,.....	0	2	6
Carried forward,.....	£ 16	15	6

	£	s.	d.
Brought forward, .....	16	15	6
Taking recognizance of John Pendergast, witness in Regina vs Peter Anderson— <i>Murder</i> , .....	0	2	6
Ditto ditto of undermentioned witnesses in ditto vs ditto ditto:—			
William Hagarty, 2s 6d; John Hagarty, 2s 6d; Hugh McMullin, 2s 6d; George Carscallin, 2s 6d;	1	0	0
William Mitts, 2s 6d; Henry Mitts, 2s 6d; Mark McMurray, 2s 6d; Patrick McCormick, 2s 6d	1	2	6
The Queen vs John Court— <i>Smuggling</i> .—Civil case, record withdrawn, .....	0	5	0
The Queen vs John Mainwaring— <i>Smuggling</i> .—Civil case, record withdrawn, .....	0	2	0
A subpoena (civil) to Solicitor General, in Queen vs Court, .....	0	10	0
Return of criminal proceedings to Crown Office, .....	0	7	5
Three calenders, .....			
	£	20	5 0
Criminal business at Perth, (Bathurst District,) .....	£16	9	0
Do. do. at Picton, (Prince Edward District,) .....	3	7	6
Do. do. at Kingston, (Midland District,) .....	20	5	0
Total, .....	£	40	1 6

UPPER CANADA, }  
 Home District, to wit. } ROBERT HERVEY, the younger, of Toronto, in the said District, Gentleman, maketh oath and saith, that the above account is just and true, to the best of this deponent's knowledge and belief.

R. HERVEY, Junr.

Sworn before me, at Toronto aforesaid,  
 this ninth day of January, 1838.  
 L. P. SHERWOOD.

Examined.  
 GEORGE H. MARKLAND,  
 Inspector General.

Amount of the within account .....	£	40	1 6
Deduct—The Queen vs John Court .....	£1	4 6	
Do. The Queen vs J. Mainwaring .....	0	5 6	
			1 9 6
	£	38	12 6

Audited in Council, 8th February, 1838.  
 R. B. SULLIVAN, P. C.

Queen's Counsel—(J. S. Cartwright, Esquire.)

THE GOVERNMENT OF UPPER CANADA, to JOHN S. CARTWRIGHT, Queen's Counsel, Dr.

1837	DISTRICT OF BATHURST MIDSUMMER ASSIZES.	£	s.	d.
	The Queen vs John Mitchell— <i>Horse-Stealing</i> .—Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
	The Queen vs John Hill and Robert Hill— <i>Horse-Stealing</i> .—Drawing indictment, £2 .....	2	0	0
	The Queen vs Thomas McAulay— <i>Rape</i> .—Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
	The Queen vs Peter Dalglush— <i>Rape</i> .—Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
	The Queen vs James Burke, Patrick O'Brien, and James McDonald— <i>Assault with intent to murder</i> .—Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
	The Queen vs Michael Fox— <i>Assault with intent to ravish</i> .—Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
	The Queen vs Patrick Welsh— <i>Assault with intent to ravish</i> .—Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
	The Queen vs Patrick O'Brien— <i>Felony</i> .—Drawing indictment, £2 .....	2	0	0
	The Queen vs James Young, Gaoler. —Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
	The Queen vs John Gleeson— <i>Assault with intent to murder O'Connor</i> .—Drawing indictment £2; conducting to judgment, £4 10s .....	6	10	0
	The Queen vs John Gleeson— <i>Intent Assault on Hobbs</i> .—Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
	The Queen vs John Gleeson. —Drawing indictment, £2 .....	2	0	0
	The Queen vs John Tremble— <i>Assault on Officer</i> .—Drawing indictment, £2; conducting judgment, £4 10s .....	6	10	0
	Carried forward .....	£	71	0 9

	£	s.	d.
Brought forward .....	71	0	0
The Queen vs Michael Slevin— <i>Assaulting Officer, and escaping.</i> —Drawing indictment, £2; conducting judgment, £4 10s .....	6	10	0
The Queen vs Mary Ann Thompson— <i>Larceny.</i> —Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
<b>DISTRICT OF PRINCE EDWARD ASSIZES.</b>			
The Queen vs William Read— <i>Larceny.</i> —Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
The Queen vs Thomas Irvine— <i>Assault.</i> —Drawing indictment, .....	2	0	0
<b>DISTRICT OF JOHNSTOWN ASSIZES.</b>			
The Queen vs Louis Baron— <i>Larceny.</i> —Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
The Queen vs Susanah Drinkwater— <i>Murder.</i> —Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
The Queen vs Patrick Welsh— <i>Murder.</i> —Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
The Queen vs Charles M. Cooper— <i>Larceny.</i> —Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
The Queen vs Patrick McEwen— <i>Returning from Banishment.</i> —Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
The Queen vs William Jervose— <i>Larceny.</i> —Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
The Queen vs Thomas Williamson— <i>Larceny.</i> —Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
The Queen vs Archibald Dunham— <i>Assault.</i> —Drawing indictment, .....	2	0	0
The Queen vs William Mealey— <i>Assisting a Felon to Escape.</i> —Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
The Queen vs Thomas P. Kenyon— <i>Having Forged Notes in his possession.</i> —Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
The Queen vs Samuel Gray— <i>Passing Forged Note.</i> —Drawing indictment, £2; conducting to judgment, £4 10s .....	6	10	0
The Queen vs Thomas Hussey— <i>Assaulting Officer in execution of his duty.</i> —Drawing indictment, .....	2	0	0
The Queen vs John Weeks, Henry Weeks, and others— <i>Riot and Assault.</i> —Drawing indictment, .....	2	0	0
Total, Halifax Currency .....	£ 163	10	0

JOHN S. CARTWRIGHT, of the Town of Kingston, Esquire, at present of the City of Toronto, maketh oath, that the within account, rendered as Queen's Counsel, is just and true, to the best of his knowledge and belief.

JOHN S. CARTWRIGHT.

Sworn before me, at Toronto, this  
5th day of January, 1838.

JAMES FITZGIBBON, J. P.

Home District.

Examined.

GEORGE H. MARKLAND,

Inspector General.

Audited in Council, 5th April, 1838.

W. ALLAN, P. C.

**Queen's Counsel—(Henry Sherwood, Esquire.)**

THE GOVERNMENT OF UPPER CANADA, to HENRY SHERWOOD, Queen's Counsel, Dr.

For the following business done at the Eastern Spring Circuit:

	£	s.	d.
<b>DISTRICT OF NEWCASTLE.</b>			
The Queen vs. Robert Brown— <i>Murder.</i> —Conducting the trial, and subsequent proceedings, .....	4	10	0
The Queen vs. Josiah Porter— <i>Larceny.</i> —Drawing indictment, £2; conducting trial, &c. £4 10s .....	6	10	0
<b>DISTRICT OF JOHNSTOWN.</b>			
The Queen vs. William Robinson— <i>Larceny.</i> —Drawing indictment, £2; conducting trial, &c. £4 10s .....	6	10	0
The Queen vs. Thomas D. McCormick— <i>Assault with intent to kill.</i> —Drawing indictment, £2; conducting trial, £4 10s .....	6	10	0
The Queen vs. Alexander Thomas, and others— <i>Riot and affray.</i> —Drawing indictment .....	2	0	0
Carried forward .....	£ 26	0	0

	£	s.	d.
Brought forward,.....	26	0	0
The Queen vs. Samuel Dyer and another— <i>Riot</i> .—Drawing indictment, £2; conducting trial, &c. £4 10s.....	6	10	0
The Queen vs. John Ramsay— <i>Larceny</i> .—Drawing indictment, £2; conducting trial, &c. £4 10s.....	6	10	0
The Queen vs. Thomas D. McCormick— <i>Assault with intent to kill</i> .—Drawing indictment £2; conducting trial, &c. ....	6	10	0
The Queen vs. Marshall Mahdr— <i>Larceny</i> .—Drawing indictment, £2; conducting trial, £4 10s. ...	6	10	0
The Queen vs. James Mulvough— <i>Larceny</i> .—Drawing indictment, £2; conducting trial, £4 10s. ...	6	10	0
The Queen vs. E. Bowson & others— <i>Riot</i> .—Drawing indictment, £2; conducting trial, &c £4 10s.....	6	10	0
Provincial Currency,.....	£	65	0

HOME DISTRICT, }  
 to wit. } HENRY SHERWOOD, of the City of Toronto, Esquire, *Queen's Counsel*, maketh oath and saith,  
 that the service mentioned in the within account, was rendered by him on the part of the Crown.

HENRY SHERWOOD.

Sworn before me, at Toronto, this  
 21st day of June, 1838.

JOHN B. ROBINSON, C. J.

Examined.

GEORGE H. MARKLAND,  
*Inspector General.*

Audited in Council, 21st June, 1838.

R. B. SULLIVAN, P. C.

**Vice Chancellor's Account.**

1838.

TORONTO, 19th April, 1838.

THE EXECUTIVE GOVERNMENT, in Account with R. S. JAMESON, *Vice Chancellor*, for expenses incurred in respect of  
 the Court of Chancery, and the Register Office of the said Court, under the sanction of His Excellency  
 SIR FRANCIS HEAD.

	£	s.	d.
Robson's & Wilson's account, for furnishing Court Room and Register Office, &c. ....	71	10	7½
Rowell's account for books, &c. for Register Office.....	8	8	0
Stanton's do. for printing, &c. for do. ....	12	16	0
	£	92	14

I, ROBERT S. JAMESON, do solemnly swear, that the above-mentioned accounts are correct and true, to the best  
 of my knowledge and belief.

ROBERT S. JAMESON.

Sworn this 19th day of April, 1838, before me.

J. G. CHEWETT, J. P.  
*Home District.*

Examined.

GEORGE H. MARKLAND,  
*Inspector General.*

The within account Audited in Council, 28th April, 1838.

R. B. SULLIVAN, P. C.

**Sheriff's Account—(Home District.)**

THE GOVERNMENT, to W. B. JARVIS, *Sheriff of the Home District.*

	£	s.	d.
1837 to 1838.—To attendance at the Court of King's Bench, during the Terms of Hilary, 1837, and Easter, Trinity and Michaelmas, 1838, 12 days each Term, at 11s. 8d. per diem.....	28	0	0
To paid Messrs. Robson & Wilson, for two extra chairs for the Bench .....	6	0	0
To paid James Bridgeland, for cleaning rooms .....	3	10	0
To paid William Ware, for candles .....	3	15	0
Provincial Currency.....	£	41	5

WILLIAM BOTSFORD JARVIS, Sheriff of the Home District, maketh oath and saith, that the above account is just and true, to the best of his knowledge and belief.

W. B. JARVIS,  
Sheriff.

Sworn before me, at Toronto, this  
28th day of August, 1838.

JOHN B. ROBINSON, C. J.

Examined.

GEORGE H. MARKLAND,  
Inspector General.

Audited in Council, 30th August, 1838.

R. B. SULLIVAN, P. C.

Clerks of Assize—(W. A. GEDDES.)

THE GOVERNMENT OF UPPER CANADA, to the CLERK OF ASSIZE, for the Western Fall Circuit, 1838.

Talbot District, September 10th, 1838.

	£	s.	d.
Precept to Sheriff, 10s; Swearing Grand Jury, 10s .....	1	0	0
Regina vs Oliver Purdy— <i>Larceny</i> .—Filing indictment, 2s 6d; arraignment, 2s 6d; impannelling jury, 15s .....	1	0	0
Return to Crown Office, 10s; Calender, 2s 6d .....	0	12	6

London District, September 17th, 1838:

CONTINUED BY ADJOURNMENT TO THE 24TH OF THE SAME MONTH.

Precept to Sheriff, 10s; swearing Grand Jury, 10s .....	1	0	0
Regina vs Milsher (Peter)— <i>Larceny</i> .—Filing indictment, 2s 6d; arraignment, 2s 6d; recording sentence, 2s 6d .....	0	7	6
Regina vs David King— <i>Larceny</i> .—Filing indictment, 2s 6d; arraignment, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d .....	1	2	6
Regina vs Patrick Acres— <i>Larceny</i> .—Filing indictment, 2s 6d; arraignment, 2s 6d; impannelling jury, 15s .....	1	0	0
Regina vs Jacob Shemagan— <i>Burglary</i> .—Filing indictment, 2s 6d; arraignment, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d .....	1	2	6
Regina vs William Hazen— <i>Counterfeiting</i> .—Filing indictment, .....	0	2	6
Regina vs Patrick McMearns— <i>Burglary</i> .—Filing indictment, 2s 6d; arraignment, 2s 6d; impannelling jury, 15s .....	1	0	0
Regina vs William Cummings— <i>Forgery</i> .—Filing indictment, .....	0	2	6
Regina vs William Harrington— <i>Treason</i> .—Filing indictment, 2s 6d; taking recognizance, 2s 6d ..	0	5	0
Regina vs William Cummings and John Stewart— <i>Conspiracy</i> .—Filing indictment, 2s 6d; arraignment, 2s 6d; impannelling jury, 15s; warrant, 3s .....	1	3	0
Regina vs Heiman Hills— <i>Larceny</i> .—Filing indictment, 2s 6d; arraignment, 2s 6d; impannelling jury, 15s .....	1	0	0
Regina vs Allan Hamilton— <i>Larceny</i> .—Filing indictment, 2s 6d; arraignment, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d .....	1	2	6
Regina vs Jesse Mathews and others— <i>Treason</i> .—Filing indictment, 2s 6d; recognizance, 2s 6d ..	0	5	0
Regina vs Benjamin West— <i>Treason</i> .—Filing indictment, .....	0	2	6
Regina vs John Burrill— <i>Assault</i> .—Filing indictment, 2s 6d; arraignment, 2s 6d; impannelling jury, 15s .....	1	0	0
Regina vs Duncan Wilson and others— <i>Rescue</i> .—Filing indictment, .....	0	2	6
Regina vs Job Scott and Enos Scott— <i>Robbery</i> .—Filing indictment, 2s 6d; arraignment, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d .....	1	2	6
Regina vs Duncan Wilson— <i>Robbery</i> .—Arraignment, 2s 6d; impannelling jury, 15s .....	0	17	6
Regina vs James Woods— <i>Treason</i> .—Recognizance, .....	0	2	6
Return of proceedings to Crown Office, 10s; two calenders, 5s .....	0	15	0

Western District, 26th September, 1838:

CONTINUED BY ADJOURNMENT TO THE 29TH OF THE SAME MONTH.

Precept to Sheriff, 10s; swearing Grand Jury, 10s .....	1	0	0
Regina vs St. Clair Gray— <i>Enticing Soldiers to Desert</i> .—Filing indictment, 2s 6d; arraignment, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d .....	1	2	6
Regina vs William McKenzie— <i>Burglary</i> .—Filing indictment, 2s 6d; arraignment, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d .....	1	2	6

Carried forward, .....

£ 19 13 0

	£	s.	d.
Brought forward, .....	19	18	0
Regina vs John Sanders— <i>Felony</i> .—Filing indictment, 2s 6d; arraignment, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d.....	1	2	6
Regina vs Horace Cooley and John Bourman— <i>Robbery</i> .—Filing indictment,.....	0	2	6
Regina vs Horace Cooley and John Bourman— <i>Burglary</i> .—Filing indictment, 2s 6d; arraignment, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d.....	1	2	6
Regina vs John Baldwin— <i>Felony</i> .—Filing indictment,.....	0	2	6
Return of proceedings to Crown Office, 10s; two calenders, 5s.....	0	15	0
	£22	18	0

HOME DISTRICT, }  
 to wit. } WILLIAM ALLAN GEDDES, of the City of Toronto, in the Home District, Gentleman, Clerk of Assize for the Western Fall Circuit, maketh oath and saith, that the above account (in quadruplicate) is just and true, to the best of this deponent's belief.

W. A. GEDDES.

Sworn before me, at Toronto aforesaid,  
 this 14th day of November, 1838.

J. B. MACAULAY, J.

Audited in Council, 13th December, 1838.

R. B. SULLIVAN, P. C.

**Clerks of Assize—(J. M. CAWDELL.)**

THE GOVERNMENT OF UPPER CANADA, to JAMES MARTIN CAWDELL, Clerk of Assize at the Districts of Newcastle and Niagara, for the year 1837.

CONTINGENT ACCOUNT.

Newcastle District, September 18th, 1837.		Halifax Currency, Dollars at 5s.
	£	s. d.
Precept to Sheriff, 10s; swearing Grand Jury, 10s.....	1	0 0
The Queen vs Robert Brown— <i>Murder</i> .—Taking recognizances of William Henderson, and five others, to remain during Assizes to prosecute and give evidence, 2s 6d; filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; impannelling and swearing jury and witnesses, 15s.....	1	2 6
The Queen vs Margaret McGinnis— <i>Larceny</i> .—Filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; impannelling jury, &c. 15s; recording sentence, 2s 6d.....	1	2 6
The Queen vs William Kingsmill and William H. Kingsmill— <i>Assault</i> .—Filing presentment, 2s 6d; filing indictment, 2s 6d; arraiguing prisoners, 2s 6d; taking recognizance for the appearance of prisoners at next Assizes, 2s 6d.....	0	10 0
The Queen vs John Mahony— <i>Arson</i> .—Filing indictment,.....	0	2 6
The Queen vs John Mahony— <i>Arson</i> .—Filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; impannelling jury, (not guilty,) 15s.....	1	0 0
The Queen vs Joseph Hall— <i>Forgery</i> .—Filing indictment,.....	0	2 6
The Queen vs Samuel McHenry.—The prisoner discharged by proclamation,.....	0	2 6
Filing presentment of Grand Jury respecting goal,.....	0	2 6
Calender to Sheriff,.....	0	10 0
Return of criminal proceedings to Clerk of the Crown,.....	0	10 0
Total of Newcastle District,.....	£5	17 6
Niagara District, October 3rd, 1837.		
Precept to Sheriff, 10s; swearing Grand Jury, 10s.....	1	0 0
The Queen vs James Meagher— <i>Larceny</i> .—Filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d.....	1	2 6
The Queen vs Benjamin Abbot and Archibald Abbot— <i>Felony</i> .—Filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; taking recognizance of Thomas Graham and another, to remain during Assizes to give evidence, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d.....	1	5 0
The Queen vs Silas Greer— <i>Felony</i> .—Filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; impannelling jury, (not guilty,) 15s.....	1	0 0
The Queen vs Rolph Springstead— <i>Felony</i> .—Filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; (confesses;) recording sentence, 2s 6d.....	0	7 6
The Queen vs Joseph Leggatt— <i>Felony</i> .—Filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; taking recognizance of Bernard Duffy, and three others, to remain during Assizes and to give evidence, 2s 6d; impannelling jury, &c. 15s; recording sentence, 2s 6d.....	1	5 0
Carried forward.....	£6	0 0

	£	s.	d.
Brought forward, .....	6	0	0
The Queen vs Rolph Springstead, 2nd indictment— <i>Felony</i> .—Filing indictment, 2s 6d; taking recognizance of Samuel Morham to remain during Assizes to give evidence, 2s 6d; arraiguing prisoner, (confesses,) 2s 6d; recording sentence, 2s 6d.....	0	10	0
The Queen vs Daniel Brown and others— <i>Larceny</i> .—Filing indictment, 2s 6d; taking recognizance of Joseph Wilson, and two others, to remain during Assizes to give evidence, 2s 6d; arraiguing prisoner, 2s 6d; taking recognizance of William Shaver, and six others, to remain during Assizes to give evidence, 2s 6d; taking recognizance of all above witnesses to attend at next Assizes to give evidence, 2s 6d.....	0	12	6
The Queen vs Henry Young— <i>Felony</i> .—Filing indictment, 2s 6d; issuing bench warrant, 3s.....	0	5	6
The Queen vs Jacob Price— <i>Larceny</i> .—Filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; impannelling jury, &c. 15s; recording sentence, 2s 6d.....	1	2	6
The Queen vs Andrew McGitty— <i>Felony</i> .—Filing indictment, 2s 6d; arraiguing prisoner, (confesses,) 2s 6d; recording sentence, 2s 6d.....	0	7	6
The Queen vs Peter Auger— <i>Felony</i> .—Filing indictment, .....	0	2	6
Bench warrant against Henry Hendershot, .....	0	3	0
The Queen vs Henry McEvery— <i>Larceny</i> .—Filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; impannelling jury, &c. 15s; recording sentence, 2s 6d.....	1	2	6
The Queen vs August Auger— <i>Felony</i> .—Filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d.....	1	2	6
The Queen vs James Stevenson— <i>Larceny</i> .—Filing indictment, 2s 6d; issuing bench warrant against John Melton, 3s; arraiguing prisoner, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d; estreating the recognizance of Samuel Bogarder, as crown witness, for not appearing, 5s.....	1	10	6
The Queen vs Adam Fralick— <i>Felony</i> .—Filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; impannelling jury, not guilty, 15s.....	1	0	0
The Queen vs Jeremiah Winslow— <i>Felony</i> .—Filing indictment, .....	0	2	6
The Queen vs Israel Knapp— <i>Larceny</i> .—Filing indictment, .....	0	2	6
The Queen vs Peter Lee, and others— <i>Felony</i> .—Filing indictment, 2s 6d; issuing bench warrant, 3s; arraiguing prisoner, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d.....	1	5	6
The Queen vs James O'Connor— <i>Felony</i> .—Filing indictment, .....	0	2	6
The Queen vs Harley Sherwood, and others.— <i>Misdemeanor</i> .—Bench warrant issued, 3s; filing presentment, 2s 6d; taking recognizance of Martin Kearns, and sureties, for appearance of Kearns to answer, 2s 6d; taking recognizance of Harley Sherwood, and sureties, for appearance of Sherwood, 2s 6d; taking recognizance of Richard Ryan, and sureties, for appearance of Ryan, 2s 6d.....	0	13	0
Jeremiah Gibbs Winslow, a prisoner discharged by proclamation, .....	0	2	6
Israel Knapp, ditto ditto ditto .....	0	2	6
The Queen vs William Ager— <i>Larceny</i> .—Filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; impannelling jury, 15s; recording sentence, 2s 6d.....	1	2	6
The Queen vs Peter Lee— <i>Riot</i> .—Filing indictment, 2s 6d; taking recognizance of Peter Lee's sureties to remain during Assizes to answer indictment, 2s 6d; arraiguing prisoner, 2s 6d; impannelling jury, (not guilty,) 15s.....	1	2	6
The Queen vs Joseph Goslin and others— <i>Riot</i> .—Filing indictment, 2s 6d; taking recognizance of Joseph Goslin, and sureties, for appearance of Goslin at present Assizes to answer charge, 2s 6d; taking recognizance of Bernard Roddy and sureties, for same purpose, 2s 6d; taking recognizance of Patrick Farrell and sureties, for same purpose, 2s 6d; taking recognizance of Robert Kay and sureties, for same purpose, 2s 6d; arraiguing prisoners, 2s 6d; impannelling jury, &c. (not guilty,) 15s.....	1	10	0
The Queen vs Henry Beutham— <i>Perjury</i> .—Filing presentment, 2s 6d; bench warrant issued, 3s.....	0	5	6
The Queen vs Henry Hendershot, and others.—Taking recognizance of Henry Hendershot, and sureties, for his appearance at next Assizes, to answer the charge against him.....	0	2	6
The Queen vs Adam Fralick— <i>Arson</i> .—Filing indictment, 2s 6d; arraiguing prisoner, 2s 6d; impannelling jury, &c. (not guilty,) 15s.....	1	0	0
The Queen vs William Wakely.—Estreating recognizance of William Wakely and his sureties, for his non-appearance at present Assizes, to answer his indictment, .....	0	5	0
The Queen vs Daniel Auger.—Estreating recognizance of Daniel Auger and his sureties, for his non-appearance at present Assizes, to answer indictment, .....	0	5	0
The Queen vs Peter Auger.—Estreating recognizance of Peter Auger and his sureties, for his non-appearance at present Assizes, to answer indictment, .....	0	5	0
The Queen vs John M. Black.—Estreating recognizance of John M. Black and his sureties, for his non-appearance at present Assizes, to answer indictment, .....	0	5	0
The Queen vs Robert Kay— <i>Misdemeanor</i> .—arraiguing prisoner, 2s 6d; impannelling jury, (not guilty,) 15s.....	0	17	6
The Queen vs Peter Husband and others— <i>Misdemeanor</i> .—Arraiguing prisoners, 2s 6d; impannelling jury, &c. (not guilty,) 15s.....	0	17	6
The Queen vs Arson Geer.—Estreating recognizance of Arson Geer and his sureties, for his non-appearance at present Assizes, to answer the indictment found against him, .....	0	5	0
The Queen vs Street Chase and others— <i>Larceny</i> .—Taking recognizance of Street Chase and his sureties, for the appearance of Street Chase at next Assizes, to answer indictment found against him and others, .....	0	2	6
Calender for Sheriff, .....	0	2	6
Return of criminal proceedings for Crown Office, .....	0	10	0
Total for Niagara District, .....	£	25	8
Newcastle District, .....		5	17
	£	31	5

JAMES MARTIN CAWDELL, of the City of Toronto, in the County of York, in this Province, Esquire, maketh oath and saith, that the foregoing accounts, amounting in the whole to thirty-one pounds, five shillings and six-pence, Provincial Currency, is just and true, to the best of this deponent's knowledge and belief.

JAMES M. CAWDELL.

Sworn before me, at the City of Toronto aforesaid,  
this 8th day of September, 1838.

J. JONES, J.

Audited in Council, 8th November, 1838.

R. B. SULLIVAN, P. C.

**Clerks of Assize—(W. A. GEDDES.)**

THE GOVERNMENT OF UPPER CANADA, to the CLERK OF ASSIZE, for the Eastern Spring Circuit, comprising the Johnstown, Eastern, Ottawa and Bathurst Districts.

**Johnstown District.**

COURT OF OYER AND TERMINER, AND GENERAL GAOL DELIVERY, OPENED 24TH APRIL, 1838,

AND CONTINUED BY ADJOURNMENT TO 3RD DAY OF MAY FOLLOWING.

	£	s.	d.
Precept to Sheriff, 10s.; swearing Grand Jury, 10s. ....	1	0	0
Regina vs. Edward Rowsome and others— <i>Riot</i> . Filing indictment 2s. 6d.; arraignment, 2s. 6d.; impannelling Jury, 15s.; recording sentence, 2s. 6d. ....	1	2	6
Regina vs. William Robinson: <i>Larceny</i> . Filing indictment, 2s. 6d.; arraignment, 2s. 6d.; impannelling Jury, 15s. ....	1	0	0
Regina vs. John Murphy— <i>Perjury</i> . Filing presentment, 2s. 6d.; bench warrant, 3s.; taking recognizance, 2s. 6d. ....	0	8	0
Regina vs. Thomas D. McCormick— <i>Assault with intent to murder</i> .—Filing indictment, 2s. 6d.; arraignment, 2s. 6d.; impannelling Jury, 15s. ....	1	0	0
Regina vs. Alexander Thomas and others— <i>Assault and Larceny</i> .—Filing presentment, 2s. 6d.; filing indictment, 2s. 6d. ....	0	5	0
Regina vs. Samuel Dyer and Alexander Johnson— <i>Riot</i> .—Filing presentment, 2s. 6d.; filing indictment, 2s. 6d.; bench warrant against Johnson, 3s.; arraignment, 2s. 6d.; impannelling Jury, 15s.; recording sentence, 2s. 6d. ....	1	8	0
Regina vs. John Ramsay— <i>Larceny</i> .—Filing presentment, 2s. 6d.; filing indictment, 2s. 6d.; arraignment, 2s. 6d.; impannelling Jury, 15s. ....	1	2	6
Regina vs. Truman Burritt— <i>Riotous conduct</i> .—Filing presentment, 2s. 6d.; warrant, 3s. ....	0	5	6
Regina vs. Thomas D. McCormick— <i>Assault with intent to kill</i> .—Filing presentment, 2s. 6d.; recognizance, 2s. 6d.; filing indictment, 2s. 6d.; second indictment, 2s. 6d.; arraignment, 2s. 6d.; impannelling Jury, 15s.; recording sentence, 2s. 6d. ....	1	10	0
The Queen vs. Michael Maher— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraignment, 2s. 6d.; impannelling Jury, 15s.; recording sentence, 2s. 6d. ....	1	2	6
The Queen vs. James Mulnagh— <i>Larceny</i> .—Filing indictment, 2s. 6d.; arraignment, 2s. 6d.; impannelling Jury, 15s. ....	1	0	0
Regina vs. Henry Ochiltre— <i>Assault</i> .—Filing indictment, 2s. 6d.; warrant, 3s. ....	0	5	6
Regina vs. Thomas Hussey— <i>Assault</i> .—Filing indictment, ....	0	2	6
Return of proceedings to Clerk of the Crown, ....	0	10	0
Calendar, ....	0	2	6

**Eastern District:**

7TH MAY, 1838—CONTINUED TO 9TH MAY, 1838.

Precept to Sheriff, 10s.; Grand Jury, 10s. ....	1	0	0
The Queen vs Daniel Daly— <i>Perjury</i> .—Filing indictment, ....	0	2	6
Return to Clerk of the Crown ....	0	10	0

**Ottawa District, 16th May, 1838.**

Precept to Sheriff, 10s.; Swearing Grand Jury, 10s. .... (No Criminals.)	1	0	0
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**Bathurst District:**

23RD MAY, 1838—CONTINUED TO 25TH MAY, 1838.

Precept to the Sheriff, 10s.; swearing Grand Jury, 10s. ....	1	0	0
Regina vs. James Hughes— <i>Larceny</i> .—Filing indictment, ....	0	2	6

Carried forward, ..... £ 15 19 6

	£	s.	d.
Brought forward.....	15	19	6
Regina vs. Jerry and Ann Kelly— <i>Manslaughter</i> .—Filing indictment for murder, 2s 6d.; ditto, manslaughter, 2s. 6d.; arraignment, 2s. 6d.; impannelling jury, 15s.....	1	2	6
Regina vs. Thomas Dougan— <i>Murder</i> .—Filing indictment.....	0	2	6
Regina vs. Thomas Dougan— <i>Rape</i> .—Filing indictment.....	0	2	6
Return to Clerk of the Crown.....	0	10	0
	£	17	17
		0	

HOME DISTRICT, }  
to wit. } WILLIAM ALLAN GEDDES, of the City of Toronto, in the Home District, Gentleman, Clerk of Assize for the Eastern Spring Circuit, for the year 1838, maketh oath and saith, that the within account (in quadruplicate) is just and true, to the best of his knowledge and belief.

W. A. GEDDES.

Sworn before me, at Toronto aforesaid,  
this 30th day of August, 1838.

J. B. MACAULAY, J.

Audited in Council, 6th September, 1838.

R. B. SULLIVAN, P. C.

**Clerks of Assize—(SAMUEL SHERWOOD.)**

THE GOVERNMENT OF UPPER CANADA, in Account with SAMUEL SHERWOOD, Clerk of Assize, DR.

Niagara District, 1838.		£	s.	d.
Present to Sheriff, 10s.; Swearing Grand Jury, 10s.....		1	0	0
The Queen vs Jean B. Briscoe— <i>Larceny</i> .—Receiving and filing indictment, 2s. 6d.; arraigning prisoner, 2s 6d; impannelling jury, 15s; recording sentence, 2s. 6d. ....		1	2	6
The Queen vs. Isaac Longto— <i>Larceny</i> .—Receiving and filing indictment, 2s 6d; arraigning prisoner, 2s 6d; impannelling jury, &c. 15s. ....		1	0	0
The Queen vs. Elias Morse— <i>Larceny</i> .—Receiving and filing indictment, 2s 6d; arraigning prisoner, 2s. 6d.; impannelling jury, 15s; recording sentence, 2s 6d.....		1	2	6
The Queen vs. Alexander Stewart— <i>Larceny</i> .—Receiving and filing indictment, 2s 6d; arraigning prisoner, 2s 6d; impannelling, &c. jury, 15s; recording sentence, 2s 6d.....		1	2	6
The Queen vs. John Dunegan— <i>Larceny</i> .—Receiving and filing indictment, 2s. 6d.; arraigning prisoner, 2s 6d; impannelling, &c. jury, 15s; recording sentence, 2s 6d.....		1	2	6
The Queen vs. Jacob Dutcher and John Furman— <i>Larceny</i> .—Receiving and filing indictment, 2s 6d; arraigning prisoner, 2s 6d each; empannelling jury, 15s; recording sentence, 2s 6d.....		1	5	0
The Queen vs. Robert S. Brown, (tried by himself)— <i>Larceny</i> .—Receiving and filing indictment 2s 6d; arraigning prisoner, 2s 6d; empannelling, jury, 15s.....		1	0	0
Street Chase, and Henry Hendershot— <i>Larceny</i> .—Empannelling, &c. jury, 15s; three calendars, 7s 6d.....		1	2	6
Return of criminal proceedings to the Clerk of the Crown.....		0	10	0
		£	10	7
			6	

SAMUEL SHERWOOD, of Toronto, in said District, Gentleman, maketh oath and saith, that the foregoing is a just and true account.

SAMUEL SHERWOOD.

Sworn before me, at Toronto, this  
2nd day of August, 1838.

JOHN B. ROBINSON, C. J.

Examined.

GEORGE H. MARKLAND,  
*Inspector General.*

Audited in Council, 25th August, 1838.

R. B. SULLIVAN, P. C.

THE GOVERNMENT OF UPPER CANADA, in Account with SAMUEL SHERWOOD, Clerk of Assize, DR.

<b>Simcoe District.</b>		£	s.	D.
Precept to Sheriff, 10s; swearing Grand Jury, 10s.....		1	0	0
The Queen vs Benjamin Oran— <i>Keeping a Disorderly House</i> .—Receiving and filing presentment, 2s 6d; bench warrant, 3s.....		0	5	6
The Queen vs Jacob Shaw— <i>Misdemeanor</i> .—Receiving and filing indictment, 2s 6d; arraigning prisoner, 2s 6d; impannelling jury, &c. 15s; recording sentence, 2s 6d.....		1	2	6
The Queen vs George Hall— <i>Misdemeanor</i> .—Receiving and filing indictment, 2s 6d; arraigning prisoner, 2s 6d; impannelling jury, &c. 15s; recording sentence, 2s 6d.....		1	2	6
The Queen vs Alfred Bury and Joseph Walker— <i>Felony</i> .—Receiving and filing indictment, 2s 6d; arraigning prisoners, 5s; impannelling jury, 15s; sentence, 5s.....		1	7	6
The Queen vs Thomas Simpson and Joseph Walker— <i>Larceny</i> .—Receiving and filing indictment, 2s 6d; arraigning prisoners, 5s; impannelling jury, 15s; recording two sentences, 5s.....		1	7	6
The Queen vs George Hart— <i>Felony</i> .—Recording and filing indictment, 2s 6d; arraigning prisoner, 2s 6d; impannelling jury, 15s.....		1	0	0
The Queen vs Alfred Bury and Joseph Walker— <i>Felony</i> .—Receiving and filing indictment, 2s 6d; arraigning prisoners, 5s; impannelling jury, 15s; recording two sentences, 5s.....		1	7	6
The Queen vs Maitland Walker and Jacob Walker— <i>Misdemeanor</i> .—Receiving and filing indictment, 2s 6d; arraigning prisoners, 5s; impannelling jury, &c. 15s.....		1	2	6
The Queen vs Charles Williams— <i>Felony</i> .—Receiving and filing the indictment.....		0	2	6
Three Calendars.....		0	7	6
Return of criminal proceedings to Clerk of the Crown.....		0	10	0
		£	10	15
			6	

SAMUEL SHERWOOD, of Toronto, in said District, Gentleman, maketh oath and saith, that the above is a just and true account.

SAMUEL SHERWOOD.

Sworn before me, at Toronto, this  
25th day of July, 1838.

J. JONES, J.

Examined.

GEORGE H. MARKLAND,  
*Inspector General.*

Audited in Council, 25th August, 1838.

R. B. SULLIVAN, P. C.

**Government Printer's Account.**

THE GOVERNMENT OF UPPER CANADA, to ROBERT STANTON, DR.

1838.		£	s.	D.
Jan'y.. 3	To 100 Sheets Still Licences.....	2	6	8
4	To Extra Gazette, Replies, Speech opening Session.....	2	14	8
	To Gazette, Speech opening Session.....531. 1.	8	17	0
	To Proclamation, Talbot new District.....77. 6.	2	17	9
	To Militia General Order, for returns of Forces.....17. 1.	0	5	8
	To Appointment of J. Wickens, &c.....18. 1.	0	6	0
	To do. Macaulay.....16. 1.	0	5	4
	To Gazette, Circular, Adjutant General.....52. 1.	0	17	4
	To Governor's thanks to Militia.....41. 1.	0	13	8
	To Appointment, Bank Guard.....19. 1.	0	6	4
	To do. J. W. Brent.....10. 1.	0	8	4
	To Militia General Order, Promotions.....48. 1.	0	16	0
	To do. 700 Volunteers wanted.....50. 1.	0	16	8
	To do. Promotions, City Guards.....37. 1.	0	12	4
	To do. Embodying Coloured Corps.....22. 1.	0	7	4
	To do. Promotions, Militia Force.....32. 1.	0	10	8
	To do. do. do.....53. 1.	0	17	8
	To do. Cavalry Troop.....17. 1.	0	5	8
	To Gazette, thanks of Legislative Council to Militia.....20. 1.	0	6	8
	To do. do. Assembly do.....18. 1.	0	6	0
5	To 100 Sheets Auction Bonds.....	2	14	8
11	To Gazette, answers of Legislative Council and Assembly to Speech.....517. 1	8	12	4
	To Militia General Order, appointments, rolls, &c.....29. 1.	0	9	8
	To do. Patterson, &c.....43. 1.	0	14	4
	To do. McDonald, &c.....54. 1.	0	18	0
	Carried forward.....	£	38	1
			9	

1838.			£	s.	d.
Jan'y. 11		Brought forward .....	38	1	9
	To Militia General Order,	Orderly-Books to be kept .....	26.	1.	0 8 0
	To do.	respecting correspondence with Adjutant General... 41. 1.	41.	1.	0 13 8
	To do.	Appointments, S. P. Jarvis, &c.....120. 1.	120.	1.	2 0 0
	To do.	Sandwich and Amherstburgh Volunteers .....	42.	1.	0 14 0
	To do.	Militia subject to orders..... 12. 1.	12.	1.	0 4 0
	To do.	Supplies for Militia .....	33.	1.	0 11 0
	To do.	Appointments, Hubble, &c .....	47.	1.	0 15 8
	To do.	Numbers 1 and 2, of 9th instant .....	32.	1.	0 10 8
16	To Extra Gazette, Schedule of Bills .....		2	14	8
18	To Gazette, assent to Bills passed .....		47.	1.	0 15 8
	To do. four Acts assented to .....	451. 1.	451.	1.	7 10 4
	To Militia General Order, re-instating D. E. McDonell .....	11. 1.	11.	1.	0 3 8
	To do.	Appointment of H. Fry, &c..... 18. 1.	18.	1.	0 6 0
	To do.	Colonel Carthew's Companies .....	22.	1.	0 7 4
	To do.	Appointment, Creighton, &c..... 42. 1.	42.	1.	0 14 0
	To do.	do. Captain Foster .....	12.	1.	0 4 0
	To do.	designation, Incorporated Militia .....	41.	1.	0 13 8
	To do.	Appointments, J. Nicol, &c..... 43. 1.	43.	1.	0 14 4
	To do.	T. Osborne, &c .....	150.	1.	2 10 0
	To do.	D. Bethune .....	12.	1.	0 4 0
	To do.	Colonel Kingsmill..... 17. 1.	17.	1.	0 5 8
	To do.	City Countersign .....	35.	1.	0 11 8
	To do.	Appointment, William Powell..... 11. 1.	11.	1.	0 3 8
	To do.	formation of Cavalry, &c..... 77. 1.	77.	1.	1 5 8
	To do.	evacuation, Navy Island..... 14. 1.	14.	1.	0 4 8
	To 100 posting Bills, do. ....		0	15	0
	To Militia General Order, Appointments, W. Dunlop, &c..... 19. 1.		19.	1.	0 6 4
22	To Extra Gazette, Messages, Answers, &c.....		2	14	8
25	To Proclamation, public thanksgiving.....	67. 2.	67.	2.	1 7 11
	To Message, Letters, &c., Sir John Harvey.....	107. 1.	107.	1.	1 15 8
	To do. and Answer, resignation of Sir F. Head .....	423. 1.	423.	1.	7 1 0
	To Gazette, Act regulating erection of Gaols.....	182. 1.	182.	1.	3 0 8
	To do. for holding Quarter Sessions .....	53. 1.	53.	1.	0 17 8
	To do. Amending Act, legal representation .....	68. 1.	68.	1.	1 2 8
	To Militia General Order, W. Cassady, &c.....	17. 1.	17.	1.	0 5 8
	To do.	T. Raymond, &c..... 99. 1.	99.	1.	1 13 0
	To do.	Appointment, Lieut. Bonycastle .....	13.	1.	0 4 4
	To do.	respecting order of 16th instant..... 9. 1.	9.	1.	0 3 0
	To do.	Captain Demison..... 16. 1.	16.	1.	0 5 4
	To do.	Colonel Halkett..... 18. 1.	18.	1.	0 6 0
	To do.	Colonel Burwell .....	18.	1.	0 6 0
	To do.	6th Leeds, &c..... 35. 1.	35.	1.	0 11 8
	To do.	formation of Oxford Regiments .....	127.	1.	2 2 4
Feb'y. 1	To do.	Appointment, A. N. Macnab .....	8. 1.	8.	0 2 8
	To do.	Nos. 1, 2, and 3 .....	34.	1.	0 11 4
	To do.	Colonel Carthew, &c..... 56. 1.	56.	1.	0 18 8
	To do.	Colonel Bullock, &c..... 19. 1.	19.	1.	0 6 4
	To do.	Markham Cavalry..... 22. 1.	22.	1.	0 7 4
	To do.	Appointment, Daly..... 18. 1.	18.	1.	0 6 0
	To do.	Naming Lincoln Militia..... 23. 1.	23.	1.	0 7 8
	To do.	Appointment, W. Clarke .....	11.	1.	0 3 8
	To do.	Cameron, &c..... 74. 1.	74.	1.	1 4 8
	To do.	Manland .....	12.	1.	0 4 0
	To do.	Grassett..... 10. 1.	10.	1.	0 3 4
	To do.	Colonel Kirby, &c..... 37. 1.	37.	1.	0 12 4
	To do.	Thorne .....	12.	1.	0 4 0
	To do.	Frazer, &c..... 170. 1.	170.	1.	2 16 8
	To do.	Armstrong, &c..... 22. 1.	22.	1.	0 7 4
	To do.	DeBlacquiere .....	24.	1.	0 8 0
	To do.	Calling for returns .....	14.	1.	0 4 8
	To do.	Appointment, Thompson .....	18.	1.	0 6 0
	To do.	Niagara Cavalry, return home..... 15. 1.	15.	1.	0 5 0
	To do.	Respecting future Enlistment..... 19. 1.	19.	1.	0 6 4
	To do.	Royal Forresters..... 22. 1.	22.	1.	0 7 4
8	To Militia General Order of 31st January, 1, 2, and 3, .....	43. 1.	43.	1.	0 14 4
	To do.	Disbanding Provisional Battalion..... 20. 1.	20.	1.	0 6 8
	To do.	Appointment Dr. Winder, &c..... 188. 1.	188.	1.	3 2 8
	To do.	Dr. Hume declines appointment,..... 11. 1.	11.	1.	0 3 8
	To do.	Simcoe, .....	34.	1.	0 11 4
	To do.	Respecting City Guards, .....	36.	1.	0 12 0
	To do.	Appointment Oxford Militia, .....	99.	1.	1 13 0
	To do.	Respecting Hospital Accounts, .....	23.	1.	0 7 8
	To do.	Appointment Prince and Askin, .....	15.	1.	0 5 0
	To do.	do. Webb, &c..... 59. 1.	59.	1.	0 19 8
		Carried forward, .....	£ 107	16	8

1838.				£	s.	d.
		Brought forward .....		107	16	8
Feb'y.. 8	To Militia General Order, Appointment, Bowers, &c.....	98.	1.	1	12	8
	To do. 1, 2, 3, and 4, of 12 h instant.....	127.	1.	2	2	4
	To do. Allowance for Rations, .....	55.	1.	0	18	4
	To do. Forces under Colonel Radcliffe, .....	35.	1.	0	11	8
22	To Notice to claim reward, .....	15.	4.	0	8	9
	To Militia General Order, London Volunteers, .....	16.	1.	0	5	4
	To do. Queen's Toronto Guards, .....	24.	1.	0	8	0
	To do. Appointments 2nd West York, .....	52.	1.	0	17	4
	To do. Board of Clothing, .....	62.	1.	1	0	8
	To do. Queen's Rangers, .....	66.	1.	1	2	0
	To do. Returns of appointments, .....	15.	1.	0	5	0
	To do. Ensign J. McDonald, .....	9.	1.	0	3	0
	To do. R. Elliott, .....	12.	1.	0	4	0
	To do. Caution, (small-pox).....	19.	1.	0	6	4
March. 1	To notice to claim reward, .....	15.	4.	0	8	9
	To Militia General Order, respecting Regimental Pay, .....	60.	1.	1	0	0
	To do. Appointments, 1st Lenox, .....	17.	1.	0	5	8
	To do. Captain Dickson, .....	11.	1.	0	3	8
	To do. 1st Frontenac Light Infantry, .....	59.	1.	0	19	8
	To do. do. do. ....	35.	1.	0	11	8
	To do. Captain Rudyerd, .....	13.	1.	0	4	4
	To do. 2nd Huron, &c.....	67.	1.	1	2	4
	To do. Captain McMicking's Troop, .....	11.	1.	0	3	8
	To do. 1st Regiment Norfolk, .....	9.	1.	0	3	0
	To do. George Thomson, .....	10.	1.	0	3	4
	To notice, Spring Assizes, .....	36.	14.	2	11	0
6	To Extra Gazette, edition 3,000, Speech closing Session, .....			7	10	0
7	To Circular, with Address to Collectors, .....			1	0	0
8	To Gazette, Speech close of Session, .....	663.	1.	11	1	0
	To appointment A. McDonald, .....	7.	1.	0	2	4
	To Schedule of Bills passed, .....	234.	1.	3	18	0
	To Militia General Order, formation Kingston Artillery, .....	18.	1.	0	6	0
	To do. Appointments Queen's Rangers, .....	31.	1.	0	10	4
	To do. Letter, &c. of Sir Colin Campbell, .....	125.	1.	2	1	8
	To do. Dr. Deihl, .....	20.	1.	0	6	8
	To do. Increase Queen's Own, .....	19.	1.	0	6	4
	To do. P. McMillan, .....	11.	1.	0	3	8
	To do. Appointments, Royal Foresters, &c.....	108.	1.	1	16	0
	To do. Errata in Order of 26th January, .....	18.	1.	0	6	0
	To do. Oxford Cavalry, &c. ....	94.	1.	1	11	4
	To do. Hon. J. Emsley, &c.....	53.	1.	0	17	8
15	To errata in Schedule of Bills, .....	17.	1.	0	5	8
	To Order in Council, Specie Suspension, Bank of U. C. ....	45.	16.	3	11	3
	To Gazette Act Attainder High Treason, .....	131.	1.	2	3	8
	To do. Conditional Pardon, .....	66.	1.	1	2	0
	To do. Unlawful Trainings, .....	242.	1.	4	0	8
	To do. Indemnity for arrests, .....	191.	1.	3	3	8
	To do. Claims for losses, .....	107.	1.	1	15	8
	To do. Amending Chancery bill, .....	64.	1.	1	1	4
	To Gazette, Memorandum W. G. Gunn, .....	9.	1.	0	3	0
	To Militia General Orders, Col. Radenbush, &c. ....	12.	1.	0	4	0
	To do. Appointments, 1st Frontenac, .....	23.	1.	0	7	8
	To do. do. 3rd do. ....	15.	1.	0	5	0
	To re-instatement J. Crooks, .....	13.	1.	0	4	4
22	To Order in Council, Specie Suspension, Gore Bank, .....	44.	13.	2	18	8
	To Militia General Order, Commutation for Rations, .....	25.	1.	0	8	4
	To do. Memorandum J. Crooks. ....	10.	1.	0	3	4
	To do. Returns of sick, .....	25.	1.	0	8	4
	To do. Appointment Ensign Seale, .....	9.	1.	0	3	0
	To do. Salary Adjutant General, &c.....	33.	1.	0	11	0
	To do. 1st Durham Regiment, .....	41.	1.	0	13	8
	To do. Volunteer Marine Artillery, .....	49.	1.	0	16	4
	To do. Reports Hospital Expenditure, .....	19.	1.	0	6	4
	To do. Colonel Reynolds Reserve Battalion, .....	34.	1.	0	11	4
23	To Extra Gazette, Sir George Arthur assuming Government .....			2	14	8
26	To do. Appointing Civil Secretary .....			2	14	8
29	To Proclamation, Sir George Arthur assuming Government, .....	75.	1.	1	5	0
	To their appointments, Hagarty .....	9.	1.	0	3	0
	To Militia General Order, Sir George Arthur in command .....	30.	1.	0	10	0
April.. 5	To Gazette, Act, Militia Law.....	1197.	1.	19	19	0
	To Militia General Order, Despatch, Secretary of State .....	65.	1.	1	1	8
	To do. Drake and Blackwood.....	13.	1.	0	4	4
	To do. Colonel Foster .....	12.	1.	0	4	0
	Carried forward, .....			£ 212	0	9

1838.				£	s.	d.
				212	0	9
Brought forward,.....						
April..	5	To Militia General Order, Appointments, 3rd Glengarry, &c.....	134.	1.	2	4 8
		To do do Brooke and Young, &c.....	36.	1.	0	12 0
		To do do Metcalf.....	12.	1.	0	4 0
	12	To do do Colonel Halkett, &c.....	22.	1.	0	7 4
		To Gazette, Act, Members' Wages.....	70.	1.	1	3 4
		To do Township Officers' Bill.....	1096.	1.	18	5 4
		To Reply, address respecting offenders.....	138.	1.	2	6 0
	19	To Appointment, F. T. Wilkes.....	9.	1.	0	3 0
		To Gazette, Boundary Line Bill.....	461.	1.	7	13 8
		To Militia General Order, Forming 7th Leeds.....	21.	1.	0	7 0
		To do do Provincial Military Secretary.....	11.	1.	0	3 8
		To do do for Militia Return.....	36.	1.	0	12 0
		To do do Appointment, Queen's Own.....	8.	1.	0	2 8
		To do do Cancelling Staff Adjutant, Niagara.....	12.	1.	0	4 0
		To do do Part Militia to Disband.....	28.	1.	0	9 4
		To do do Reduction ordered.....	57.	1.	0	19 0
		To do do Appointment, Toronto Guards.....	21.	1.	0	7 0
	26	To do do Regulating Pay, &c.....	71.	1.	1	3 8
		To do do Appointment, Coloured Company.....	16.	1.	0	5 4
		To do do 1st Frontenac.....	16.	1.	0	5 4
		To do do Militia Uniform.....	53.	1.	0	17 8
		To do do Continuing Artillery.....	14.	1.	0	4 8
		To do do Sundry Appointments, Militia.....	271.	1.	4	10 0
May..	3	To Proclamation proroguing Parliament.....	59,	3,	1	9 6
		To do reserved Bills assented to.....	89,	6,	3	6 9
		To Militia General Order, Appointments in Militia.....	20,	1,	0	6 8
		To do do Perth Artillery continued.....	11,	1,	0	3 8
		To do do with Despatch, Bois Blanc.....	47,	1,	0	15 8
		To do do Payment, Distribution, Kent and Essex.....	65,	1,	1	1 8
		To 300 sheets, Innkeepers' Licenses.....			3	9 4
		To 200 do Shop do.....			2	18 0
		To 100 do Auctioneers' do.....			2	6 8
		To 100 do Still do.....			2	6 8
		To 100 do Petty Chapmen.....			2	6 8
	4	To Extra Despatch, Colonel Macnab.....			2	14 8
	10	To Gazette, Notice and Despatch.....	78,	1,	1	6 0
		To Militia General Order, Distribution, Simcoe Militia.....	29,	1,	0	9 8
		To do do A. Kinghorn.....	13,	1,	0	4 4
		To do do Militia Discharged.....	15,	1,	0	5 0
		To do do Promotions, &c.....	27,	1,	0	9 0
		To do do Arms to be returned.....	32,	1,	0	10 8
		To do do Discharges granted.....	23.	1.	0	7 8
	15	To Extra Gazette, Pardon to Prisoners.....			2	14 8
	17	To Proclamation on Release of Prisoners.....	108,	1,	1	16 0
		To do Proroguing Parliament.....	56,	6,	2	2 0
		To Militia General Order, Discharges, Port Hope and Brantford.....	15,	1,	0	5 0
		To do do Kingston.....	16,	1,	0	5 4
		To do do Respecting Incorporated Corps.....	18,	1,	0	6 0
		To do do Increase of Coloured Companies.....	27,	1,	0	9 0
		To do do Ensign Patchell.....	10,	1,	0	3 4
		To do do Anniversary of Queen's Birth-day.....	34,	1,	0	11 4
		To do do Appointments, Q. L. Infantry.....	13,	1,	0	4 4
	24	To Proclamation, Assent to Bill, Sale of Lands.....	77,	3,	1	18 6
		To 200 Posting Bills, Release of Prisoners.....			1	12 6
	31	To Appointment, H. Ross, &c.....	12,	1,	0	4 0
		To Gazette, Act, Independence of Assembly.....	78,	1,	1	6 0
		To do do Naturalizing certain persons.....	75,	1,	1	5 0
		To do do Disposal of Public Lands.....	443,	1,	7	7 8
		To Militia General Order, Free Passage to Militia.....	16,	1,	0	5 4
		To do do Instructions respecting Supplies.....	55,	1,	0	18 4
		To do do Appointment, Toronto Guards.....	23,	1,	0	7 8
		To do do Queen's Rangers.....	14,	1,	0	4 8
		To do do Inspection of Niagara Frontier.....	19,	1,	0	6 4
		To do do Appointment, Provincial Marine.....	12,	1,	0	4 0
		To do do 11th Gore.....	11,	1,	0	3 8
		To do do Colonel Loring.....	12,	1,	0	4 0
		To do do Correction of Names.....	10,	1,	0	3 4
		To do do Appointments, 2nd East York.....	61,	1,	1	0 4
		To Militia General Order, Colonel Halkett.....	18,	1,	0	6 0
		To do do Appointments 1st North York.....	60,	1,	1	0 0
		To do do Simcoe Regiment.....	25,	1,	0	9 4
		To Extra Gazette, destruction of the <i>Sir Robert Peel</i> .....			2	14 8
		To 500 Posting-bills, do do.....			2	10 0
Jun..	7	To Proclamation respecting do do.....	144.	1.	2	8 0
Carried forward,.....						£318 6 0

1838.		Brought forward .....		£	s.	d.
				318	6	0
June .. 7	To Militia General Order, further discharges, Niagara.....	18,	1,	0	4	4
	To do for Field Returns.....	9,	1,	0	3	0
	To do Barrack Regulations.....	45,	1,	0	15	0
	To do Cavalry Troop.....	17,	1,	0	5	8
	To do American Steam-boat <i>Telegraph</i> .....	75,	1,	1	5	0
	To do Memorandum, 2nd Lennox Regiment.....	10,	1,	0	3	4
	To Extra Gazette, with Lord Durham's Proclamation.....			2	14	8
14	To appointment F. T. Wilkes, &c.....	15,	1,	0	5	0
	To Proclamation, reward, burning C. Prior's house.....	49,	3,	1	4	6
	To notice, with Proclamation of Governor-General, on assuming Government, and on destruction of the <i>Sir Robert Peel</i> .....	299,	1,	4	19	8
	To Militia General Order, appointments, 6th North York.....	38,	1,	0	12	8
	To do Appointments not to take place.....	10,	1,	0	3	4
21	To Appointment Hon. J. Macaulay, &c.....	17,	1,	0	5	8
	To Militia General Order, appointments, 2nd Hastings.....	87,	1,	1	9	0
	To do Cancelled.....	10,	1,	0	3	4
	To do 4th Lincoln.....	47,	1,	0	15	8
	To do Continuing part Embodied Militia.....	16,	1,	9	5	4
	To do Appointments, 1st Lennox.....	58,	1,	0	19	4
	To do Provincial Marines.....	11,	1,	0	3	8
	To do 5th Northumberland.....	16,	1,	0	5	4
28	To do Pay Militia.....	26,	1,	0	8	8
	To Proclamation respecting attack at Pelham.....	76,	1,	1	5	4
	To do Reward for J. Morreau.....	86,	1,	1	8	8
	To 500 Posting-bills, reward for J. Morreau.....			2	10	0
29	To Extra Gazette, with Militia General Order, attack on Pelham.....			2	14	8
30	To Notice, regular Council Day, 26 weeks, a 8d.....			0	17	4
	To Order in Council, Specie Suspension, Commercial Bank, 26 weeks a 3s 10d.....			4	19	8
	To Gazette, 12 Clerks of Peace and Sheriffs, 6 months.....			9	0	0
	To do 12 Public Offices.....			4	10	0
	To do 4 Councillors.....			1	10	0
	To do 12 Judges District Courts.....			4	10	0
	To do 93 Collectors, Treasurers, Inspectors, Chairmen Sessions, &c.....			34	17	6
	To do 120 Courts of Reques.....			45	0	0
	To six months Office-rent.....			20	0	0
	To do Type-allowance.....			25	0	0
Total, Currency.....				£494	1	4

Amounting to four hundred and ninety-four pounds, one shilling and four-pence, Currency.

ROBERT STANTON.

TORONTO, 30th June, 1838.

ROBERT STANTON, Government Printer, maketh oath and saith, that the foregoing account, amounting to four hundred and ninety-four pounds, one shilling and four-pence, Currency, is just and true, to the best of his knowledge and belief.

ROBERT STANTON.

Sworn before me, at Toronto, this  
11th day of July, 1838.

A. B. HAWKE,  
J. P. Home District.

Examined.

GEORGE H. MARKLAND,  
Inspector General.

Audited in Council, 12th July, 1838.

R. B. SULLIVAN, P. C.

Clerk of Executive Council.

THE GOVERNMENT, to JOHN BEKIE, Esquire, Clerk Executive Council, for the usual Allowances and Contingencies in the Council Office, from the 1st January, to the 30th June, 1838, inclusive.

No. of Voucher.	ALLOWANCE AND CONTINGENCIES.	Provincial Currency. Dollars & Cts.
1	Hugh Carfrae, his half-year's salary as Door-keeper to the Executive Council, .....	£ 15 13 4
2	Robert Stanton for Stationery, &c. ....	19 10 3
3	Post-Office, for letters to and from the same, for the half year, ending 30th June, 1838, ..	7 9 11
Provincial Currency,..		£ 43 13 6

JOHN BEIKIE, Clerk Executive Council, maketh oath and saith, that the above account, amounting to the sum of forty-three pounds, thirteen shillings and six-pence, Province Currency, is just and true, to the best of his knowledge and belief.

JOHN BEIKIE.

Sworn before me, at Toronto, this  
11th day of July, 1838.

J. B. MACAULAY, J.

Examined.

GEORGE H. MARKLAND,  
*Inspector General.*

Audited in Council, 12th July, 1838.

R. B. SULLIVAN, P. C.

**Government Printer.**

THE GOVERNMENT OF UPPER CANADA, to ROBERT STANTON, DR.

		£	s.	d.
1838.				
July..25,	To 3,500 printed copies of the Statutes, 3rd Session 13th Parliament, 194 pages, 36s. 6d. and 34 additional hundreds, each 24 $\frac{1}{2}$ sheets, 11s. 3d.....	817	16	7 $\frac{1}{2}$
	To folding and stitching 35 hundred, a 12s. 6d. ....	21	17	6
	To 3,500 printed copies Statutes, (Reserved Acts) 1st Session 13th Parliament, 32 pages, 36s. 6d. and 34 additional hundreds, each 4 sheets, 11s. 3d.....	134	18	0
	To folding and stitching 35 hundred, 5s. ....	8	15	0
	Currency,.....	£ 989	7	1 $\frac{1}{2}$

Amounting to nine hundred and eighty-three pounds, seven shillings and one penny half-penny, Currency.

ROBERT STANTON.

ROBERT STANTON, Government Printer, maketh oath and saith, that the above account, amounting to nine hundred and eighty-three pounds, seven shillings and one penny half-penny, is just and true, to the best of his knowledge and belief.

ROBERT STANTON.

Sworn before me, at Toronto, this  
1st day of August, 1838.

A. B. HAWKE,  
*J. P. Home District.*

Examined.

GEORGE H. MARKLAND,  
*Inspector General.*

Audited in Council, 25th August, 1838.

R. B. SULLIVAN, P. C.

**UPPER CANADA.**

*Ordinary and Incidental Expenses of the Receiver General's Office, from 1st January to 30th June, 1838, inclusive.*

No. of Voucher.		Sterling. Dollars, 5s.		
		£	s.	d.
1	To allowance for Stationary, for the period from 1st January to 30th June, 1838, inclusive..	11	5	0
2	To Postage of Public Letters, for the half-year ending the 30th June, 1838;.....	26	3	5 $\frac{1}{2}$
3	To paid Robert Stanton, Esquire, Government Printer, his account for publishing the Militia Pension List, in furnishing Blank Government Debentures, &c.....	37	3	2 $\frac{1}{2}$
	Total,.....	£ 74	11	7 $\frac{1}{2}$

JOHN HENRY DUNN, Esquire, Receiver General of Upper Canada, maketh oath, that the above account, amounting to seventy-four pounds, eleven shillings and seven-pence half-penny, Sterling, is just and true to the best of his knowledge and belief.

JOHN H. DUNN, R. G.

Sworn before me, at Toronto, Upper Canada,  
this 21st day of August, 1838.

A. B. HAWKE, J. P. Home District.

Examined.

GEORGE H. MARKLAND,  
Inspector General.

Amount of the within Account, .....	74 11 7½
Deduct 10s 1½d, Sterling, over extended in Voucher, No. 3, .....	0 10 1½
	£ 74 1 6

Andited in Council, 25th August, 1838.

R. B. SULLIVAN, P. C.

**Surveyor General's Department.**

A. 99.

DR. GOVERNMENT, to the Honourable ROBERT BALDWIN SULLIVAN, Surveyor General of the Province of Upper Canada, for the contingent expenses of the Surveyor General's Department, for the half-year ending 30th June, 1838.

SERVICE.	No. of Voucher.	Provincial Currency. Dollars at 5s.		
		£	s.	D
Postage of public letters, between 1st January and 30th June, 1838, inclusive.....	1	8	8	7
Robert Stanton, for printing and stationery furnished to the Office, between 1st January and 30th June, 1838 .....	2	12	1	6
Henry Lizars, for sundries furnished to the Office .....	3	10	3	11
		£ 30 14 0		

Amount due the Surveyor General, thirty pounds, fourteen shillings, Currency.

Errors excepted.

R. B. SULLIVAN.

Examined.

GEORGE H. MARKLAND,  
Inspector General.

Before me, the Honourable ARCHIBALD McLEAN, one of Her Majesty's Justices of the Court of King's Bench, of the Province of Upper Canada, personally appeared the Honourable ROBERT BALDWIN SULLIVAN, Surveyor General of the said Province, who made oath and said, that the foregoing account, amounting to the sum of thirty pounds, fourteen shillings, Provincial Currency, dollars at five shillings, is just and true, to the best of his knowledge and belief.

R. B. SULLIVAN.

Sworn before me, at Toronto, this  
24th day of August, 1838.

ARCHIBALD McLEAN, J.

**Surveyor General's Department.**

A. 100.

DR. GOVERNMENT, to the Honourable ROBERT BALDWIN SULLIVAN, Surveyor General of the Province of Upper Canada, for contingent expenses of the Surveyor General's Department, for the half-year ending 31st December, 1838.

S E R V I C E .	No. of Voucher.	Provincial Currency. Dollars at 5s.		
		£	s.	d.
Postage of letters.....	1	6	19	7½
Robert Stanton, printing and stationary .....	2	32	3	9½
Henry Lizars, sundries .....	3	1	6	6
		£ 40 9 11		

Amounting to the sum of forty pounds, nine shillings and eleven-pence, Currency.

R. B. SULLIVAN, S. G.

Examined.

JAMES NATION,  
Acting Inspector General.

Audited in Council, 31st January, 1839.

W. ALLAN, P. C.

*Province of Upper Canada.* } Before me, the Honourable JAMES BUCHANAN MACAULAY, one of Her Majesty's Justices of the Court of King's Bench, personally appeared the Honourable ROBERT BALDWIN SULLIVAN, Surveyor General, who made oath and said, that the foregoing account, amounting to the sum of forty pounds, nine shillings and eleven-pence, Currency, is just and true, to the best of his knowledge and belief.

R. B. SULLIVAN.

Sworn before me, at Toronto, this  
26th day of January, 1839.

J. B. MACAULAY, J.

**Inspector General's Department.**

THE GOVERNMENT, Dr. for the Contingencies of the Office of the Inspector General, for the half year, from the 1st July to the 31st December, 1838, inclusive.

A C C O U N T S .	A M O U N T .
1 Postage Account, .....	£ 34 5 1½
2 R. Stanton's do. for Printing, .....	21 4 8
3 H. Rowsell's do. for Stationery, .....	3 1 3
4 Leslie & Sons, do. ....	1 9 5½
5 Ridout, & Brothers <sup>1</sup> .....	2 15 0
6 James F. Smith, for Candles, .....	1 0 0
	Currency,..... £ 63 15 6

JAMES NATION, Acting Inspector General, maketh oath and saith, that the above account, amounting to sixty-three pounds, fifteen shillings and six-pence, Currency, is just and true, to the best of his knowledge and belief.

JAMES NATION.

Sworn before me, at Toronto, this  
29th January, 1839.

J. G. CHEWETT,  
J. P. Home District.

Examined.

JAMES NATION,  
Acting Inspector General.

Audited in Council, 31st January, 1839.

B. B. SULLIVAN, P. C.

Government Printer.

THE GOVERNMENT OF UPPER CANADA, to ROBERT STANTON, DR.

		£	s.	d.
1838.				
July .. 5	To Proclamation proroguing Parliament .....	61,	5,	2 0 8
	To Lord Durham's Despatches and Proclamation respecting Lands .....	222,	1,	3 14 0
	To sundry Militia General Orders in Gazette .....	210,	1,	3 10 0
12	To do do do .....	152,	1,	2 10 8
14	To Extra Gazette issued, Address of Lord Durham .....			2 14 8
19	To Notice, Lord Durham's arrival, with address .....	140,	1,	2 6 8
	To do Address when presented .....	29,	1,	0 9 8
	To sundry Militia General Orders in Gazette .....	80,	1,	1 6 8
26	To do do do .....	91,	1,	1 10 4
August 2	To do do do .....	35,	1,	0 11 8
9	To Proclamation proroguing Parliament .....	61,	6,	2 5 9
	To Despatch on Enlistments .....	79,	3,	1 19 6
16	To Appointment, W. M. Smith .....	36,	1,	0 12 0
30	To do Evans .....	43,	1,	0 14 4
Sept'r. 6	To sundry Militia General Orders in Gazette .....	154,	1,	2 11 4
13	To Proclamation proroguing Parliament .....	60,	6,	2 5 0
	To Appointment, J. Bogert .....	10,	1,	0 3 4
	To sundry Militia General Orders in Gazette .....	131,	1,	2 3 8
20	To Appointment, Morris and Bogert .....	23,	1,	0 7 8
27	To do D. Jones .....	8,	1,	0 2 8
	To do Medical Board .....	45,	1,	0 15 11
	To Notice to Claimants for Rewards .....	18,	1,	0 6 0
Oct'r...4	To Appointments, Medical Board .....	47,	1,	0 15 8
	To do R. A. Tucker, &c. ....	41,	1,	0 13 8
	To do Boundary Line Commissioners .....	32,	1,	0 10 8
	To Proclamation, Reward, Prior's barn burned .....	55,	3,	1 7 6
	To sundry Militia General Orders in Gazette .....	517,	1,	8 12 4
18	To do do do .....	36,	1,	0 12 0
25	To Proclamation proroguing Parliament .....	61,	6,	2 5 9
	To do Amnesty .....	99,	6,	3 14 3
	To do Indicted Traitors, Home District, to surrender .....	276,	6,	10 7 0
	To do do London do do .....	242,	6,	9 1 6
	To do do Gore do do .....	174,	6,	6 10 6
	To do do Niagara do do .....	150,	6,	5 12 6
	To sundry Militia General Orders in Gazette .....	331,	1,	5 10 4
Nov'r..1	To Appointments, F. Mewburn, &c. ....	17,	1,	0 5 8
	To sundry Militia General Orders in Gazette .....	79,	1,	1 6 4
6	To Extra Gazette issued .....			2 14 8
	To Proclamation addressed to Inhabitants of Upper Canada .....	432,	1,	7 4 0
8	To Appointment, J. McKay .....	11,	1,	0 3 8
	To sundry Militia General Orders in Gazette .....	412,	1,	6 17 4
15	To do do do .....	1185,	1,	19 15 0
16	To Extra Gazette issued .....			2 14 8
	To News from Prescott .....	148,	1,	2 9 4
20	To Extra Gazette issued .....			2 14 8
	To News from Lower Canada .....	243,	1,	4 1 0
22	To Proclamation, Reward, Mr. Usher's Murder .....	48,	6,	1 16 0
	To sundry Militia General Orders in Gazette .....	617,	1,	10 5 8
24	To Extra Gazette issued .....			2 14 8
	To Correspondence, Col. Worth and Col. Dundas .....	429,	1,	7 3 0
29	To Proclamation proroguing Parliament .....	61,	5,	2 0 8
	To sundry Militia General Orders in Gazette .....	1020,	1,	17 0 0
Dec'r...4	To Extra Gazette issued .....			2 14 8
6	To Proclamation for Fast Day .....	76,	2,	1 11 8
	To Appointments, A. Gordon, &c. ....	21,	1,	0 7 0
	To do Boundary Line Commissioners .....	35,	1,	0 11 8
	To Address and Reply from Lobo .....	120,	1,	2 0 0
	To sundry Militia General Orders in Gazette .....	311,	1,	5 3 8
13	To do do do .....	321,	1,	5 7 0
	To Proclamation and Reward, outrage on Rolph's property .....	51,	3,	1 5 6
	To Extra Gazette issued .....			2 14 8
	To Address, Corporation and French Inhabitants .....	512,	1,	8 10 8
20	To sundry Militia General Orders in Gazette .....	487,	1,	8 2 4
	To Appointment, J. H. Cameron .....	6,	1,	0 2 0
27	To sundry Militia General Orders in Gazette .....	137,	1,	2 5 8
Carried forward, .....				£222 17 9

		£	s.	d.
1838.	Brought forward .....	222	17	
Dec'r. 30	To Order in Council, Special Suspension, Bank of Upper Canada, 26 weeks a 3s 9d....	4	17	
	To do do do Gore Bank, do do .....	4	17	
	To do do do Commercial Bank, do do .....	4	17	
	To Notice, Council Days, 26 weeks, a 8d .....	0	17	
	To Gazette, 12 Clerks of Peace and Sheriffs, 6 months, .....	9	0	
	To do 12 Public Offices .....	4	10	
	To do 4 Councillors .....	1	10	
	To do 12 Judges District Courts .....	4	10	
	To do 93 Collectors, Inspectors, Chairmen Sessions, and Treasurers, .....	34	17	
	To do 120 Courts of Requests .....	45	0	
	To six months Office-rent .....	20	0	
	To do Type-allowance .....	25	0	
Total, Currency.....		£382	15	

Amounting to three hundred and eighty-two pounds, fifteen shillings and one penny, Currency.

ROBERT STANTON.

Toronto, 31st December, 1838.

ROBERT STANTON, Government Printer, maketh oath and saith, that the foregoing account, amounting to three hundred and eighty-two pounds, fifteen shillings and one penny, Currency, is just and true, to the best of his knowledge and belief.

ROBERT STANTON.

Sworn to before me, at Toronto, this  
30th day of January, 1839.

JAMES FITZGIBBON, J. P.

Home District.

Examined.

GEORGE H. MARKLAND,

Inspector General.

Audited in Council, 31st January, 1839.

R. B. SULLIVAN, P. C.

### Receiver General's Office.

#### UPPER CANADA.

Ordinary and Incidental Expenses of the Receiver General's Office, from 1st July to 31st December, 1838, inclusive

No. of Voucher.	P A Y M E N T S .	Sterling.	
		Dollars, a 4s. 6d.	
1	To allowance for Stationary, for the period from 1st July to the 31st Dec'r. 1838, inclusive..	11	5 0
2	To paid Jacques & Hays, for a Packing-box, to contain the Public Accounts for the year 1837,.....	0	6 9
3	To Postage of Public Letters, for the half-year ending the 31st December, 1838, inclusive..	27	7 10
Total,.....		£ 38	19 7

The Honourable JOHN HENRY DUNN, Receiver General of Upper Canada, maketh oath and saith, that the above account, amounting to the sum of thirty-eight pounds, nineteen shillings and seven-pence, Sterling, Dollars a 4s. 6d. each, is just and true, to the best of his knowledge and belief.

JOHN H. DUNN.

Sworn before me, at Toronto, Upper Canada,  
this 15th day of January, 1839.

W. H. COXWELL,

A Commissioner in the King's Bench,  
Home District.

Examined.

JAMES NATION,

Acting Inspector General.

Audited in Council, 26th January, 1839.

R. B. SULLIVAN, P. C.

**Executive Council Office.**

THE GOVERNMENT, to WILLIAM HENRY LEE, Esquire, Acting Clerk Executive Council, for the usual Allowances and Contingencies in the Council Office, from the 1st July, to the 31st December, 1838, inclusive.

No. of Voucher.	ALLOWANCE AND CONTINGENCIES.	Provincial Currency. Dollars & 5c.
1	Hugh Carfrae, his half-year's salary, as Door-keeper to the Executive Council,.....	£ 16 13 4
2	Do. as Door-keeper to the Commissioners under the Heir and Devisee Acts, ....	5 0 0
3	Shepard McCormick, his travelling expenses in proceeding from and returning to London, pursuant to a Summons from the Lieutenant-Governor, to give evidence, .....	25 0 0
4	Post-Office, for letters to and from the same, for the half-year, ending 31st Dec'r. 1838,..	20 17 7
5	John Ritchey, his account for two Boxes, for containing Papers, Joiner's work, &c.....	3 17 6
6	John Stewart, his travelling expenses in proceeding from and returning to Paris, pursuant to a Summons from the Executive Council, to give evidence, .....	4 12 0
7	Robert Stanton, for Stationery, &c.....	42 14 4
Cr.		£ 118 14 9
By the Lieutenant-Governor's Warrant on the Receiver General, dated the 13th December, 1838, for.....		25 0 0
Province Currency,.....		£ 93 14 9

WILLIAM HENRY LEE, Esquire, Acting Clerk Executive Council, maketh oath and saith, that the annexed account is just and true, to the best of his knowledge and belief.

W. H. LEE.

Sworn before me, at Toronto, this } J. B. MACAULAY, J.  
22nd day of January, 1839. }

Audited in Council, 26th January, 1839.

R. B. SULLIVAN, P. C.

Examined. JAMES NATION,  
Acting Inspector General.

**Expenses of Public Offices.**

THE GOVERNMENT, to JAMES NATION, Dr. for the undermentioned Contingent Expenses of the Public Offices, for the half-year, ended the 31st December, 1838.

Voucher 1	To sundry persons, for Fire-wood, .....	£ 82 7 6
2	" James Bathie, sawing wood, .....	20 8 6
3	" Sundry persons, Carpenter's work,.....	65 5 0
4	" do. Smith's work,.....	9 5 0
5	" do. Hardware, .....	2 2 3
6	" William Hutchinson, Mason-work, .....	0 11 4
7	" J. Webb, sweeping chimnies, .....	8 4 4½
8	" Andrew Hawkins, Messenger, Salary,..... £ 25 0 0	
	Fuel, .....	5 12 6
	House-rent,.....	6 0 0
	Contingent expenses,.....	9 11 9
		46 4 3
9	" Daniel Orris, Messenger—Salary,..... £ 25 0 0	
	Fuel, .....	5 12 6
	House-rent,.....	6 0 0
		36 12 6
10	" Assistant Messenger, East Wing, .....	6 17 0
11	" Assistant Messenger, West Wing—Salary,..... £ 12 10 0	
	Fuel, .....	3 18 1½
	House-rent, .....	1 10 0
		17 18 1½
12	" House-keeper's Contingent Expenses,.....	13 7 7½
	" Allowance 5 per cent. to Accountant, .....	15 9 2
		£ 324 12 7½
13	" House-keeper's salary,..... £ 37 10 0	
14	" J. McClosky, Messenger, salary, .....	17 10 0
15	" W. Walker, do. do. ....	25 0 0
		80 0 0
Total, Currency,.....		£ 404 12 7½

JAMES NATION makes oath, that this account is just and true, to the best of his knowledge and belief.

JAMES NATION.

Sworn before me, at Toronto, this } J. G. CHEWETT, J. P. Home District.  
22nd day of January, 1838. }

Examined. JAMES NATION,  
Acting Inspector General.

Amount of the above Account, .....	£ 404 12 7½
Deduct over-charge in the first item, .....	£5 5 0
Do, in the Contingent Account of the House-keeper, for fencing in a piece of ground, which requires authority, .....	3 0 0
	8 5 0
	Currency,.....£ 396 7 7½

Audited in Council, 26th January, 1839.

R. B. SULLIVAN, P. C.

**DETAILED ACCOUNTS,**

*Composing the sum of £4512 4s. 9d. paid on account of Trials, &c. of State Prisoners,  
transmitted by the Inspector General to the Chairman of Finance.*

INSPECTOR GENERAL'S OFFICE,  
18th March, 1839.

SIR,

In compliance with the request contained in your note of the 16th instant, I have the honour to transmit to you herewith, the detailed accounts composing the sum of £4512 4s. 9d. paid on account of the arrest, subsistence, trial, &c. of State Prisoners, paid from the Crown Reserves, and charged in the estimate of the civil expenditure of the Province for the current year, so far as the claims have been audited. With regard to the sum of £3000, estimated for the same service for the current year, it is not in my power to furnish the detail thereof until the expenditure is made; nor can I furnish the detail of the £5000 mentioned, that being also an estimate of the amount that is probably due for 1838, but not yet audited and paid. The items composing the sum of £11,500 in estimate, I transmit herewith.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

JAMES NATION,

*Acting Inspector General.*

W. H. MERRITT, Esquire,  
*Chairman, &c.*

*Schedule of Detailed Accounts, composing the sum of £4512 4s. 9d. charged in the Estimate for 1839.*

	£	s.	D.
Reward, apprehension of S. Lount.....	450	0	0
John Spragge, Esquire, Commissioner.....	264	12	0
Sheriff, Home District.....	113	15	2½
Henry Sherwood, Esquire.....	324	3	0
Mr. Justice Sherwood.....	39	18	1
George Gurnett, Esquire.....	66	2	11½
John F. Taylor, Esquire,* (an advance).....	185	0	0
Treasurer of the Home District.....*	229	0	6¾
Sheriff of the Home District.....	41	17	9
Toronto General Hospital.....	66	3	0
W. Higgins.....	16	10	3¾
John Stuart,* (an advance).....	50	0	0
Treasurer of the Home District.....	92	5	1
John S. McDonell,* (an advance).....	50	0	0
W. Walker.....	6	15	0
John Marks,* (warrant of account).....	675	0	0
Henry Sherwood,* do.....	90	0	0
Sheriff,* Gore District.....	228	6	4
Sheriff,* London District.....	588	18	0
Sheriff, Home District.....	181	9	1½
Do do.....	33	18	11
Sir Allan Macnab.....	317	5	0
	£4061	0	8½
	Add ½ for Currency.....	451	4 5½
	Currency.....	£4512	4 9

\* On account, as Clerks to the Special Commission.

JAMES NATION,

*Acting Inspector General.*

*Inspector General's Office.*

THE GOVERNMENT OF UPPER CANADA, to JOHN G. SPRAGGE.

For services as one of the Commissioners, appointed to enquire into charges of High Treason, preferred against persons implicated in the late Rebellion, and also for services during the sitting of the Special Commission for the trial of said persons—from the commencement of the sitting of the Commission of Inquiry, 12th December, 1837, to the closing of the Court on the 10th May, instant, at two guineas per diem .....	£
Less, for absence at various times during said period .....	
Certificate of the Vice Chancellor, 126 days .....	£294 0 0

I certify, that Mr. SPRAGGE was engaged in the services in the annexed account mentioned, for the period therein specified, being (Sundays, Christmas Day and Good Friday excepted) 126 days.

ROBERT S. JAMESON,  
President, Special Commission.

I certify, that the services charged for in the annexed account, during the sitting of the Special Commission, for the trial of persons charged with Treason, from the opening of the Court, on the eighth day of March last, to the tenth day of May, instant, were performed.

CHRISTOPHER A. HAGERMAN,  
Attorney General.

JOHN GODFREY SPRAGGE, of the City of Toronto, Esquire, maketh oath and saith, that the annexed account is just and true, to the best of his knowledge and belief; this deponent further saith, that he hath kept no note or account of the number of days, either of his attendance or absence, while engaged in the duties in the next account mentioned, and is therefore unable to insert, in the said account, the number of days in which he was not engaged in the said services.

JOHN G. SPRAGGE.

Sworn before me, in the City of Toronto,  
this 18th day of May, 1838.

CHARLES C. SMALL, J. P.

Examined.

GEORGE H. MARKLAND,  
Inspector General.

Amount of the account brought down .....	£294 0 0
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Audited in Council, 5th July, 1838.—Payable out of any funds appropriated, or to be appropriated, for expenses attending the capture, detention and trial, of State Prisoners, subsequently to the late revolt.

R. B. SULLIVAN, P. C.

THE GOVERNMENT, to the SHERIFF of the Home District, for services performed under the Special Commission, for the trial of persons charged with Treason.

	£	s.	d.
The Queen vs Wideman.—Arrest, 5s; travel, 30s .....	1	15	0
The Queen vs George Lount.—Arrest, 5s .....	0	5	0
The Queen vs Joseph Milburn.—Arrest, 5s; travel, 5s; 19 sub. 23s 9d; travel, 15s.....	2	8	9
The Queen vs John Bramner.—Arrest, 5s; travel, 35s .....	2	0	0
The Queen vs Peter Milne.—Arrest, 5s; 22 sub. 27s 6d; travel, 46s 6d.....	3	19	0
The Queen vs George Silverthorn.—Arrest, 5s; travel, 5s; 1 sub. 1s 3d; travel, 6s.....	0	17	3
The Queen vs Michael P. Empry.—Arrest, 5s; travel, 28s; 11 sub. 13s 9d; travel, 20s.....	3	6	9
The Queen vs Francis White.—Arrest, 5s; travel, 22s 6d.....	1	7	6
The Queen vs John McDougall.—Arrest, 5s; 13 sub. 16s 3d .....	1	1	3
The Queen vs Thomas D. Morrison.—25 sub. 31s 3d.....	1	11	3
The Queen vs Homer.—2 sub. 2s 6d; travel, 4s 6d.....	0	7	0
The Queen vs Thomas Shephard.—1 sub. 1s 3d.....	0	1	3
The Queen vs John Montgomery.—17 sub. 21s 3d; travel, 12s 6d .....	1	14	9
The Queen vs John McCormick.—3 sub. 3s 9d; travel, 45s.....	2	8	9
The Queen vs Charles Doan.—2 sub. 2s 6d; travel, 29s 6d .....	1	12	0
The Queen vs Hugh I. Wilson.—4 sub. 5s; travel, 43s.....	2	8	0
The Queen vs Samuel Lount.—3 sub. 3s 9d; travel, 47s 6d .....	2	11	3
The Queen vs Anderson.—1 sub. 1s 3d; travel, 27s.....	1	8	3
The Queen vs James Hunter.—22 sub. 27s 6d; travel, 46s.....	3	13	6
The Queen vs William J. Comfort.—6 sub. 7s 6d; travel, 21s 6d.....	1	12	0
The Queen vs Watts.—1 sub. 1s 3d; travel, 11s 6d.....	0	12	9
The Queen vs Daniel Fletcher.—4 sub. 5s; travel, 61s 6d.....	3	6	6
The Queen vs H. Stiles.—3 sub. 3s 9d; travel, 29s 6d .....	1	13	3
Carried forward.....	£42	1	0

	£	s.	d.
Brought forward.....	42	1	0
The Queen vs Levi Parsons.—3 sub. 3s 9d; travel, 18s.....	1	1	9
The Queen vs Aaron Freet.—3 sub. 3s 9d; travel, 24s.....	1	7	9
The Queen vs Timothy Monro.—1 sub. 1s 3d.....	0	1	3
The Queen vs John Devens.—1 sub. 1s 3d; travel, 8s.....	0	9	3
The Queen vs Peter Rogers.—1 sub. 1s 3d.....	0	1	3
The Queen vs William Stockdale.—17 sub. 21s 3d; travel, 42s.....	3	3	3
The Queen vs Cherry.—1 sub, 1s 3d; travel, 2s 9d.....	0	4	0
The Queen vs John Stewart.—7 sub. 8s 9d; travel, 27s 6d.....	1	16	3
The Queen vs Peter Matthews.—1 sub. 1s 3d; travel, 4s.....	0	5	3
The Queen vs Ashur Wilson.—5 sub. 6s 3d; travel, 27s 6d.....	1	13	9
The Queen vs David Porter.—11 sub. 13s 9d; travel, 26s 6d.....	2	0	3
The Queen vs John G. Parker.—2 sub. 2s 6d.....	0	2	6
The Queen vs Guziter.—5 sub. 6s 3d; travel, 11s 6d.....	0	17	9
The Queen vs McKenzie.—3 sub. 3s 9d; travel, 10s.....	0	13	9
The Queen vs Seymour Stoddill.—4 sub. 5s; travel, 4s.....	2	6	0
The Queen vs Jonathan Abby.—3 sub. 3s 9d; travel, 5s 6d.....	0	9	3
The Queen vs Johnston.—3 sub. 3s 9d; travel, 8s 6d.....	0	12	3
The Queen vs Stibbert.—5 sub. 6s 3d; travel, 1s 3d.....	0	7	6
The Queen vs Various persons.—8 sub. 10s; travel, 6d.....	0	10	6
The Queen vs James Fulton.—2 sub. 2s 6d; travel, 7s 6d.....	0	10	0
The Queen vs Donald Cameron.—7 sub. 8s 9d; travel, 85s 6d.....	4	14	3
The Queen vs James Marshall.—1 sub. 1s 3d.....	0	1	3
The Queen vs Edward Kennedy.—9 sub. 11s 3d; travel, 19s.....	1	10	3
The Queen vs Jeremiah C. Chapin.—1 sub. 1s 3d; travel, 1s 6d.....	0	2	9
The Queen vs George Bartley.—2 sub. 2s 6d; travel, 15s.....	0	17	6
The Queen vs Solomon Sly.—2 sub. 2s 6d; travel, 32s 6d.....	1	14	6
The Queen vs Reed.—1 sub. 1s 3d.....	0	1	3
The Queen vs John Murphy.—3 sub. 3s 9d; travel, 10s.....	0	13	9
The Queen vs Jesse Cleaver.—1 sub. 1s 3d.....	0	1	3
The Queen vs Durand.—5 sub. 6s 3d; travel, 14s.....	1	0	3
The Queen vs Brock.—11 sub. 13s 9d; travel, 15s.....	1	8	9
The Queen vs E. Cameron.—11 sub. 13s 9d; travel, 47s 9d.....	3	1	6
The Queen vs Cearney.—6 sub. 7s 6d.....	0	7	6
The Queen vs Cody.—1 sub. 1s 3d.....	0	1	3
	£	76	10 6
Summoning Jury, viz. 24 Grand Jurors, a 1s 3d.....	£	1	10 0
Travel for do. 240 miles, a 6d.....	6	0	0
80 Petit Jurors, a 1s 3d.....	5	0	0
		12	10 0
Re-summoning Grand Jury.....		3	0 0
55 days attendance, a 12s 6d.....		34	7 6
	£	126	8 0
Currency.....	£	126	8 0

I certify, that the services referred to in the three last items of the foregoing account, were necessarily rendered by the Sheriff, at the sitting of the Special Commission, and trust they may be compensated out of the Public Revenue.

JOHN B. ROBINSON, C. J.

17th May, 1838.

I certify, that the services referred to in that part of the foregoing account, not alluded to in the certificate of the Honourable the Chief Justice, were necessarily rendered by the Sheriff, during the sitting of the Special Commission, and recommend them for payment out of the Provincial Funds.

CHRISTOPHER A. HAGERMAN,  
Attorney General.

I, WILLIAM BOTSFORD JARVIS, Sheriff of the Home District, do swear, that the foregoing account, amounting to one hundred and twenty-six pounds, eight shillings, Provincial Currency, is just and true, to the best of my knowledge and belief.

W. B. JARVIS,  
Sheriff.

Sworn before me, at Toronto, this  
29th day of May, 1838.

JOHN B. ROBINSON, C. J.

Examined.

GEORGE H. MARKLAND,  
Inspector General.

Amount of the within account, ..... £ 126 8 0

Audited in Council, 5th July, 1838, payable out of any funds appropriated, or to be appropriated, for expenses attending the capture, detention and trial, of State Prisoners, subsequently to the late revolt.

R. B. SULLIVAN, P. C.

## THE GOVERNMENT OF UPPER CANADA, to HENRY SHERWOOD, Dr.

			£	s.	d.
Attending the Board of Commissioners for the examination of Traitors, as Counsel for the Commission, 14 days, at £3 10s. per day.....			49	0	0
Attending as Counsel before the Grand Jury; procuring and examining Witnesses, upon several indictments against William Alnes, for Treason, and serving copy of Indictment, and assisting in making up lists of Witnesses, and marshalling the same,.....			2	10	0
Do.	do	on Indictment against Ira Anderson, for Treason, .....	2	10	0
Do.	do	do Joseph Brammer.....	2	10	0
Do.	do	do Russell Baker.....	2	10	0
Do.	do	do George Barclay, jun. ....	2	10	0
Do.	do	do Silas Bardwell.....	2	10	0
Do.	do	do Robert Berrie.....	2	10	0
Do.	do	do James Brown.....	2	10	0
Do.	do	do John Brammer.....	2	10	0
Do.	do	do John Brown.....	2	10	0
Do.	do	do Stephen B. Brophy.....	2	10	0
Do.	do	do Jesse Cleon.....	2	10	0
Do.	do	do John Cuyler.....	2	10	0
Do.	do	do Charles Croker.....	2	10	0
Do.	do	do Michael Canayan.....	2	10	0
Do.	do	do Nelson Carson.....	2	10	0
Do.	do	do Jay Cooly.....	2	10	0
Do.	do	do Walter Chase.....	2	10	0
Do.	do	do Zachariah Duet.....	2	10	0
Do.	do	do Charles Doan.....	2	10	0
Do.	do	do William Doan.....	2	10	0
Do.	do	do William Delany.....	2	10	0
Do.	do	do John Devries.....	2	10	0
Do.	do	do Jesse Doan.....	2	10	0
Do.	do	do Godlip Eckhart.....	2	10	0
Do.	do	do Luthur Elton.....	2	10	0
Do.	do	do William G. Edmonston.....	2	10	0
Do.	do	do Eli Erwin.....	2	10	0
Do.	do	do Jared Erwin.....	2	10	0
Do.	do	do Joseph Gould.....	2	10	0
Do.	do	do John Gellingham.....	2	10	0
Do.	do	do John Gibson.....	2	10	0
Do.	do	do Adam Graham.....	2	10	0
Do.	do	do John Graham.....	2	10	0
Do.	do	do Percipher Hawk.....	2	10	0
Do.	do	do William Hill.....	2	10	0
Do.	do	do Abram Halliney.....	2	10	0
Do.	do	do John Halliney.....	2	10	0
Do.	do	do Andrew Hill.....	2	10	0
Do.	do	do Wildon Hughes.....	2	10	0
Do.	do	do William Hilborn.....	2	10	0
Do.	do	do Henry Johnston.....	2	10	0
Do.	do	do James Johnston.....	2	10	0
Do.	do	do James Kane.....	2	10	0
Do.	do	do Arthur Kelly.....	2	10	0
Do.	do	do Charles Lowe.....	2	10	0
Do.	do	do Reuben Landy.....	2	10	0
Do.	do	do George Lamb.....	2	10	0
Do.	do	do Jacob Lameran.....	2	10	0
Do.	do	do Hiram Matthews.....	2	10	0
Do.	do	do Joseph Matthews.....	2	10	0
Do.	do	do John McCormack.....	2	10	0
Do.	do	do James McGuire.....	2	10	0
Do.	do	do John Marr.....	2	10	0
Do.	do	do Isaac Matterson.....	2	10	0
Do.	do	do Joseph McGrath.....	2	10	0
Do.	do	do William Nelson.....	2	10	0
Do.	do	do John Prout.....	2	10	0
Do.	do	do William Poole.....	2	10	0
Do.	do	do David Porter.....	2	10	0
Do.	do	do John Robinson.....	2	10	0
Do.	do	do John Read.....	2	10	0
Do.	do	do Wilson Read.....	2	10	0
Do.	do	do William Read, Jun'r.....	2	10	0
Do.	do	do John Rummerfield.....	2	10	0
Do.	do	do Peter Rogers.....	2	10	0
Do.	do	do Andrew Rowand.....	2	10	0
Do.	do	do Francis Robins.....	2	10	0
Carried forward.....			£ 219	10	0

				£	s.	d.
			Brought forward.....	219	10	0
Do	do	do	Titus Root .....	2	10	0
Do	do	do	Daniel Sheppard.....	2	10	0
Do	do	do	Joseph Sheppard.....	2	10	0
Do	do	do	Jacob Sheppard .....	2	10	0
Do	do	do	Thomas Sheppard.....	2	10	0
Do	do	do	Ashael W. Scott.....	2	10	0
Do	do	do	Henry Stiles .....	2	10	0
Do	do	do	Thomas Sly .....	2	10	0
Do	do	do	John D. Staples .....	2	10	0
Do	do	do	Michael Sheppard .....	2	10	0
Do	do	do	Seymour Stoddill .....	2	10	0
Do	do	do	Solomon Sly .....	2	10	0
Do	do	do	John Stuart, Jun'r.....	2	10	0
Do	do	do	Robert Taylor .....	2	10	0
Do	do	do	Thomas Tracey .....	2	10	0
Do	do	do	Hugh D. Wilson .....	2	10	0
Do	do	do	John D. Wilson .....	2	10	0
Do	do	do	Robert Walker .....	2	10	0
Do	do	do	Richard Watson .....	2	10	0
Do	do	do	Thomas Wilson .....	2	10	0
Do	do	do	Widiman Philip .....	2	10	0
Do	do	do	Joseph Watson .....	2	10	0
Do	do	do	Asa Wixon .....	2	10	0
Do	do	do	Joel Wixon .....	2	10	0
Do	do	do	Abram Wilson .....	2	10	0
Do	do	do	Thomas Watts .....	2	10	0
Do	do	do	Townsend Wixon.....	2	10	0
Do	do	do	John Wilkie .....	2	10	0
Do	do	do	Leonard Watson.....	2	10	0
Do	do	do	John Wilkie, of York .....	2	10	0
Do	do	do	Michael P. Empey.....	2	10	0
Do	do	do	Jas. Hunter, and acting as Counsel on trial thereof,	3	10	0
Do	do	do	Samuel Lount (except trial).....	2	10	0
Do	do	do	Peter Mathews .....	2	10	0
Do	do	do	Gilbert F. Morden, and attending as Counsel on			
			the trial.....	3	10	0
Do	do	do	John Montgomery, do .....	3	10	0
Do	do	do	Peter Milne (except trial).....	2	10	0
Do	do	do	John McDougall.....	2	10	0
Do	do	do	Joseph Milburn .....	2	10	0
Do	do	do	Thomas D. Morrison.....	2	10	0
Do	do	do	John G. Parker .....	2	10	0
Do	do	do	William Rogers .....	2	10	0
Do	do	do	Robert Stibbert, and attending as Counsel on			
			the trial.....	3	10	0
Do	do	do	Edward A. Theller, do .....	3	10	0
Do	do	do	Randall Wixon (except trial).....	2	10	0
Attending as Counsel before the Grand Jury, and procuring and examining Witnesses on Indict-						
ment against Thomas Brown .....				2	10	0
Do	do	on Indictment against	John Wauk.....	2	10	0
Do	do	do	Edmund Quirk.....	2	10	0
Do	do	do	George Lount.....	2	10	0
Do	do	do	John Murphy.....	2	10	0
Do	do	do	David Gibson.....	2	10	0
Do	do	do	Jesse Loyd.....	2	10	0
Do	do	do	Silas Fletcher .....	2	10	0
Do	do	do	William Lyon Mackenzie .....	2	10	0
Do	do	do	Dudley Wilcox.....	2	10	0
Do	do	do	William Fletcher .....	2	10	0
Do	do	do	Richard Graham .....	2	10	0
Do	do	do	Jeremiah Graham.....	2	10	0
Do	do	do	John Mantack.....	2	10	0
Do	do	do	Cornelius Willis .....	2	10	0
Do	do	do	George Fletcher.....	2	10	0
				Provincial Currency.....	£376	10 0

Examined.

GEORGE H. MARKLAND,

Inspector General.

ATTORNEY GENERAL'S OFFICE,  
Toronto, 22nd June, 1838.

MR. SHERWOOD was employed to assist in conducting the trials for High Treason, at the Special Session holden in and for the Home District, with the sanction of the Lieutenant-Governor, communicated to me by Mr. Secretary Joseph, on the 9th March last. His services were of much importance to the Government, and were efficiently rendered. The only question for consideration, is the amount of the remuneration that should be paid him, and whether that should be ascertained by a charge on each indictment, or a per diem allowance during the whole period he was employed. Considering the nature of his services, the former will probably be considered the most correct mode of calculation,—and if so, I do not think the sum of £2 10s. in each case too great. With respect to the sum charged for attending the Commission, I think there should be no difference in the allowance made to Mr. Sherwood and Mr. Spragge.

CHRISTOPHER A. HAGERMAN,  
*Attorney General.*

HOME DISTRICT, }  
to wit. } HENRY SHERWOOD, of the City of Toronto, in the said District, Esquire, Queen's Counsel, maketh oath and saith, that he was employed as Counsel for the Crown, at the late Assizes, held under a Special Commission, in the said District, by order of the Government; and also, as Counsel before the Commissioners appointed to examine persons charged with Treason; and that he acted as such in the cases mentioned in the within account.

HENRY SHERWOOD.

Sworn before me, at Toronto, this  
21st day of June, 1838.

JOHN B. ROBINSON, C. J.

Amount of the within account brought over .....	£376 10 0
Deduct £1 3s 4d per day, for 14 days attendance on the Board of Commissioners, amounting to ....	16 6 8
	Currency ..... £360 3 4

Audited in Council, 5th July, 1838.—Payable out of any funds appropriated, or to be appropriated, for expenses attending the capture, detention and trial, of State Prisoners, subsequently to the late revolt.

R. B. SULLIVAN, P. C.

THE GOVERNMENT OF UPPER CANADA, to L. P. SHERWOOD, DE.

Amount of my incidental expenses, in holding the late Special Court of Oyer and Terminer, and Gaol Delivery, in the District of London, for the trial of State Prisoners .....	Currency. £ 44 6 9
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LEVIUS P. SHERWOOD, of the City of Toronto, maketh oath and saith, that the amount of the above account does not exceed the amount of his aforesaid expenses, to the best of his knowledge and belief.

LEVIUS P. SHERWOOD.

Sworn before me, at the City of Toronto,  
this 26th day of June, 1838.

ARCHIBALD McLEAN, J.

Examined.

GEORGE H. MARKLAND,  
*Inspector General.*

Audited in Council, 5th July, 1838.—Payable out of any funds appropriated, or be appropriated, for expenses attending the capture, detention and trial, of State Prisoners, subsequently to the late revolt.

R. B. SULLIVAN, P. C.

THE GOVERNMENT OF UPPER CANADA, to GEORGE GURNETT, DR.

For expenses incurred in the watching and support of the State Prisoner, Thomas Jefferson Sutherland, in the Garrison of Toronto.

	£	s.	d.
April 18.—To amount of the account of Edward Dunn, canteen-keeper, for provisions, &c. for prisoner, and constables in charge .....	37	9	1
To amount of the accounts of John Wallis, William Caswell, and Adam Anderson, special constables, sworn to attend the person of the prisoner Sutherland.....	41	5	0
To amount of account for wood and candles, furnished by the 24th Regiment, and required to be repaid, as per requisition of Lieutenant and Adjutant Spring, viz:			
3½ cords of wood, at 16s 3d (contract price) per cord.....	£2	16	10½
19 lbs. mould candles, at 1s per lb.....	0	19	0
		3	15 10½
	£	82	9 11½

Examined.

GEORGE H. MARKLAND,

Inspector General.

Home District, }  
to wit. }

GEORGE GURNETT, of the City of Toronto, Esquire, maketh oath and saith, that the within account is just and true, to the best of his knowledge and belief.

GEORGE GURNETT.

Sworn before me, at Toronto, this  
8th day of May, 1838.

WILLIAM CAYLEY, J. P.

Amount of the within account.....	£	82	9	11
Deduct one-third from constables' board, per day, amounting to.....		9	0	0
	£	73	9	11

Audited in Council, 5th July, 1838.

R. B. SULLIVAN, P. C.

THE GOVERNMENT OF UPPER CANADA, DR. to F. T. BILLINGS, Esquire, Treasurer of the Home District, for the undermentioned expenses, incurred on account of State Prisoners, in the Gaol of the said District, between the 1st April and 30th June, 1838.

No. of Voucher.	NATURE OF EXPENCE.	Amount—Currency.		
		£	s.	d.
4	To paid for bread and soup .....	139	3	2
	Do. Contingencies .....	115	10	2
		£254	13	4

I, FRANCIS THOMAS BILLINGS, do make oath, the foregoing account, amounting to two hundred and fifty-four pounds, thirteen shillings and four-pence, is just and true, to the best of my knowledge and belief.

F. T. BILLINGS, T. H. D.

Sworn before me, at Toronto, in Upper Canada,  
this 4th day of August, 1838.

ALEXANDER DIXON,

Alderman.

Examined.

GEORGE H. MARKLAND,

Inspector General.

Amount of the within account.....	Currency,	£254	13	4
Deduct 3s 10d, over extended in the Gaoler's statement .....		0	3	10
		£254	9	6

Audited in Council, 25th August, 1838.

R. B. SULLIVAN, P. C.

THE GOVERNMENT, to WILLIAM BOTSFORD JARVIS, Sheriff of the Home District.

1838.		£	s.	d.
From June 2nd, to June 20th, .	To amount paid for Food and Incidental Expenses incurred in Conveying 15 State Prisoners to Kingston, and 10 to Quebec, .....	13	9	2
	To 19 days for self in executing said duty, a 23s 4d per diem, .....	22	3	4
From July 13th, to July 16th, .	To amount paid 4 Constables' Expenses at Kingston, and Incidental Expenses in Conveying 34 State Prisoners to Kingston, .....	6	0	0
	To 4 days for self in executing said duty, a 23s 4d .....	4	13	4
	To Expenses while at Kingston, .....	0	5	0
		£ 46 10 10		

WILLIAM BOTSFORD JARVIS, Sheriff of the Home District, maketh oath and saith, that the above account is just and true, to the best of his knowledge and belief.

W. B. JARVIS,  
Sheriff.

Sworn to before me, at Toronto, this  
21st day of July, 1838.

JAMES FITZGIBBON, J. P.  
Home District.

Examined.

GEORGE H. MARKLAND,  
Inspector General.

Audited in Council, 30th August, 1838.

R. B. SULLIVAN, P. C.

THE GOVERNMENT, to the TORONTO GENERAL HOSPITAL, DR.

	Currency.
For the expenses attending seventy-one State Prisoners, admitted from the 7th December, 1837, to the 28th May, 1838, inclusive—whole number of days 1470, at 1s. per diem, as per voucher .....	£ 73 10 0

JAMES NATION, Treasurer of the Toronto General Hospital, maketh oath and saith, that the above account, amounting to seventy-three pounds, ten shillings, Provincial Currency, is just and true, to the best of his knowledge and belief.

JAMES NATION,  
Treasurer,  
Toronto General Hospital.

Sworn before me, at Toronto, this  
24th day of August, 1838.

J. G. CHEWETT, J. P.  
Home District.

Examined.

GEORGE H. MARKLAND,  
Inspector General.

Audited in Council, 30th August, 1838.

W. ALLAN, P. C.

THE GOVERNMENT OF UPPER CANADA, to WILLIAM HIGGINS, DR.

	£	s.	d.
To 16 days employed in going from this City to Amherstburgh, and bringing 21 Prisoners from that place and London to Hamilton Gaol, a 20s per diem, from 30th May to 16th June, inclusive, ..	16	0	0
To Steam-boat Fare from Toronto to Hamilton, .....	0	10	0
To Stage Fare from Hamilton to London, .....	1	7	6
To Steam-boat Fare from Chatham to Amherstburgh, .....	0	10	0
To Steam-boat Fare Hamilton to Toronto, .....	0	10	0
To 16 days' Boarding Expenses, a 6s per diem, .....	4	16	0
To 2 days bringing Prisoners from Hamilton to Toronto, from 18th to 19th June, inclusive, a 20s.	2	0	0
To Steam-boat Fare from Toronto to Hamilton, and returning therefrom, .....	1	0	0
To Expenses of Boarding and Lodging, .....	0	7	6
To Cash paid 3 Carters removing Prisoners from Steam-boat to Gaol, .....	0	6	0
	27 7 0		
Deduct 10s per day, for 18 days employed, the charge being considered excessive, .....	9	0	0
	£ 18 7 0		

In Council, 6th September, 1838.—Recommended payable out of any funds appropriated, or to be appropriated, for expenses attending the capture, detention and trial, of State Prisoners, subsequently to the late revolt: and in the meantime to be advanced out of the Crown Revenue.

R. B. SULLIVAN, P. C.

THE GOVERNMENT OF UPPER CANADA, to FRANCIS THOMAS BILLINGS, Esquire, Treasurer of the Home District, for the undermentioned expenses, incurred on account of the State Prisoners, in the Gaol of the said District, between 1st July and 30th September, 1838.

No of Voucher.	NATURE OF EXPENCE.	Amount—Currency.
1	To paid John Kidd, Gaoler, for bread and soup, &c. ....	£ 102 10 1

I, FRANCIS THOMAS BILLINGS, Esquire, do swear, that the foregoing account, amounting to the sum of one hundred and two pounds, ten shillings and a penny, Canada Currency, is just and true, according to the best of my knowledge and belief.

F. T. BILLINGS, T. H. D.

Sworn before me, at Toronto, in Upper Canada,  
the 31st day of October, 1838.

GEORGE GURNETT, J. P.

Audited in Council, 8th November, 1838.

R. B. SULLIVAN, P. C.

HER MAJESTY'S GOVERNMENT, to ALLAN MACDONELL, Sheriff of the Gore District, Dr.

To postage on precept to summon Jury for the Special Assizes appointed to try persons for treason in the Gore District. ....	£	s.	d.
	0	6	9
To postage on letters from the Attorney and Solicitor General and from the Judges concerning the prisoners, &c. ....	0	4	6
Summoning Jury .....	10	0	0
Attending Court from 8th March to the 4th April inclusive. ....	17	0	0
Returning <i>Venire facias</i> in the Queen against Banham and Cottars .....	0	12	0
Do do in the same <i>vs</i> Horatio Hills .....	0	12	0
Do do in the same <i>vs</i> W. Sherman .....	0	12	0
Do do in the same <i>vs</i> Stephen Smith .....	0	12	0
Do do in the same <i>vs</i> Nathan Town .....	0	12	0
Do do in the same <i>vs</i> Watrath & Lyons .....	0	12	0
Do do in the same <i>vs</i> Oliver Smith .....	0	12	0
Do do in the same <i>vs</i> Yeigh and three others .....	0	12	0
Do do in the same <i>vs</i> Peter Malcolm .....	0	12	0
Do do in the same <i>vs</i> Malcolm and three others .....	0	12	0
Do do in the same <i>vs</i> William Webb .....	0	12	0
Do do in the same <i>vs</i> Tafford .....	0	12	0
Do do in the same <i>vs</i> John Hammill .....	0	12	0
Do do in the same <i>vs</i> Solomon Lossing .....	0	12	0
To disbursements in defraying the expence of Guard, &c. in taking John G. Parker to Toronto...	5	0	0
To do in sending Thomas Elliott and Peter Carroll to Toronto .....	3	15	0
To do in sending Edward Kennedy and John Hill to Toronto, being for guard and its expences .....	4	15	0
To paid person for taking Duncombe's and Durand's papers to Toronto .....	2	10	0
To disbursements in sending ten persons to Niagara to be tried .....	9	17	6
To expenses of guard in taking Jesse Mathews and Horatio Lawson to London .....	5	0	0
To paid teamster for taking the above prisoners and guard to London .....	6	0	0
To paid Jacob Perkins and Henry McSherry the above mentioned guard, £2 10s. each .....	5	0	0
To my own expenses, services, &c. while conveying the prisoners, Mathews and Lawson .....	5	0	0
To paid expenses of guard to and from Toronto in conveying the prisoners Charles P. Watrath and Horatio Hills there .....	2	10	0
For expenses and steam-boat fare for prisoners .....	0	13	6
To paid steam-boat fare for guard to and from Toronto .....	1	0	0
To paid guard for going to Toronto £1 10s. each .....	3	0	0
To amount of account paid Joseph Roleston as high Constable for attending the special assizes for the Gore District .....	7	17	6
Carried forward .....	£ 97	17	9

						£	s.	d.
Brought forward.....						97	17	9
To amount of account paid	Thomas Gillespie for attending the same as common Constable....					5	5	0
Do do	Henry McSherry, do do do .....					5	5	0
Do do	Michael Hogan, do do do .....					5	5	0
Do do	William Coleman, do do do .....					5	5	0
Do do	John Dines, do do do .....					5	5	0
Do do	Dennis Steel, do do do .....					5	5	0
Do do	Timothy Steel, do do do .....					5	3	0
Do do	James Wilson, do do do .....					5	5	0
Do do	Joseph Clarke, do do do .....					5	5	0
Do do	Thomas Williams, do do do .....					5	5	0
Do do	George Scott, do do do .....					5	5	0
Do do	James Biggars, do do do .....					5	6	0
Do do	Joseph Gardner for serving subpoenas and bringing in witnesses to the special assizes aforesaid.....					93	7	0
Do do	Thomas Lemmon, for the same .....					13	1	6
Do do	James Williams, for the same .....					14	10	0
Do do	Francis Daily for the same.....					11	10	0
Do do	Henry McDowell for the same.....					10	10	0
Do do	Dennis Malone as Crier for the assizes aforesaid.....					7	0	0
To amount of Bernard McSherry's account against the Government paid by me.....						11	5	0
						£	262	1 3

ALLAN McDONELL,  
 Sheriff, Gore District.

Sheriff's Office, Hamilton,  
 November 12th, 1838.

Personally appeared before me ALLAN McDONELL, Esquire, Sheriff of the District of Gore, who being duly sworn upon the holy evangelist maketh oath and saith that the above account amounting to two hundred and sixty-two pounds one shilling and three pence, is just and true.

Sworn before me, at Toronto, in the Home District,  
 this 15th day of November, 1838.

A. McLEAN, J.

Amount of account.....	£262	1	3
Deduct surcharge of 1s 3d each, on 47 subpoenas in Joseph Gardner's account.....	£2	18	9
Do do of 1s 3d each, on 23 do in Thomas Lemon's account.....	1	8	9
Do do in per diem allowance to James Wilson, self and horse.....	1	5	0
Do do in account H. McDowall, self and horse.....	2	15	0
		8	7 6
Currency.....	£	253	13 9

Audited in Council 13th December, 1838, and recommended to be paid from the Crown Revenue—the amount appropriated by the Legislature, for the service, being already expended, and to be repaid to the Crown fund out of any monies which may hereafter be appropriated to discharge the expenses incurred for the capture, detention and trial of state prisoners.

R. B. SULLIVAN, P. C.

DEBTOR, the GOVERNMENT OF UPPER CANADA, to JAMES HAMILTON, Esquire, Sheriff, London District, for the undermentioned Disbursements and Expenses incurred on account of the State Prisoners confined in the Gaol of the said District, from the 1st day of March, 1838, to the 31st day of July, 1838, inclusive.

No. of Voucher.	NATURE OF EXPENCE.	Amount—Currency.		
		£	s.	d.
1	To paid Turnkey in charge, .....	198	17	6
2	Do. for sundries, Labour and Materials for Gaol,.....	9	11	6
3	Do. do. Provision,.....	389	19	2
4	Do. William A. Park, Rent,.....	19	5	0
5	Do. Deputy, Conveyance of Prisoners to Toronto, .....	27	11	8
6	Do. John Jennings, for sundry Spikes, &c.....	0	14	6
7	Do. William Ashbury, Blacksmithing,.....	12	8	0
8	Do. Peter Schram, Constable, .....	11	2	3
9	Do. Solomon Moore, do. ....	5	5	0
10	Do. J. Livingston, do. ....	6	15	0
11	Do. W. Mason, do. ....	2	9	0
12	Do. P. Devaney, do. ....	3	0	0
13	Do. Conveyance of Sixte Prisoners to Niagara,.....	63	2	11
		£	693	1 6



Amount of Account .....£201 12 4

Audited in Council, 13th December, 1838, and recommended to be paid from the Crown Revenue—the amount appropriated by the Legislature, for this service, being already expended—and to be repaid to the Crown fund, out of any monies which may be hereafter appropriated to discharging the expenses incurred for the capture, detention, and trial of state prisoners.

R. B. SULLIVAN, P. C.

THE GOVERNMENT OF UPPER CANADA, DR. to SIR ALLAN NAPIER MACNAB, Queen's Counsel.

	£	s.	d.
Attending as Counsel before the Grand Jury, procuring and examining witnesses upon an indictment against Angus McKenzie, for Treason, serving copy of indictment and assisting in making up list of witnesses, and marshalling the same .....	2	10	0
The same, upon Indictment against Joseph Fletcher.....	2	10	0
Do do do Duncan McPhediam, .....	2	10	0
Do do do Robert Laing .....	2	10	0
Do do do William Thompson.....	2	10	0
Do do do Charles Chapen .....	2	10	0
Do do do Malcolm Brown.....	2	10	0
Do do do Lyman Chapin .....	2	10	0
Do do do Philip Henry.....	2	10	0
Do do do James Benham .....	2	10	0
Do do do Calvin Lyman.....	2	10	0
Do do do James Barchard .....	2	10	0
Do do do William Armstrong.....	2	10	0
Do do do James Parkinson.....	2	10	0
Do do do James Peters .....	2	10	0
Do do do Hiram Dowlin.....	2	10	0
Do do do Finlay Malcolm .....	2	10	0
Do do do John Malcolm.....	2	10	0
Do do do Isaac Brock Malcolm.....	2	10	0
Do do do Norman Malcolm .....	2	10	0
Do do do Peter Malcolm .....	2	10	0
Do do do Ephraim Cook .....	2	10	0
Do do do Elias Snider .....	2	10	0
Do do do Charles P. Walrath .....	2	10	0
Do do do William Lyons .....	2	10	0
Do do do Adam Yeigh .....	2	10	0
Do do do George Rouse.....	2	10	0
Do do do John Leonard Uline .....	2	10	0
Do do do Samuel Marlatt .....	2	10	0
Do do do Stephen Smith .....	2	10	0
Do do do Oliver Smith, Jun'r. ....	2	10	0
Do do do George Roberts .....	2	10	0
Do do do Robert Elliott.....	2	10	0
Do do do John Tufferd .....	2	10	0
Do do do Horatio Hills.....	2	10	0
Do upon indictment (except copy and service) against Michael Showers .....	2	10	0
Attending as Counsel as first mentioned, performing the duties, &c. upon indictment against Adam Winegarden .....	2	10	0
The same, upon indictment against William Winegarden .....	2	10	0
Do do do Lord Wellington Winegarden.....	2	10	0
Do do do Nathan Town .....	2	10	0
Do do do William Webb.....	2	10	0
Do do do John Hammill.....	2	10	0
Do do do Henry Winegarden.....	2	10	0
Do do do Willard Sherman .....	2	10	0
Do do do Solomon Lossing.....	2	10	0
Do do do (except copy and service) against Robert Armstrong .....	2	10	0
Attending as Counsel, examining Witnesses, and investigating, &c. a charge of Treason against Thomas Balls .....	2	10	0
The same, upon charge against Abbes Connor .....	2	10	0
Do do do John Leckling.....	2	10	0
Do do do James Johnson .....	2	10	0
Do do do Peter Ladon .....	2	10	0
Do do do Charles McIntosh .....	2	10	0
Do do do Dudley Newton .....	2	10	0
Do do do William Staats.....	2	10	0
Do do do Isaac Edmonds.....	2	10	0
Do do do Oliver Edmonds.....	2	10	0
Do do do Charles Harmon.....	2	10	0
Do do do Peter Coon .....	2	10	0
Do do do Joseph Smith .....	2	10	0

Carried forward..... £ 147 10 0

				£	s.	d.
Brought forward .....				147	10	0
Attending as Counsel, examining witnesses, and investigating a charge of Treason against Hector McLean .....				2	10	0
Do	do	do	Henry Goff .....	2	10	0
Do	do	do	John Malcolm .....	2	10	0
Do	do	do	Joseph Beamer .....	2	10	0
Do	do	do	Abraham Vanduzen .....	2	10	0
Do	do	do	Alonzo Foster .....	2	10	0
Do	do	do	John Whalan .....	2	10	0
Attending as Counsel as last mentioned, upon a charge against James Rounds .....				2	10	0
Attending as Counsel as first mentioned, upon an indictment against Edward Carman .....				2	10	0
Attending as Counsel upon Indictment against Andrew McClure .....				2	10	0
Do	do	do	Robert Cavanagh .....	2	10	0
Do	do	do	Uriah Emmons .....	2	10	0
Do	do	do	James Coleman .....	2	10	0
Do	do	do	Benjamin Page .....	2	10	0
Do	do	do	Jonathan Steele .....	2	10	0
Do	do	do	John D. Brown .....	2	10	0
Do	do	do	John Moore .....	2	10	0
Do	do	do	Caleb Kipp .....	2	10	0
Do	do	do	Dennis Cavanagh .....	2	10	0
Do	do	do	Isaac Moore .....	2	10	0
Do	do	do	Lyman Davis .....	2	10	0
Do	do	do	Robert Franey .....	2	10	0
Do	do	do	Stephen Bruger .....	2	10	0
Do	do	do	Patrick Melody .....	2	10	0
Do	do	do	Lewis Norton .....	2	10	0
Do	do	do	James Coville .....	2	10	0
Do	do	do	Amos Norton .....	2	10	0
Do	do	do	William Watts .....	2	10	0
Do	do	do	Charles Lawrence .....	2	10	0
Do	do	do	Alexander Neilly .....	2	10	0
Do	do	do	Hawly Briant .....	2	10	0
Do	do	do	Samuel Lands .....	2	10	0
Do	do	do	Andrew Connor .....	2	10	0
Do	do	do	Moses Cook .....	2	10	0
Do	do	do	Loce Denton .....	2	10	0
Do	do	do	William Cheeseman .....	2	10	0
Do	do	do	John Medcalf .....	2	10	0
Do	do	do	Robert Cook .....	2	10	0
Do	do	do	Nelson Leach .....	2	10	0
Do	do	do	James Bell .....	2	10	0
Do	do	do	Joseph Bowes the Younger .....	2	10	0
Do	do	do	Elias Moore .....	2	10	0
Do	do	do	Finlay Malcolm .....	2	10	0
Do	do	do	Ezekiel Manns .....	2	10	0
Do	do	do	Nathaniel Deo .....	2	10	0
Do	do	do	Horatio Fowler .....	2	10	0
Do	do	do	Thomas Arber .....	2	10	0
Do	do	do	Paul Bedford .....	2	10	0
Do	do	do	Daniel Bedford .....	2	10	0
Do	do	do	Joseph Hart .....	2	10	0
Do	do	do	David Hagerman .....	2	10	0
Do	do	do	John Arthur Tidy .....	2	10	0
Do	do	do	Luther Horlines .....	2	10	0
Do	do	do	John Kelly .....	2	10	0
Do	do	do	Charles Latimer .....	2	10	0
Do	do	do	William Hale .....	2	10	0
Do	do	do	William Putnam .....	2	10	0
Do	do	do	John Stevens .....	2	10	0
Do	do	do	Moore Stevens .....	2	10	0
Do	do	do	Ebenezer Wilcox .....	2	10	0
Do	do	do	Enoch Moore .....	2	10	0
Do	do	do	Alvaro Ludd .....	2	10	0
Do	do	do	Gideon Tiffany .....	2	10	0
Do	do	(except copy and service) against Discomb Simons .....	2	10	0	
Do	do	do Anson Gould .....	2	10	0	
Do	do	as first mentioned, and performing the duties, &c. upon indictment against Charles Tilden .....	2	10	0	
Attending as Counsel, examining Witnesses and investigating a charge of Treason against J. B. Moore .....				2	10	0
Do	do	do	upon a charge against George Blake .....	2	10	0
Do	do	do	do James Nash .....	2	10	0
Do	do	do	do Duncan Wills n. .....	2	10	0
Carried forward .....				£ 322	10	0

			Brought forward .....	£	s.	d.
Attending as Counsel, as first mentioned, and performing the duties, &c. upon indictment against				322	10	0
			Joseph Alway.....	2	10	0
Do	do	do	James Moore.....	2	10	0
Do	do	do	Hugh M. Moore.....	2	10	0
Do	do	do	Baldwin Walker.....	2	10	0
Do	do	do	Ralph Walker.....	2	10	0
Do	do	do	Asa Howard.....	2	10	0
Do	do	do	Jacob Beamer.....	2	10	0
Do	do	do	William Darrow.....	2	10	0
Do	do	do	John Walker.....	2	10	0
Do	do	do	George Hill.....	2	10	0
Do	do	do	William Anderson.....	2	10	0
Do	do	do	Gustavus Malcolm.....	2	10	0
Deduct 37 cases, £2 10s each, there being no Indictments preferred .....				£	352	10 0
					92	10 0
Add, for Travelling and other Incidental Expenses.....				£	260	0 0
					92	10 0
Currency.....				£	352	10 0

Audited in Council, 3rd January, 1839: with reference to the Reports of the Council, of the 28th December, 1838, and of this day, and recommended to be paid from the Crown Revenue, the amount appropriated by the Legislature for this service being already expended, and to be repaid to the Crown Fund out of any monies which may be hereafter appropriated to discharge the expenses incurred for the capture, detention and trial of State Prisoners.

R. B. SULLIVAN, P. C.

## DISTRICT TREASURERS' ACCOUNTS.

GEO. ARTHUR.

THE LIEUTENANT GOVERNOR transmits, for the information of the House of Assembly, such annual accounts of District Treasurers as have been received, for the past year, from the undermentioned Districts :

EASTERN,  
BATHURST,  
PRINCE EDWARD,  
HOME,  
LONDON,  
WESTERN.

Government House,  
20th March, 1839.

Dr.	EASTERN DISTRICT, in Account Current with ALEXANDER McLEAN, Treasurer.			Cr.		
	£	s.	d.	£	s.	d.
Jan'y. 4, 1837.—To cash paid J. French, his fees on sundry sums collected for Cornwall and Roxborough, per receipts.....	£	30	6 1	By balance brought down ..	£	1 7 4 $\frac{1}{2}$
To cash paid D. Daley, his order of sessions.....		4	2 6	Nov'r. 29, 1836.—By cash from John French, Collector of Cornwall and Roxborough, for 1833.....		12 8 0
Do J. Smart, his do.....		3	0 0	By cash from John French, Collector of Cornwall and Roxborough, for 1834 ...		53 6 5 $\frac{1}{2}$
Do Thomas Murray, his do.		0	6 8	Jan. 4, 1837.—By cash from John French, Collector of Cornwall and Roxborough, for 1833.....		£ 15 15 3
Do order of sessions, to W. Ray and others.....		3	0 0			67 1 10
Do G. Anderson, on account of his order as Returning Officer for Glengarry....		6	13 0			
			47 8 3	Carried over	£15 15 3	£ 67 1 10
Carried forward .....	£	47	8 3			



Dr.		EASTERN DISTRICT, in Account Current with ALEXANDER McLEAN, Treasurer.			Cr.				
		£	s.	d.					
1837.	Brought forward .....	61	13	8½	1837.	Brought forward.....	£536	8	7½
Jan'y. 25.—To cash paid George Curry, for killing wolf .....	£ 1 10 0				By cash from W. McDonell, Collector of Charlottenburgh, for 1835, in full....	4 11 1½			
				1 10 0	By cash from do do for 1836	154 1 4			
To cash paid John McNab, for do .....	£1 10 0	£ 63	3	8½	By cash from R. Spencer, Collector of Cornwall, for 1836.....	£ 83 11 6			158 12 5½
Do P. Otts, for do .....	1 10 0				By cash from D. McRae, Collector of Lancaster, for 1836.....	102 10 0			
Do J. Cameron, for do ....	1 10 0				April 24.—By cash from J. L. Markle, Collector of Winchester, for 1836....	22 1 6			
Do Insurance on gaol, 1 year,	18 0 0			24 8 4	By amount rec'd. as taxes on wild land since last Court,	5 5 0			218 8 2
Do J. Baty, order of sessions,	0 13 4								
Do J. Kelly, his do.....	1 5 0								
March 16.—To cash paid P. Van Slumburgh, his order of sessions.....	£2 5 0								
To cash paid W. Bruce, his order as Coroner .....	11 3 3								
Do J. Baittee, his order of sessions .....	1 10 0								
Do J. A. Merkley, his fees as Assessor for Williamsburgh, for 1836.....	10 17 8								
Do P. Christy, his fees as Assessor of Roxborough, for 1836 .....	3 2 3½			28 18 2½					
Do Henry Shaver and Peter Eleyh, their order of sessions for a road.....	£10 0 0								
Do A. McKinnon, his order for absentees in Lochiel..	11 12 11½								
Do A. Chisholm, Township of Kenyon, his fees as Commissioner .....	0 15 0								
Do I. French, Collector of Cornwall, his order for absentees.....	35 18 2½			58 6 2½					
Do Archibald McLean, Esq. his order .....	£78 2 7½								
Do John Grant, Coroner,..	3 3 9								
Do Sheriff McDonell, his order of Sessions .....	24 0 0								
Do do his do.....	31 17 2								
Do do his do.....	1 15 0								
Do order to E. Loucks.....	7 0 0								
Do Sheriff McDonell, his order .....	2 14 9			128 13 3½					
Do do do ....	£1 15 7								
Do James Crysler, his order of Sessions.....	1 15 0								
Do do his do.....	4 10 0								
Do order for postage.....	4 0 11½								
Do order P. E. Adams....	10 5 3								
Do C. Collins, Guoler, his do	25 0 0								
Do P. P. Empey, his order of Sessions.....	4 10 0			51 16 9½					
April 5.—To cash paid J. Cook, his warrant as M.P. for Dundas, 1836 .....	£64 0 0								
Do D. McDonell, Esq. his do do for Glengarry for 1836,	49 10 0								
Do order to Cashier Bank of Upper Canada .....	1 0 10								
Do Archibald McLean, clerk of the Peace.....	23 1 6			137 12 4					
Carried forward .....	£492 18 10½				Carried forward .....	£908 9 3½			

Error of £20, to be credited in next account.

Dr.	EASTERN DISTRICT, in Account Current with ALEXANDER McLEAN, Treasurer.			Cr.		
	£	s.	d.	£	s.	d.
1837. Brought forward .....	492	18	10½	1837. Brought forward .....	908	9 3¼
April 5.—To cash paid Dr. R. McDonell, his order of sessions, as Coroner .....	£10	8	6			
To cash paid order to J. Hunter .....	1	10	9			
Do do to Thomas Kennedy .....	1	5	0			
Do do to A. McDonell.....	1	5	0			
Do do to James Gillee.....	6	9	9			
Do P. Frynia, for killing a wolf.....	1	10	0			
Do J. Grant, his order as Coroner.....	3	4	6			
Do order to H. W. Bowers,.	4	0	0			
Do to J. Grant, Coroner...	4	12	0			
			34 5 6			
Do R. Grey, his fees as Assessor of Winchester for 1836 .....	£2	1	6			
Do D. Fraser, his order of Sessions.....	20	0	0			
Do G. C. Wood, Esquire, Agent for Bank of Upper Canada, on account of principal and interest of District debt.....	220	0	0			
Do 3 lots of land, account furnished.....	15	0	0			
			257 1 6			
Do C. Collins, gaoler, order of sessions .....	£20	7	0			
Do do .....	9	19	1			
To Treasurer's per centage on £988 9s. 3¼d. ....	36	6	9¼			
			66 12 10½			
To amount in Treasurer's hands (reserved):			57 10 6¾			
			£908 9 3¼			£908 9 3¼

Approved in open Court, this 26th day of April, 1837.

(Signed) DAVID JONES,  
Chairman.

Dr.	EASTERN DISTRICT, in Account Current with ALEXANDER McLEAN, Treasurer.			Cr.		
	£	s.	d.	£	s.	d.
1837. April 27.—To cash paid Colonel Chisholm, on account of his wages as M. P. for 1836 .....	£10	0	0	1837. April 27.—By cash from John Cameron, Collector of Kenyon, on account of 1836 .....	£112	10 0
Do his warrant as M. P. for Glengarry, for 1837 .....	61	0	0	April 28.—By cash from Donald McRea, Collector of Lancaster, on account of rates for 1837.....	55	13 10
Do Town Clerk of Kenyon, his fees for 1836.....	2	10	0	By cash from C. Markle, Collector of Williamsborough, on account of 1837 .....	31	0 0
Do Alexander Campbell, his fees as Commissioner of Kenyon, for 1836.....	0	15	0	By cash from C. Chisholm, Collector of Lochiel, on account of rates for 1836..	22	5 0
Do Alexander Fisher, his do .....	0	15	0	By cash from Wm. McDonell, Collector of Charlottenburgh, on account of 1836,	121	16 8
April 28.—To cash paid Alexander McDonnell, Assessor for Cornwall, his fees in full, for 1835 .....	7	16	11			346 5 6
			82 16 11	May 13.—By cash from H. Spencer, Collector of Cornwall, on account of rates for 1836 .....	56	15 0
Do D. Armstrong, his fees as Collector of Roxborough for 1836.....	£3	8	10¾	By cash from D. Montgomery, do. Roxborough, do. 1836,	5	18 10¾
Do George Anderson, Esq. on account of his order of Sessions .....	22	13	0	By cash from G. Morgan, Collector of Osnabrock, for 1836.....	69	3 0
Do Alex'r. Murcheson, his do .....	1	10	0	By cash from J. S. Markle, do. Winchester, do. 1836.	4	17 2½
Do Arthur Campbell, his do .....	2	5	0			136 14 1¼
Do D. A. McDonnell's warrant as M. P. P. for 1836..	73	10	0			
May 1.—To cash paid P. Collins, his order of sessions,	25	0	0			
			128 6 10¾			
Carried forward .....	£211	3	9¾	Carried forward .....	£479	19 7¼

Dr.		EASTERN DISTRICT, in Account Current with ALEXANDER McLEAN, Treasurer.			Cr.							
		£	s.	d.								
1827.	Brought forward.....	211	3	9½	1837.	Brought forward.....	479	19	7½			
May 1.—To cash paid J. Manning, for killing a wolf, £ 1 10 0					July 11.—By am't. received as tax on wild land since last session.....	40	14	8½				
Do Adam Eamer, for do do 1 10 0					By amount received from Robert Curry, being rates a stud horse.....	0	16	7				
Do George Merkle, his fees as Commissioner of Williamsburgh for 1836..... 0 15 0									41	11	3½	
Do Alexander McDonell, his fees as Town Clerk of Cornwall for 1836..... 2 10 0									£521	10	10½	
Do orders of Sessions to J. Cook..... 9 16 9					By balance due the Treasurer, this date..				32	2	11½	
Do J. Baitty, his order of sessions..... 0 15 0												
Do D. McRae, his do do.. 1 13 10												
Do P. P. Empey, his do do. 0 10 0				19	0	1						
Do C. Collins, do do..... £ 2 11 6												
Do J. Cook, his do do.... 1 3 9												
Do P. P. Empey, his do do. 4 15 0												
Do J. Wright, for killing a wolf..... 1 10 0												
Do M. Cook, his order of Sessions..... 0 15 0												
Do Sheriff McDonell, his salary for last year..... 60 0 0				70	15	3						
Do J. S. Bruce, his order of Sessions..... £6 0 0												
Do R. McDonell, Coroner, his do do..... 9 6 9												
Do D. Daly, his do do... 0 15 0												
Do orders to sundry persons, June 1.—To cash paid Alexander McDonell, Assessor of Cornwall, on account of his fees for 1836..... 14 10 7½												
Do P. Shaver, Esquire, his wages as M. P. P. for Dundas, for 1836..... 71 0 0												
Do J. S. Markle, his order of Sessions..... 0 8 5½				108	0	10						
Do S. Grundy, one of the Commissioners of Winchester, his order of do.. £ 0 15 0												
Do order of H. Shaw, Assessor of Mountain, his fees for 1836..... 5 1 1												
Do A. McLean, Esquire, his order of Sessions..... 44 10 6												
Do A. McLean, his Warrant as M. P. P. for Stormont. 73 10 0												
Do to Treasurer per Centage on £ 521 10s. 10½d..... 20 17 2¾												
				144	13	9¾						
				£553	13	9½	By amount brought down.....			£553	13	10½

Approved in open Court, this 13th July, 1837.

DAVID JONES,  
Chairman.



Dr.	EASTERN DISTRICT, in Account Current with ALEXANDER McLEAN, Treasurer.			Cr.		
	£	s.	d.	£	s.	d.
1837.				1838.		
Oct. 12.—To amount brought down, due Treasurer .....	£	39	16 9½	By amount received from D. Montgomery, Collector of Roxborough, for 1837.....	£	18 0 0
To amount of error in acc't. passed in April last, being an error in addition.....		20	0 0	March 30.—By cash from D. McMillan, Collector of Finch, on account of rates for 1837.....		17 6 0
To cash paid G. McDonell, Esq. his order of sessions,		30	10 0	April 2nd.—By cash from A. D. Summers, Collector of Winchester, on account of rates for 1837.....		17 16 5½
To paid H. McCargon, for killing a wolf.....		1	10 0	April 12.—By cash from Jas. Carson, Coll'r. of Mountain, on account of rates for 1836 .....		4 8 11½
		91	16 9½	By cash from do do do for 1837.....		53 1 0½
To paid Dr. Wylie his two orders of sessions .....	£	8	13 0	April 24.—By cash from Colin Chisholm, Collector of Lochiel, on account of rates for 1836, £	85	10 6
To paid Dr. McIntyre, 2 do .....		8	9 3	By cash from D. McRae, Collector of Lancaster, on account of rates for 1835..		25 0 0
To paid C. Collins, his do..		2	18 4	By cash from do on account of rates for said township, for 1836.....		32 5 0
To paid J. Gardner his do.		0	10 0	By cash from H. Spencer, Collector of Cornwall, on account of rates, for 1836,		296 12 11
To paid H. Demming, Town Clk. of Osnabruck, his do,		4	0 0			
		24	10 7	April 24.—By amount received from H. Spencer, Coll'r. of Cornwall, on account of rates for 1837.....	£	23 12 9½
To paid J. Rambourgh, his do	£	0	15 0	By amount received as taxes on wild lands in the District, since October sessions		17 12 11
To paid G. Morgan his do..		0	15 0			
To paid J. N. Markle, for killing a wolf.....		1	10 0			
To paid J. Annible, for do..		1	10 0			
To paid D. McMillan, on account of his fees as Assessor of Finch, for 1838 ...		0	10 0			
1838.		5	0 0			
April 24.—To paid J. Piingle, his two orders as Clk. of the Peace	£	78	2 5			
To paid D. McDonell, Esq. Sheriff, his do .....		1	5 0			
To paid Allan McDonell, and John Johnson, Commis'rs. for Cornwall, fees for 1836		5	10 0			
To paid John Gardiner, his order of sessions.....		0	7 6			
To paid M. Cook, his do...		1	10 0			
To paid J. Scott, his do ...		0	11 10			
To paid W. Waggouer, his do		1	0 0			
		88	6 9			
To paid do his do.....	£	1	8 0			
To paid do his do.....		2	0 0			
To paid C. Collins, his do..		2	3 10			
To paid John Skeith, his do		0	10 0			
To paid do his do		2	10 0			
To paid George Ross his do		2	5 0			
To paid P. P. Empey, his do		2	10 0			
To paid do his do		1	0 0			
		14	6 10			
To paid do his do	£	3	15 0			
To paid Joel Daniels, his do		1	10 0			
To paid John Skaith, his do		0	7 0			
To paid George Ross, his do		1	0 0			
To paid Geo. Sutherland, do		6	12 3			
To paid W. Cline, his do ..		1	0 3			
To paid do his do ..		1	3 0			
		15	7 6			
To paid A. Gillespie, his 2 do	£	3	5 0			
To paid Allan Cameron his do		20	0 0			
To paid A. McDonell, Esq. do		2	10 0			
		25	15 0			
To paid A. McKennen, order	£	2	10 0			
To paid A. Chisholm, Esq. his wages as M.P. for 1837		26	5 6½			
To paid D. McTea, Collector of Lancaster, his order for absentees.....		39	0 1½			
To paid Thomas Kennedy, three orders of sessions..		3	7 0			
To pd. order, G.C. Wood, Esq		0	15 0			
To paid order to R. Connor, Esquire .....		4	0 0			
		75	17 8			
Carried forward .....	£	340	1 1½	Carried forward .....	£	591 6 7

Dr.		EASTERN DISTRICT, in Account Current with ALEXANDER McLEAN, Treasurer.			Cr.				
		£	s.	d.					
1838.	Brought forward.....	000	0	0	1838.	Brought forward.....	£591	6	7
April 24.—To paid order to George Switzinger .....	£ 5 12 5½				April 24.—By balance due Treasurer this day .....	2 19 7½			2 10 7½
To paid order to do do....	3 16 3								
To paid do P. P. Empy.	9 0 0								
To paid do C. Collins...	0 14 3								
To paid two orders to P. E. Adams.....	16 13 10½								
To paid M. Critz, his order of sessions.....	8 0 6								
To paid G C. Wood, Esq. order .....	4 10 0	48	7	4					
To paid order to J. Dunn..	8 2 6								
To paid do to W. Walker	1 10 0								
To paid John White, his do,	1 10 0								
To paid N. Eastman, his do,	6 7 6								
To paid order to P. P. Empy	9 10 0								
To paid W. Brown, for wood delivered the gaoler.....	5 3 9	32	3	9					
To paid D. Bethune, order .	£ 2 15 0								
To paid order to J. Gillie,..	0 16 6								
To paid do t J. Switzinger	32 1 4½								
To paid do to do do....	0 6 0								
To paid do to D. Dailey..	0 15 0								
To paid V. Annible his do..	1 0 0								
To paid order to P.P. Empy	3 0 0	40	13	10½					
To paid do to P. Carpenter	£ 0 15 0								
To paid do to G. Switzinger	1 4 1								
To paid A. McLean, for office rent, &c. for one year.....	15 0 0								
To paid warrant of D. A. McDonell, Esquire as M. P. P. for 1837.....	26 0 0								
To Treasurer per centage..	23 12 0¾								
To paid A. McLean, his warrant as M. P. P. for 1837,	65 0 0	131	11	1¾					
		£593	17	2¾	By balance brought down .....	£593	17	2¾	

Approved in open Court, 25th April, 1837.

DAVID JONES,  
Chairman.

Dr.		EASTERN DISTRICT, in Account Current with ALEXANDER McLEAN, Treasurer.			Cr.						
		£	s.	d.							
To amount brought down due Treasurer .....	£2 10 7¾				April 26.—By cash from Wm. McDonell, Collector of Charlottenburgh, on acc't. of rates for 1836, in full, £124 9 0½						
To cash paid A. Cameron, for killing a wolf.....	1 10 0				By cash from W. McDonell, Collector of Charlottenburgh, on account of rates, for 1837.....	96	10	11½			
To paid William Hans, H. Warran and John Tincus, for killing three wolves..	4 10 0				April 27.—By cash from J. Cameron, Coll'r. of Kenyon, on account of rates, for 1837.....	87	12	6			
To paid R. McDonell, Coroner, his 3 orders of sessions	10 10 6	19	1	1¾	July 3.—By cash from D. Montgomery, Collector of Roxborough, for 1837....	9	6	3			
To paid J. McRae on account of his order of sessions...	16 5 0				By cash from W. Hutchins, Collector of Osnabruck, for 1837.....	143	15	4			
To paid W. Waggoner, his order of sessions.....	2 0 0								461	14	1
To paid W. Hutchens, his do	1 6 0										
To paid C. C. Ferrie, his do	0 15 0										
To paid J. Beattie, his do do	1 10 0										
To paid W. Hutchins, his do	6 9 4	28	5	4							
To paid H. McLean, his do	0 15 0										
To paid J. Farlinger, 3 do	3 0 0										
To paid orders due late Col. French.....	10 5 3½	14	0	3½							
		£ 61	6	9½	Carried forward .....	£461	14	11			

Dr.		EASTERN DISTRICT, in Account Current with ALEXANDER McLEAN, Treasurer.		Cr.	
		£	s. d.		
Brought forward.....		61	6 9½	Brought forward.....	
June 10—To cash paid order to W. McDonell .....	2 10 0				
To paid J. Craig, his order .	2 0 0				
To paid orders to G. Switzinger .....	3 18 1				
		8	8 1		
To paid balance due on order to G. Switzinger.....	8 16 3				
To paid J. Skeith, his order	0 10 0				
To paid G. Morgan, his do..	0 15 0				
June 21—To cash paid Bank of Upper Canada, on acc't. of District debt, &c. ....	250 0 0				
To paid A. Bedstead, killing a wolf .....	1 10 0				
To paid S. Leonard, two do	3 0 0				
		264	11 3		
To Treasurer's per centage,.....		27	14 0½		
To amount in Treasurer's hands (reserved)		99	13 11½		
		£461	14 1	By amount brought down .....	£461 14 1

Approved in open-Sessions, 11th July, 1838.

DAVID JONES,  
Chairman.

Dr.		EASTERN DISTRICT, in Account Current with ALEXANDER McLEAN, Treasurer.		Cr.	
		£	s. d.		
1838.				1838.	
July 28.—To cash paid J. Pringle, Clerk of the Peace, his orders of sessions .....	£ 58 8 9.			By cash in Treasurer's hands .....	99 13 11½
To paid G. C. Wood, Esq. his postage account.....	5 15 1½			July 12.—By cash received from Donald McRae, Collector of Lancaster.....	£118 0 3
To paid order to Sol'n. Curry	0 15 0			By cash from W. McDonell, Collector of Charlottenburgh, for 1837.....	159 1 3½
To paid Wm. Mattice, order	14 11 7½			By cash from A. Westley, Coll'r. of Williamsburgh, for 1837.....	120 0 0
To paid Jno. N. Shaver, order	20 0 0			By amount received on wild lands in the District.....	44 11 0½
To paid Jas. McGillis, order	1 5 0				
To paid H. Burton, his do..	1 15 0				
To paid J. Beattie, his do..	1 0 0				
To paid V. Annible, his do.	1 0 0				
To paid do do his do.	2 10 0	107	0 6		
To paid J. Skeith, his order of sessions.....	0 15 0				
To paid P. P. Empey, his do	3 0 0				
To paid J. Cook, wages as M. P. P. for Dundas, for 1837	70 0 0				
To paid D. McDonell, his warrant as M. P. P. for 1837	73 10 0				
To paid J. Finlayson, two orders of sessions.....	4 4 0				
To paid P. E. Adams, 4 orders of sessions, amounting to .	23 6 10½	174	15 10½		
To paid G. Anderson, Returning Officer for Glengarry, amount due on his order..	2 0 0				
To paid the Assessor of Williamsburgh, his fees for the year 1837.....	8 15 0				
To paid A. McDonell, Town Clerk of Cornwall, his order of sessions, .....	4 0 0				
To paid order to Benjamin Galloiger .....	0 10 0				
To paid Town Clerk of Williamsburgh, his order of sessions for 1837 .....	4 0 0				
To paid John White, his order of sessions.....	0 10 0				
To paid order, G. Switzinger	14 0 0				
		33	15 0		
Carried forward .....	£315 11 4½			Carried forward .....	£541 6 8

Dr.		EASTERN DISTRICT, in Account Current with ALEXANDER McLEAN, Treasurer.			Cr.				
		£	s.	D.			£	s.	D.
1838.	Brought forward .....	315	11	4½	1838.	Brought forward .....	541	6	8
July 30.—To cash paid J. White's order of sessions.	£1 5 0				Oct'r. 3.—By balance due the Treasurer this day .....	87	16	9¼	
To paid do his do	0 15 0								
To paid Angus Stuart, do	0 10 0								
To paid Dun. McMillen, do	0 15 0								
To paid Geo. Switzinger, do	3 15 0								
To paid do do	10 0 0								
To paid do do	32 2 2½								
To paid do do	2 14 10								
To paid J. Hunter, do	0 17 6								
To paid D. McInnis and A. Cockburn, Commissioners for Finch, fees for 1837..	1 10 0	54	4	7½					
To paid Duncan McMillan, fees as Collector of Finch, for 1837 ...	£3 9 3½								
To paid Dr. McIntyre, his order as Coroner,.....	3 10 0								
To paid William McDonch, Collector of Charlottenburgh, his fees for 1836..	20 8 1¾								
To paid William McDonell, Assessor of Charlottenburgh, his fees for 1836..	15 1 10¾	42	9	4					
To paid Nelson Campbell, for killing 3 wolves.....	4 10 0								
To paid Dr. McMillan, his order of sessions.....	0 15 0								
To paid Hector Ross, his do	1 10 0								
To paid A. McMartin, his do	1 7 0								
To paid D. Summers, his do	1 10 0	9	12	0					
To paid A. McKenzie, and others, orders of sessions .	4 10 0								
To paid A. Campbell, his do	4 2 6								
To paid D. McIntyre, his do	3 5 8								
To paid do his do	4 10 0								
To paid P. P. Empey, his do	4 5 0								
To paid W. McDonell, his do	17 19 0¼	38	11	9½					
To paid Peter Pelan, for services, by order of Lieutenant Governor..	£0 5 9								
To paid Insurance on Gaol.	12 15 0								
To paid Bank of Upper Canada, per draft on account.	3 8 5								
To paid Duncan McDonell, Esq. his order of sessions,	50 0 5								
To paid S. Curry, his do...	1 5 0								
To paid do 2 do....	1 5 0								
To paid Wm. Bathrust, for killing a wolf.....	1 10 0	70	8	10					
To paid Robt. McNaughton, for killing a wolf.....	1 10 0								
To paid K. McPherson, his order of sessions.....	2 10 0								
Sept'r. 3.—To paid D. McDonell, Sheriff, his salary for six months.....	30 0 0								
To paid order to J. Pringle, Esquire .....	42 12 6	76	12	6					
		607	10	5½					
To Treasurer's per centage on £541 6s. 8d.		21	13	0					
		£629	3	5½					
To balance due Treasurer, ..	£ 87 16 9¼								
		£629	3	5½					

Approved in open Sessions, this 10th day of October, 1838.

(Signed) ALEX'R. MCKENZIE, *Chairman.*

I do swear, that the foregoing is a just and true transcript of the Eastern District account, for the period therein contained, to the best of my knowledge and belief.

ALEXANDER McLEAN, *Treasurer, E. D.*

Dr.		DISTRICT OF BATHURST, in Account with the TREASURER.			Cr.	
		£	s	d.		
1836.						
By balance due the Treasurer.....		10	9	8	Received from D. Hogg, Street	
Paid 3 Commissioners, South Sherbrook, for 1836....		2	5	0	Surveyor, Perth, for 1836,	4 17 6
Paid 3 do Goulburn, do .....		2	5	0	Do Collector of Goulburn, do	103 0 0
Paid 3 do Ramsay, do .....		2	5	0	Do do Beckwith, do	7 3 9
Paid 3 do Pakenham, do .....		2	5	0	Do do Nepean, do	30 0 0
Paid 1 do Fitzroy, do .....		0	15	0	Do do Dalhousie, do	1 16 6
Paid 1 do Darling, do .....		0	15	0	Do do Bathurst,..1837,	109 5 8
Paid Collector, Beckwith, do .....		7	3	9	Do do Drummond do	141 1 11
Paid do Ramsay, do .....		8	13	2	Do do Beckwith, do	107 5 9½
Paid do Nepean, a balance, do .....		1	15	5½	Do do Goulburn, do	105 4 8
Paid do Torbolton, do .....		1	1	10	Do do Nepean, do	50 0 0
Paid do Goulburn, do .....		8	14	0	Do do S.Sherbrooke do	7 10 2
Paid Town Clerk, South Sherbrook, do .....		2	10	0	Do do N.Sherbrooke do	13 6 9½
Paid do Goulburn, do .....		2	10	0	Do do Dalhousie, do	56 3 8
Paid do North Sherbrook, do .....		2	10	0	Do do Lanark, do	102 5 11
Paid do Torbolton, 1834-5 and do .....		4	0	0	Do do Darling, do	7 17 7
Paid Assessors, Ramsay, do .....		5	17	0	Do do Ramsay, do	66 5 0
Paid do Torbolton, 1832-3 and do .....		1	15	11	Do do Pakenham, do	29 17 6
Paid do Goulburn, do .....		6	3	1½	Do do Fitzroy, do	63 7 11
Paid do Fitzroy, do .....		1	12	2	Do do March, do	37 3 10½
Paid Commissioners erecting a bridge in Lanark.....		5	0	0	Do do Torbolton, do	11 12 0
					Do do McNab, do	33 18 7
					Do do Horton, do	19 4 10½
					Do do Pembroke, do	9 15 0
					Do do { Ross and Westmeath } do	31 1 1
					Do do Huntley, do	63 13 9½
					Do from the Sheriff, for wild land sold .....	114 5 0
					Do by the Treasurer, for wild lands .....	55 3 11
					Do from Comm'l. Bank M. D.	400 0 0
<i>March Sessions, 1837.</i>						
Paid C. H. Sache, order of session.....		0	5	0		
Paid Clerk of the Peace, do .....		5	1	6		
Paid Dr. Christie, Coroner, do .....		3	10	0		
Paid do Advertizing Wild Lands, do .....		2	18	0		
Paid Treasurer's Disbursements, do .....		3	1	3		
Paid Dr. Reade, Coroner, do .....		1	11	10		
Paid Crier of Court and Constables, do .....		4	18	9		
Paid Dr. Reade, Coroner .....		0	12	6		
Paid Clerk of the Peace, do .....		3	1	0		
Paid Dr. Reade, Medical Attendance at Gaol, do ..		1	5	0		
Paid James Young, Gaoler, and wood account, do....		76	12	5½		
Paid James Simpson, Apprehending Prisoners, do....		9	0	0		
Paid Widow Fisher, do .....		7	10	0		
Paid Clerk of the Peace, do .....		42	16	6		
Paid A. Fraser, Chairman of Quarter Sessions, do ...		10	0	0		
Paid M. Cameron, M. P. P. do .....		72	5	0		
Paid J. A. H. Powell, M. P. P. do .....		72	5	0		
Paid, Apprehending Prisoners escaped from Gaol, do.		51	17	6		
Paid balance for Mrs. Duncan's Insane Child, do ....		2	0	0		
Paid J. B. Lewis, M. P. P. do .....		60	15	0		
Paid Mr. Spalding, Mason Work, do .....		41	8	6		
Paid John McIntyre, Coroner, do .....		1	18	10		
<i>June Sessions, 1837.</i>						
Paid Robert Edy, Constable, order of sessions .....		1	10	0		
Paid Richard Woodland, do do .....		1	4	8		
Paid Howe and White, do do .....		4	2	8		
Paid John Dewar, Blacksmith, do .....		8	13	0		
Paid Dr. Reade, Medical Attendance at Gaol, do ....		1	5	0		
Paid Clerk of the Peace, do .....		54	4	1½		
Paid John Munn, Carpenter, do .....		3	13	2		
Paid James Young, Gaoler, do .....		68	6	1		
Paid P. McIlroy, Constable, do .....		6	5	0		
Paid R. Mathieson, Stove Pipes, do .....		2	15	6		
Paid R. Mills, Constable, do .....		2	10	0		
Paid A. Wiseman, do .....		5	0	0		
Paid B. McIlroy, Cooper, do .....		0	10	0		
Paid Sheriff Powell, Executing Warrants, do .....		2	10	0		
Paid Constables Attending Sessions, do .....		2	0	0		
Paid Clerk of the Peace, do .....		1	12	8		
Paid D. Hogg, Crier of the Court, do .....		2	11	3		
Paid G. W. Baker, Money Advanced, Constable, do..		2	10	0		
Paid A. Cuthbertson, Carpenter, do .....		2	15	8		
Paid P. McIlroy, Constable, do .....		2	8	0		
Carried forward .....		£731	6	6	Carried forward .....	£ 1782 8 5½

Dr.	DISTRICT OF BATHURST, in Account with the TREASURER.			Cr.
	£	s.	d.	£
Brought forward .....	731	6	6	Brought forward.... £ 1782 8 5½
<i>September Sessions, 1837.</i>				
Paid James Young, Gaoler, 2 months, order of sessions	55	6	10	
Paid J. Vanixen, Whitewashing Gaol, do .....	7	5	0	
Paid William Matheson, Gaoler, 1 month, do .....	27	3	4½	
Paid Dr. Reade, Medical Attendance at Gaol, do .....	1	5	0	
Paid J. A. H. Powell, M. P. P. do.....	25	17	2	
Paid Edward Malloch, M. P. P. do.....	27	13	10	
Paid C. H. Sache, Esq. do.....	0	10	0	
Paid Clerk of the Peace, do.....	7	10	0	
Paid David High, Constable, do .....	11	18	7½	
Paid J. B. Lewis, M. P. P. do.....	73	15	0	
Paid Clerk of the Peace, do.....	3	14	0	
Paid M. Cameron, M. P. P. do .....	24	15	0	
Paid Clerk of the Peace, do .....	12	3	10	
Paid R. Traveller, Constable, do .....	1	5	0	
Paid E. Malloch, M.P.P. order of sessions .....	77	16	0	
<i>December Sessions, 1837.</i>				
Paid Dr. Holmes, attending Inquest, order of sessions,	1	8	0	
Paid John Dewar, Blacksmith, order of sessions.....	22	9	8	
Paid James Rogers, Constable, do .....	2	8	4	
Paid Clerk of the Peace, do .....	4	14	4	
Paid R. Douglas, Carpenter, work at Gaol, do .....	8	15	6	
<b>Treasurer's Disbursements.</b>				
Paid J. Thomson, printing, order of sess. £ 7 10 0				
Paid Cooking-stove for gaol, do 14 17 4				
Paid Mrs. Smith, Judge's order, K. B do 3 0 0				
Paid F. Willet, do do 1 0 0				
Paid Isaac Smith, rates returned, do..... 1 0 0				
Paid Sheriff Powell, on acc't. of prisoners from Bytown and to Penitentiary do.. 36 1 0				
Paid Constables, bringing pr's. to Gaol, do 27 4 0				
Paid own disbursements, postage due, do 4 7 10				
Paid Thomas Caffrey, rates returned, do 0 12 3				
				95 12 5
Paid Mrs. Voss, on acc't. of an insane Girl, order of sess.				9 13 0
Paid Int. acc't. to Com'l. Bank on £400, for 1 year, do..				26 9 3
Paid Mrs. Jane McCudden, do.....				14 2 10
Paid Constables, escorting prisoners to Penitentiary, do				6 10 0
Paid Baird and Hodgins, Constables, do .....				3 0 0
Paid Insurance on Court House and Gaol, for 1838, ..				12 10 0
Paid A. Fraser, Chairman Q'r. Sessions, order of sess.				15 0 0
Paid Sheriff Powell, duties performed .....				29 3 6
<b>ASSESSORS FOR 1837.</b>				
Bathurst .....	£5 15 8½	N. Sherbrooke, £0 15 1½		6 10 10
Drummond ...	7 5 4	Dalhousie .... 3 13 10		10 19 2
Horton .....	1 8 7½	Lanark .....		1 8 7½
McNab .....	2 9 5	Darling .....		2 9 5
Huntley .....	3 6 6½	Ramsay .....		3 6 6½
Packenham ..	1 17 7	Fitzroy .....	3 6 11	5 4 6
Beckwith ....	5 13 4½	March .....	2 4 3	7 17 7½
Goulburn ....	5 11 9	Torbalton ....	0 2 11	6 4 8
S. Sherbrooke .....		Pembrooke ...		0 0 0
Nepean .....		Ross and } .....		0 0 0
		Westmeath } .....		0 0 0
<b>COLLECTORS FOR 1837.</b>				
Bathurst .....	£8 0 8	N. Sherbrooke £1 4 6½		9 5 2½
Drummond ...	10 13 0	Dalhousie ....		10 13 0
Horton .....	1 12 8½	Lanark .....	7 11 0	9 3 8½
McNab .....	2 14 5½	Darling .....	0 12 3½	3 6 9
Huntley .....	4 15 9	Ramsay .....		4 15 9
Packenham ..	2 8 0	Fitzroy .....	4 3 4	6 11 4
Beckwith.....	7 18 2	March .....	2 19 4	10 17 6
Goulburn ....	7 12 9	Torbalton ....	0 18 6½	8 11 3½
S. Sherbrooke ..	0 12 0	Pembroke ...		0 12 0
Nepean .....		Ross and } ..	1 16 6	1 16 6
		Westmeath } ..		
				Carried forward .....
				£1453 6 7½
				Carried forward .....
				£ 1782 8 5½

Dr.		DISTRICT OF BATHURST, in Account with the TREASURER.			Cr.			
		£	s.	d.				
Brought forward .....		000	0	0	Carried forward .....	£ 1782 3 5 $\frac{1}{2}$		
TOWN CLERKS FOR 1837.					1837.			
Bathurst .....	£2 10 0	N. Sherbrook .....	2	10	0	Balance due the Treasurer,...	2 2 10 $\frac{1}{2}$	
Drummond .....	2 10 0	Dalhousie .....	2	10	0			
Horton .....	2 10 0	Lanark .....	2	10	0			
McNab .....	2 10 0	Darling .....	2	10	0			
Huntley .....	2 10 0	Ramsay .....	2	10	0			
Packenham .....	2 10 0	Fitzroy .....	5	0	0			
Beckwith .....	2 10 0	March .....	2	10	0			
Goulburn .....	2 10 0	Torbolton .....	5	0	0			
S. Sherbrook .....	2 10 0	Pembroke .....	1	5	0			
Nepean .....	.....	Ross and Westmeath } .....	0	0	0			
COMMISSIONERS.								
Bathurst .....	.....	N. Sherbrook .....	0	0	0			
Drummond .....	0 15 0	Dalhousie .....	0	15	0			
Horton .....	.....	Lanark .....	0	0	0			
McNab .....	.....	Darling .....	0	15	0			
Huntley .....	.....	Ramsay .....	2	5	0			
Packenham .....	2 5 0	Fitzroy .....	3	15	0			
Beckwith .....	.....	March .....	0	0	0			
Goulburn .....	2 5 0	Torbolton .....	2	5	0			
Nepean .....	.....	Pembroke .....	1	10	0			
S. Sherbrook .....	.....	Ross and Westmeath } .....	0	0	0			
Paid 43 Wolf Scalps, at 30s each .....					64	10	0	
Paid 1 Commissioner, Torbolton, for 1836 .....					0	5	0	
Paid Constables Wiseman and others, order of sessions .....					3	10	0	
Paid do George Stone, do .....					1	5	0	
Paid Commercial Bank M. D. on account, do .....					154	17	2	
Paid 4 per cent. to Treasurer on £1715 18s 7 $\frac{1}{2}$ is .....					68	12	8 $\frac{1}{2}$	
					£	1784	11 4	£ 1784 11 4

	£	s.	d.
N.B. In addition to the debt appearing in this account of	2	2	10 $\frac{1}{2}$
There are orders of session still due, amounting to...	324	2	0 $\frac{1}{2}$
Amount due Township Officers .....	102	3	4
Due the Commercial Bank of the Midland District .....	250	0	0
Total amount due .....	£ 678	8	3
Rates due by Collectors, for 1837 .....	153	7	0
Will leave the District in debt this day .....	£ 525	1	3

J. McKAY, Treasurer, B.D.

Sworn before me, this 27th day of September, 1838.

C. H. SACHE, J.P.

Examined and audited, agreeable to order of Sessions, and found correct.

R. MATHESON, J.P.

C. H. SACHE, J.P.

PERTH, 27th September, 1838.

Dr.		STATEMENT of Monies received for Wild Lands, to be expended on Roads.		Cr.
Paid to the Town Clerk for Beckwith, 1836 .....	£ 0	9	10 $\frac{1}{2}$	1836.
Do do do Fitzroy, do .....	2	19	4 $\frac{1}{2}$	Balance in Treasurer's hands, £ 27 17 6 $\frac{1}{2}$
Do do do Goulburn, do .....	1	2	10 $\frac{1}{2}$	1837.
Do do do Huntley, do .....	0	6	3	Money received by Treasurer, 20 19 1 $\frac{1}{2}$
Do do do March, do .....	3	2	6	
Do do do Torbolton, 1835 & 1836, do .....	5	6	6 $\frac{1}{2}$	
Do do do Nepean, do .....	11	15	11	
Do do do Goulburn, 1837 .....	3	1	3	
Do do do Nepean, do .....	8	12	3	
1837.—By balance in the Treasurer's hands .....	11	19	9 $\frac{1}{2}$	
		£ 48	16 8	£ 48 16 8

T. McKAY, Treasurer, B.D.

Dr.		The DISTRICT OF PRINCE EDWARD, in Account with DAVID SMITH, Treasurer.		Cr.	
		£	s. D.	£	s. D.
1837.				1837.	
April 4.—Paid James Morden, Constable..	1 16 6	April 3.—By balance on hand this day, as		305 12 1	
April 8.—Paid J. W. Martin, Tinsmith, No. 1	1 3 9	per account rendered.....			
Paid R. Russell, Gaoler and Crier .... 2	22 7 6	April 4.—By D. Stinson, Esq. received of			
Paid D. L. Fairfield, Clerk of the Peace 3	55 13 8½	him a fine on two prisoners, for sabbath-		0 5 0	
Paid John Murney for 1 Wolf Scalp... 4	1 10 0	breaking .....			
Paid John McDonell for 1 do .... 5	1 10 0	May 27.—By township Hillier, C. Van-			
Paid John Macquire, Town Clerk, Ma-		horn, Collector, cash in full of Assessment		45 18 2	
rysburgh .....	4 0 0	for 1836.....			
Paid B. Franklin, Blacksmith..... 7	9 16 5				
Paid Thomas Gill, Masonwork on Gaol. 8	6 1 0½				
Paid James Irvine, for 23 cords Wood.. 9	5 15 0				
Paid John Landon, for Repairs of Gaol. 10	1 19 0				
Paid S. Washburn, for 60 cords of Wood					
and Pickets..... 11	19 13 0				
Paid R. Scott, Surveyor of Highways .. 12	1 2 6				
Paid H. L. Davis, Constable, ..... 13	2 15 0				
Paid Doctor Moore, for Attendance on					
Gaol .....	5 0 0				
Paid R. Ross, for Blankets for do ..... 15	1 11 0				
Paid C. Taylor, Surveyor of Highways. 16	1 2 6				
Paid E. W. Wright, Constable..... 17	1 2 6				
Paid C. Platt, Surveyor of Highways.. 18	0 15 0				
Paid S. M. Cronk, Constable ..... 19	1 2 6				
Paid L. Lyons, do ..... 20	0 15 0				
Paid James Gillespie, do ..... 21	0 15 0				
Paid Thomas Flagler, Hillier Road Tax. 22	1 10 7				
Paid C. Pier, Town Clerk, Hallowell do. 23	0 14 7				
Paid J. Macquire, do Marysburgh do. 24	0 19 9½				
Paid J. Howell, do Sophiasburgh do. 25	1 2 3				
Paid W. Dempsey, do Ameliasburgh do. 26	0 6 3				
April 11.—Paid A. C. Smith, Constable. 27	0 7 11				
June 9.—Paid John Young, Commis-					
sioner, Ameliasburgh .....	0 10 0				
June 13.—Paid Thomas Davis, Commis-					
sioner, Sophiasburgh, 1836 .....	0 15 0				
My Commission on £30 12s 1d at 4 per					
cent .....	1 4 5½				
Balance on hand this day .....	196 17 6				
	£351 15 3			£351 15 3	
1837.		£	s. D.	1837.	
July 7.—Paid D. Burdett, Road Surveyor	3 2 6	July 5.—By balance on hand .....		196 17 6	
and Constable .....	No. 1	By D. B. Stevenson, for fine on a man for			
Paid Samuel Peterson, Road Surveyor.. 2	1 10 0	sabbath-breaking .....		0 3 4	
Paid Barnard Smith, Constable ..... 3	0 19 4	July 13.—By do. for do. ....		0 4 5	
Paid J. Maguire, allowance as Gaoler,		By D. Armstrong, taxes for 1835, per John			
and for sundries furnished the Gaol.. 4	8 19 1	Dougall .....		0 14 0	
Paid Charles Taylor, Road Surveyor .. 5	1 7 1½				
Paid R. Russell, allowance as Gaoler,					
and for other services..... 6	8 6 1				
Paid Joseph Redman, Constable ..... 7	0 11 8				
Paid J. W. Martin, for work at Gaol... 8	1 5 0				
Paid Caleb Platt, Road Surveyor..... 9	0 15 0				
Paid Robert Scott, do ..... 10	0 12 6				
Paid William Cahill, Constable ..... 11	0 15 8				
Paid John Macquire, do ..... 12	0 10 0				
Paid D. B. Stevenson, sundries for Gaol. 13	7 19 3				
Paid Thomas Gill, for work done at					
Court House..... 14	1 3 3				
Paid F. Mitchell, for Bread for Prisoners. 15	2 0 5½				
Paid J. Macdonald, Assessor for the					
Township of Hallowell, for 1837.... 16	12 1 9				
Oct'r. 2.—Balance on hand this day.....	146 0 7				
	£197 19 3			£ 197 19 3	
1837.		£	s. D.	1837.	
Oct'r. 5.—Paid D. L. Fairfield, Clerk of	33 14 9	Oct. 2.—By balance on hand this day, as		146 0 7	
the Peace.....	No. 1	per account rendered.....			
Paid C. Bockus & Co., for sundries fur-		Dec. 28.—By cash from J. P. Downs, Esq.			
nished the Gaol .....	2	a fine on James Basely .....		0 5 0	
Paid John Dougall, Coroner..... 3	3 11 3				
Carried forward .....	£ 42 16 0	Carried forward .....		£146 5 7	

Dr.		The DISTRICT OF PRINCE EDWARD, in Account with DAVID SMITH, Treasurer.		Cr.						
		£	s.	D.	£	s.	D.			
1837.	Brought forward.....	42	16	0						
Oct'r. 5.	—Paid W. P. Ketchum, expenses of Proclamation.....	9	0	3	1838.	Carried forward.....	146	5	7	
	Paid D. B. Stevenson, for sundries furnished to the Gaol.....	13	17	0	Jan. 2.	—By cash from the township of Hallowell.....	300	0	0	
	Paid F. Mitchell, Baker, for bread....	1	5	5½		Amount of Assessment, £439 13 0				
	Paid P. Maguire, allowance as Gaoler..	17	6	0		Paid in.....	300	0	0	
	Paid A. V. V. Pruyn, for attendance on Inquest.....	1	10	0		Amount due.....	139	18	0	
	Paid S. Munro, expenses attending Proclamation.....	0	10	0		By cash from the township of Sophiasburgh,				
	Paid Joseph Redman, Constable.....	1	17	6		Amount of Assessment, £266 9 9	152	10	0	
	Paid John Maguire, do.....	1	15	0		Paid in.....	152	10	0	
	Paid William Cahill, do.....	3	5	2		Amount due.....	113	19	9	
	Paid Jacob Vandusen, do.....	0	15	0		By cash from the township of Hillier.....				
	Paid S. Hart, for work done at Gaol...14	0	8	3		Amount of Assessment, £224 4 2	90	15	0	
	Paid A. Kemp, Constable.....	0	15	0		Paid in.....	90	15	0	
	Paid Owen Macmahon, Esq., for taking prisoners to penitentiary.....	2	10	0		Amount due.....	£133	9	2	
	Paid C. Bockus, Esq., M. P. P.....	83	0	0		By cash from the township of Ameliasburgh,				
	Paid Joshua B. Dorland, Constable....19	2	1	0		Amount of Assessment, £211 2 4	175	5	0	
	Paid J. V. Elmore, for a Map.....	1	0	0		Paid in.....	175	0	0	
Oct'r. 28.	—Paid Daniel Young, for a Wolf Scalp.....	1	10	0		Amount due.....	£ 35	17	4	
1838.						By cash from the township of Marysburgh,				
Jan'y. 2.	—My Commission on £697 4s at 4 per cent.....	27	17	9		Amount of Assessment, £180 11 11	152	15	0	
	Balance on hand this day.....	304	10	5½		Paid in.....	152	15	0	
						Amount due.....	£ 27	16	11	
		£	1017	10	7		£	1017	10	7

Dr.		1838.		1839.		Cr.			
		£	s.	D.	£	s.	D.		
Jan'y. 3.	—Paid H. Redner, Assessor for the Township of Ameliasburgh...No. 1	8	13	9	Jan'y. 3.	—By balance in hand this day, as per account rendered.....	804	10	5½
	Paid W. Dempsey, Township Clerk of Ameliasburgh, and Township Commissioner.....	6	5	0		By cash from the Receiver General, for Bridge leading to Big Island.....	12	10	0
	Paid Calvin Pier, Township Clerk of Hallowell.....	4	0	0	Feb. 5.	—By cash from township of Ameliasburgh, J. Wood, Collector, in full for 1837.....	19	16	6½
	Paid B. Hubbs, Esq., Commissioner of Hallowell.....	0	15	0	Mar. 21.	—By cash from township of Marysburgh, John Richards, Collector, in full for 1837.....	13	14	3½
	Paid James B. Spencer, do do ..	0	15	0	Mar. 26.	—By cash from J. P. Roblin, Esq. Ameliasburgh, money left, unexpended on roads and bridges.....	3	4	0
	Paid Daniel Leavens, do do ..	0	15	0	April 4.	—By cash from township of Sophiasburgh, J. Wilson, Collector, on account of rates for 1837.....	37	5	0
	Paid John Maguire, Township Clerk of Marysburgh.....	4	0	0		By cash from township of Hillier, C. Vanhorn, Collector, on account of rates for 1837.....	54	0	0
	Paid William Richards, Commissioner of Marysburgh.....	0	15	0		By cash from township of Hallowell, G. Striker, Collector, on account of rates for 1837.....	11	12	10
	Paid James Cavan, do do ..	0	15	0		By cash from J. Dougall, on arrears in township Hallowell, D. Orson, Collector, 1836	5	1	7½
	Paid Ernest Snider, do do ..	0	15	0		By cash from wild land taxes, as follows:			
	Paid Thomas Flagler, Esq., Township Clerk, Hillier.....	3	10	0		Township of Ameliasburgh—			
	Paid Caleb Platt, Commissioner, Hillier.....	0	15	0		District rates.....	£1	17	11
	Paid W. H. Dorland, do do ..	0	15	0		Road-tax.....	1	3	10
	Paid W. Cahill, for services as Constable.....	3	5	8			3	1	9
	Paid W. Cahill, for conveying prisoners to penitentiary, 15s; and 2 days attending Court, 10s.....	1	5	0		Township Sophiasburgh—			
	Paid Joseph Redman, for services as Constable.....	2	2	0		District rates.....	£1	0	0
	Paid Alexander Macdonald, do do ..	1	13	4		Road-tax.....	0	12	6
	Paid Nathan Huff, do do ..	0	15	0			1	12	6
	Paid John Dougall, do do ..	0	15	0		Township Marysburgh—			
	Paid John Wright, for attendance at Court, per order in sessions.....	0	5	0		District rates.....	£0	5	10
	Paid John Maguire, for do ..	0	5	0		Road-tax.....	0	3	8
	Paid Dr. Moore, for services as Coroner.....	3	0	0			0	9	6
	Paid S. Washburn, for necessaries furnished the Gaol.....	1	2	0½		Carried forward.....	£967	0	0
	Carried forward.....	£	44	16	9½				

Dr.	<i>The DISTRICT OF PRINCE EDWARD, in Account with DAVID SMITH, Treasurer.</i>			Cr.			
	£	s.	d.				
1838. Brought forward .....	44	16	9½	1838. Brought forward .....	967	0	0
Jan'y. 3.—Paid F. Taylor, for bread furnished the Gaol .....	0	12	4				
Paid D. B. Stevenson, for necessaries furnished the Gaol and Court House .....	18	18	11				
Paid Doctor Moore, one year's Salary as Physician to Gaol .....	5	0	0				
Paid C. Taylor, Surveyor of Roads .....	1	2	6				
Paid D. Smith, for Blankets furnished the Gaol .....	3	5	6				
Paid P. Maguire, for three days conveying prisoners to penitentiary .....	0	15	0				
Paid W. P. Ketchum, for services as Constable .....	2	12	10				
Paid Honourable D. Cameron, Provincial Secretary, for Standard Weights and Measures .....	45	15	0				
Paid J. R. Armstrong, Esq., M. P. P., amount ordered him at Oct. sessions .....	70	0	0				
Paid Honourable J. Kirby, amount borrowed from him, for the use of the District, £400; and 12 months Interest on do, £24 .....	424	0	0				
April 3.—Paid A. Southard, for a Wolf Scalp .....	1	10	0				
Paid postage for two years past .....	0	10	0				
My Commission on £118 9s 2d at 4 per cent .....	4	14	9				
Balance on hand this day .....	341	6	4½				
	£967	0	0		£967	0	0

DAVID SMITH, Esquire, maketh oath and saith, the above is a just and true statement of all monies that has come into his hands, as Treasurer of the District of Prince Edward, for the year ending the 3rd day of April, 1838.

DAVID SMITH,  
Treasurer,  
District of Prince Edward.

Sworn before me, at Picton, this  
24th day of May, 1838.

D. B. STEVENSON. J.P.

Dr.	<i>The HOME DISTRICT, in Account Current with F. T. BILLINGS, Esq., Treasurer.</i>			Cr.			
	£	s.	d.				
1837. Aug. 4.—To paid S. Washburn, Esq. Clerk of the Peace, amount of his account, to 1st July, 1837, audited in General Q'r. Sessions .....	156	2	0	1837. July 1.—By amount of balance in hand ...	79	10	10
To paid Dr. King, attending Coroner's Inquest, and opening a body, per certificate of the Clerk of the Peace .....	3	0	0	1838. Feb. 16.—By amount received from Chamberlain, in lieu of the Assessments heretofore payable to the Home District .....	400	0	0
Sept. 2... To paid Mr. Bridgford, for services as Coroner, per certificate Clerk of the Peace .....	5	2	0	1837. Oct. 7.—By amount received of Mr. Wakefield, Auctioneer, proceeds of an old Fire-Engine, sold at auction .....	11	0	0
To paid George Morden, for services as a Constable, per certificate Clerk of the Peace .....	2	2	6	Dec. 3.—By amount received of the Collector, township of Etobicoke, balance of roll of 1836 .....	64	10	10
To paid John Kidd, Gaoler, amount of account for articles furnished the Gaol, from 1st April to 30th June, per certificate Clerk of the Peace .....	10	7	10	Oct. 18 —By amount received from the Collector, township of King, balance of roll for 1836 .....	92	0	1
To paid ditto, amount of account for the support of the Insane, from 1st April to 30th June, 1837, per certificate Clerk of the Peace .....	31	13	6	Aug. 14.—By amount received from the Collector, township of Toronto, balance of roll 1836 .....	61	12	2
To paid ditto, for bread furnished prisoners in Gaol, from 1st April to 30th June, 1837, per certificate Clerk of the Peace .....	49	11	4	1838. Mar. 8.—By amount received from the Collector, township of York, balance of roll 1836 .....	29	19	5
Carried forward .....	£257	19	2	Carried forward .....	£798	13	4

Dr.		The HOME DISTRICT, in Account Current with F. T. BILLINGS, Treasurer.			Cr.						
		£	s.	d.							
1837.	Brought forward .....	257	19	2	1837.	Brought forward .....	738	13	4		
Sept'r. 2	—To paid W. B. Jarvis, Sheriff, amount of account for conveying prisoners to the Penitentiary, per order Court of King's Bench .....	27	10	0	Oct. 6.	—By amount received from the Collector of Chinguacousy, amount of roll of 1836 .....	£172	16	3		
Sept. 17.	—John Marr, Township Clerk of Brock, for services 1836 .....	2	10	0		Absentees, errors, &c. ....	3	6	10		
	To paid Editor of Correspondent and Advocate, for advertizing Gaol Block, per certificate Clerk of the Peace .....	1	18	3			£169	9	5		
	To paid Township Commissioners, Innisfil, for services, 1836 .....	2	5	0		Coll'r. 7 per ct. £11 17 3					
	To paid Township Commissioners, Etobicoke, for services, 1836 .....	2	5	0		Assessors, 5 ½ 8 17 10		20	15	1	
	To Township Commissioners, King, for 1836 .....	2	5	0							
Sept. 18.	—To paid Town Clerk and two Commissioners of Medonte, for services, 1836 .....	4	0	0		By amount rec'd. from Collector of Adjala, amount roll, 1836 .....	£ 23	19	6		
Sept. 18.	—To paid Editor of the Correspondent and Advocate, for Advertizing for District, adited 22nd April, 1836 ..	0	5	10		Absentees, &c. ....	2	14	8		
	To paid Alexander Lang, Commissioner for Medonte, for services, 1836 .....	0	15	0			£ 20	18	10		
Sept. 20.	—To paid Henry Mosley, Auctioneer, for selling the Gaol and Court House Block, per certificate Clerk of the Peace .....	5	0	0		Collector and Assessor, 15 per cent. ....	3	2	10		
Oct. 18.	—To paid Town Clerk of West Gwilliamsbury, for services, 1836 .....	2	10	0	1838.	Mar. 28.	—By amount rec'd. from the Collector, township of Vaughan, amount of roll 1836 .....	£183	4	0	
	To paid John Carson, for services as a Constable, per certificate Clerk of the Peace, To paid Robert Coulson, Commissioner of West Gwilliamsbury, for services of 1836 ..	2	15	9		Absentees, &c. ....	4	18	2		
	To paid Township Officers, Gore of Toronto, for services, 1836 .....	4	15	0			£178	5	10		
	To paid Township Officers, Tiny and Tay, for services, 1836 .....	4	15	0		Coll'r. 7 per ct. £12 9 8					
Feb. 25.	—To paid Mr. Robert Lynn, Deputy Surveyor, for services, per certificate Clerk of the Peace .....	3	15	0		Assessor, 5 ½ 9 7 1		21	16	9	
Nov. 7.	—To paid Garratt Doyle and S. Seller, indigent witnesses, attendance in Court—our Queen vs Thomas Dixon; order of Court .....	3	0	0							
	To paid Francis Phillips and Nathaniel Ganger, indigent witnesses—our Queen vs Catherine Phillips; per order of Court. To paid Henry Bradley, indigent witness—our Queen vs James Cooley; per order of Court .....	4	0	0		Apr. 30.	—By amount rec'd. from the Collector of the township of Tecumseth, amount of roll, 1836 .....	£ 79	12	2	
	To paid John Kidd, quarter's salary, to 30th September, 1837 .....	50	0	0		Absentees, &c. ....	3	19	4		
	To paid Joseph Blackman, indigent witness—the Queen vs William Harris; per order of Court .....	0	15	0			£ 75	12	10		
Nov. 2.	—To paid Mr. Thomas Young, Architect, for plans and elevation, new buildings on Court House block, per certificate Clerk of the Peace .....	25	0	0		Coll'r. 7½ per ct. £ 5 13 4					
Dec. 6.	—To paid John Radford, for carpenter's work at Gaol, per certificate Clerk of the Peace .....	1	17	6		Assessor, 6 ½ 4 18 3		10	11	7	
Dec. 29.	—To paid John Webb, for sweeping Gaol and Court House chimneys, per do. 1838.	5	2	6							
Jan. 3.	—To paid L. Bright, Crier General Quarter Sessions, half year's salary, to 31st December .....	10	0	0		By amount received from the Collector, townships Tiny and Tay, amount of Assessment roll, 1836—7 .....		20	2	10	
	To paid Joshua Clarkson, for maintenance and taking charge of an insane man, per certificate Clerk of the Peace .....	7	13	9		May 26.	—By amount rec'd. of the Collector, township of Thorah, amount of rolls, 1836 and 1837 .....	45	0	10	
						By amount received from the Collector of Innisfil, amt. of roll, 1836, £ 25 1 4					
						Absentees, &c. ....	1	3	0		
							£ 23	18	4		
						Collector and Assessor, 15 per cent. ....	3	11	8		
						Feb. 22.	—By amount received from the Collector, township of Brock, amount of roll, 1837 .....	£ 61	5	0	
						Absentees, &c. ....	3	6	0		
							£ 57	19	0		
						Coll'r. 7½ per ct. £ 4 6 10					
						Assessor, 6 ½ 3 15 3		8	2	1	
						1837.	July 15.	—By amount received from the Collector, township of Medonte, on acc't. of roll for 1836 .....	16	12	9
						1838.	April 21.	—By amount received from the Collector, township of Markham, on account of roll, 1836 .....	190	0	0
							By amount received from the Collector of Albion, on account of roll for 1836 .....	17	15	0	
	Carried forward .....	£436	2	0			Carried forward .....	£ 1486	5	0	

Dr.		The HOME DISTRICT, in Account Current with F. T. BILLINGS, Treasurer.		Cr.					
		£	s. d.						
1838.	Brought forward .....	434	2 0	1838.	Brought forward .....	1486	9 0		
Jan. 21.—	To paid Messrs. Thompson & Parry, the third premium plan of Gaol and Court House .....	10	0 0	April 28.—	By amount received from the Collector, township of Caledon, amount of roll, 1837 .....	£ 88	7 7		
	To paid William Higgins, High Constable, half year's salary, to 31st December...	25	0 0		Absentees, &c. ....	7	5 9		
Jan. 7.—	To paid Editor of the Courier, for advertizing sale of wild lands .....	0	15 0			£ 81	1 10		
	To paid John Kidd, Gaoler, for bread furnished prisoners, and the maintenance of Insane, and articles furnished for Gaol, one quarter, to 30th September, 1837. per certificate Clerk of the Peace .....	110	15 3	Col'r. 7½ per ct. £ 6	1 7				
	To paid Dr. Widmer, for Medicine and Medical attendance on prisoners in Gaol, per certificate Clerk of the Peace .....	52	17 9	Assessor, 6½	5 5 4				
						11	6 11		
1837.	Dec. 31 —			March 28.—	By amount received from the Collector of Essa, amount of roll for 1837 .....	£ 14	14 10		
	To Paid Bank of Upper Canada, six months' Interest on District Loan ..	90	0 0		Absentees, &c. ....	2	9 2		
	To paid Estate of late Clerk of the Peace, amount of account for services, per certificate Clerk of the Peace .....	57	9 9			£ 12	5 8		
				Collector and Assessor,		1	16 9		
				15 per cent. ....					
				Feb. 22.—	By amount received from the Collector of Georgina, amount of roll for 1837.....	£ 27	15 11		
					Absentees, &c. ....	4	5 11		
						£ 23	10 0		
1838.	Jan. 12.—			Collector and Assessor,		3	10 6		
	To paid Township Officers for Whitchurch, for services, 1837.....	4	15 0	15 per cent. ....					
	To paid Commissioners, township of Albion, for services, 1837 .....	0	15 0	April 12.—	By amount received from the Collector of Oro, amount of roll, 1837.....	£ 56	17 6		
	To paid John Kidd, Gaoler, one quarter's salary, to 31st December, 1837.....	50	0 0		Absentees, &c. ....	11	3 10		
	To paid Mr. G. Duggan, Coroner, for services, per certificate, Clerk of the Peace,	5	1 6			£ 45	13 8		
	To paid Messrs. Hall & Co. for advertizing premium for plans of new Gaol and Court House, per certificate Clerk of the Peace .....	0	7 6	Col'r. 7½ per ct. £ 3	8 5				
	To paid Edward Bell, for articles furnished Gaol, per certificate Clerk of the Peace.	5	16 10	Assessor, 6½..	2 19 3				
	To paid Messrs. Wragg & Co. for articles furnished Gaol, per certificate Clerk of the Peace .....	15	11 1			6	7 8		
	To paid Town Clerk, township of Pickering, for services 1837.....	2	10 0	June 5.—	By amount received from the Collector of Vespra, amount of roll, 1837 .....	£ 33	3 4		
	To paid Commissioners, township of Pickering, for services, 1837.....	0	15 0		Absentees &c. ....	8	16 11		
April 12.—	To paid Town Clerk of Oro, for services, 1837 .....	2	10 0			£ 24	6 5		
	To paid Township Commissioners for Oro, for services, 1837 .....	2	5 0	Collector and Assessor,		3	15 0		
	To paid Town Clerk and two Commissioners, township of Essa, for services, 1837.	4	0 0	15 per cent. ....					
	To paid two Commissioners, township of Adjala, for services, 1837 .....	1	19 0	By amount received from the Collector of N. Gwillimbury, amount of roll for 1837 .....	£ 28	6 2			
	To paid Commissioners, township of Brock, for services, 1837.....	2	5 0		Absentees, &c. ....	2	9 10		
April 13.—	To paid Township Officers of Whitby, for services, 1837 .....	4	15 0			£ 25	16 4		
	To paid Town Clerk of Mono, for services, 1837 .....	2	10 0	Collector and Assessor,		3	17 4		
	To paid John Kidd, Gaoler, one quarter's salary, to 1st April.....	62	10 0	15 per cent. ....					
April 14.—	To paid E. W. Thompson, Esq. M. P. P. for 117 days attendance House of Assembly .....	58	10 0	April 8.—	By amount rec'd. from the Collector of the township of Toronto, on account of Assessment roll for 1837 .....				
	To paid Township Officers of the township of Georgina, for services of 1837 .....	4	15 0		" 12.—	By amount received from the Collector of Whitby, on account of Assessment roll, 1837 .....	200	15 0	
	To paid William Higgins, High Constable, one quarter's salary, to 30th June.....	12	10 0		" 5.—	By amount received of the Collector, township of Pickering, on account of Assessment roll, 1837...	136	10 0	
April 30.—	To paid Clerk of the Peace's account of disbursements, to 22nd February, 1838, and ordered to be paid by John Gamble, Esq. Chairman .....	5	10 7		" 7.—	By amount received from the Collector of Etobicoke, on account of Assessment roll, 1837 .....	62	10 0	
				May 10.—	By amount received of the Collector of the township of York, on account of Assessment roll, 1837 ..			69	10 0
								125	0 0
	Carried forward ....	£ 1009	12 3					2262	13 9

Dr.		The HOME DISTRICT, in Account Current with F. T. BILLINGS, Treasurer.			Cr.					
		£	s.	d.						
1838.	Brought forward .....	1009	12	3	1838.	Brought forward .....	2262	13	9	
April 30.—	To paid Mr. J. W. Howard, Architect, premium for two first plans for a Gaol and Court House, per certificate Clerk of the Peace .....	45	0	0	April 3.—	By amount received from the Collector of Albion, on account of Assessment roll for 1837 .....	34	0	0	
	To paid James Wickens, Esq. M. P. P. for 117 days attendance, and travelling expenses, House of Assembly .....	62	0	0	" 12.—	By amount received from the Collector of Mono, on account of Assessment roll for 1837 .....	20	0	0	
	To paid Township Commissioner of the township of Toronto, for services, 1837.	0	15	0	May 29.—	By amount received from the Collector of West Gwillimbury, on account of Assessment roll, 1837..	92	10	0	
	To paid Messrs. Habron and Henderson, for work done at Gaol, per certificate Clerk of the Peace .....	11	10	0	April 3.—	By amount received of the Collector of Adjala, on account of Roll for 1837.....	12	0	0	
	To paid Township Officers, Gore of Toronto, for services, 1837 .....	4	15	0	July 3.—	By amount received of the Collector of Mara, amount of Roll, 1837.	5	16	8	
May 6.—	To paid Edward Feeherty, repairs done to Gaol, per certificate Clerk of the Peace.....	6	0	0	" 1.—	By amount of Assessment Tax, received on Wild Lands, to this date.	243	0	4	
May 10.—	To paid Alexander Rennie, amount of 584½ loaves, at 9d. per loaf, furnished the prisoners in Gaol, one quarter, to 31st March .....	21	19	4						
	To paid Mr. John McIntosh, M. P. P., 23 days attendance House of Assembly....	11	10	0						
	To paid G. Gurnett, Esq., Clerk of the Peace, amount of his account for services, up to 26th February, 1838; audited 21st April last.....	142	3	11						
	To paid Mr. John McIntosh, M. P. P., 117 days attendance House of Assembly ...	58	10	0						
	To paid Mr. W. B. Robinson, M. P. P., 117 days attendance House of Assembly, and travelling expenses.....	60	0	0						
June 14.—	To paid Mr. E. W. Thompson, M. P. P., 23 days attendance House of Assembly .....	11	10	0						
	To paid Dr. Morrison, M. P. P., 23 days attendance House of Assembly.....	11	10	0						
	To paid Mr. James Wickens, M. P. P., 23 days attendance House of Assembly, and travelling expenses.....	15	0	0						
	To paid Mr. John Kidd, Gaoler, for maintenance of the Insane in Gaol, one quarter, to 31st December .....	29	11	3						
	To paid ditto, for bread and soup furnished prisoners, one quarter, to 31st Dec. last.	44	12	11						
	To paid ditto, for disbursements, to 31st December, per certificate Clerk of the Peace .....	3	15	5						
June 2.—	To paid sundry persons, indigent witnesses, the Queen vs William Hunter, for murder, per order of Court.....	17	10	0						
	To paid Township Officers, township of Thorah, for 1836 and 1837, for services.	9	10	0						
	To paid Messrs. Duncan & Henderson, for Blacksmith-work at Gaol, per certificate Clerk of the Peace .....	7	15	4						
	To paid Edward Mayo, indigent witness, for his attendance at Court, on the trial of John Spencer, for murder, per order of Court .....	1	0	0						
	To paid Town Clerk of Vespra, for services, 1837.....	2	10	0						
	To paid Township Officers, township of Caledon, for services, 1837.....	4	15	0						
	To paid Commissioners, township of Toronto, services, 1837 .....	0	15	0						
	To paid Township Commissioners for Vespra, for services, 1837 .....	2	5	0						
	To paid Township Officers, township of Tecumseth, for services, 1837.....	4	15	0						
	Carried forward ....	£	1600	10	5	Carried forward ....	£	2670	0	9



Dr.		The HOME DISTRICT, in Account Current with F. T. BILLINGS, Treasurer.			Cr.		
		£	s.	D.			
1838.	Brought forward .....	2440	5	7	1838.	Brought forward .....	£ 2670 0 9
July 7.—	To paid William Higgins, High Constable, six months' salary, 1st January to 30th June .....	25	0	0			
	To paid W. B. Jarvis, Esq., Sheriff, amount of disbursements, per certificate Clerk of the Peace .....	99	1	9			
	To paid John Kidd, Gaoler, amount of account for disbursements, to 30th June ..	17	9	10			
	To paid Treasurer's Commission, at 4 per cent. on £2,590 9s 11d.....	103	12	4			
	Balance in Treasurer's hands .....	44	11	3			
		£ 2670	0	9			£ 2670 0 9

F. T. BILLINGS,  
Treasurer, H.D.

TORONTO, 7th July, 1838.

Examined and audited, in General Quarter Sessions.

J. W. GAMBLE,  
Chairman.

7th July, 1838.

Sworn before me, this 7th day of  
July, 1838—City of Toronto.

W. THOMPSON, J.P.

ABSTRACT OF DISBURSEMENTS, made on account of the LONDON DISTRICT, between 31st day of March, 1837, and the 1st day of April, 1838.

		£	s.	D.
1837.	No.			
April.. 1	62	To paid R. W. Brennan, for supplies rendered to J. Jones, per order of sessions ..	0	12 1
15	62	To paid George Gurnett, for printing in the Courier newspaper.....	4	12 1
	2	To paid J. B. Askins, for services as Clerk of the Peace, from April, 1836, to April, 1837.....	186	1 9
	9	To paid J. B. Askins, for transcribing the lands returned in the several Assessments filed in office of C. P. for Treasurer's office.....	17	0 0
	7	To paid J. B. Askins, in lieu of allowance for stationary and fuel of the office of the Clerk of the Peace and District Courts .....	25	0 0
	27	To paid John Jones Huntley, for services in taking two inquisitions as Coroner ...	6	8 9
	13	To paid G. J. Goodhue, for postage of public letters, addressed to the Clerk of the Peace's office, and from the same.....	7	14 5
	18	To paid Thomas B. Hodgkinson, for printing public notices, &c. in 1837 .....	0	15 6
	10	To paid David S. Bowman, for services as Coroner in taking inquisitions for the year ending April sessions, 1837.....	16	5 0
	3	To paid George Moore, for do do do .....	19	10 0
	24	To paid F. R. Carey, for expenses incurred in the burial of Isaac Tuck, found dead,	1	10 0
	22	To paid Joel R. Hidden, for do of a person unknown, do ..	1	5 0
	76	To paid H. V. A. Rapelje, for balance due him on account of services rendered as Deputy Sheriff, in 1836.....	3	17 6
		To paid W. Wheeler, for lining and cleaning stove pipe and boxes .....	1	10 0
		To paid S. H. Park, for the passage of Thomas Duncan, to Buffalo, being sick and a cripple .....	1	10 0
		To paid Peter Schram, by order of the Judge K. B.....	17	12 6
Oct'r. 12	82	To paid H. V. A. Rapelje, for services as Deputy Sheriff, to July sessions, 1837...	49	16 2
	109	To paid Gideon Bostwick, for salary as Crier of the Courts .....	10	0 0
	78	To paid John Barclay, for the maintenance of Janet McBean, of the township of London, an insane and destitute female.....	25	0 0
	85	To paid T. & B. Hodgkinson, for public printing .....	7	9 8
	99	To paid J. W. Powell, for a coffin to inter a person found dead.....	0	10 0
	133	To paid Thomas & B. Hodgkinson, for public printing .....	6	2 2
	86	To paid Thomas Dalton, for printing notions of plans and estimates of Court House.	3	4 0
	83	To paid G. J. Goodhue, for postage of public letters to and from the Clerk of the Peace's office.....	6	10 5
Nov'r. 10	....	To paid J. Talbot, for advertizing in the Liberal notice of lands for sale .....	16	5 0
Oct'r. 12	123	To paid G. J. Goodhue, for postage of public letters to the October sessions, for C. P.	5	7 9
Nov'r. 16		To paid J. Talbot, for advertizing notice to Township Commissioners.....	0	5 0
1838.				
Jan'y. 11		To paid T. & B. Hodgkinson, for public printing.....	25	0 0
		Carried forward .....	£ 446	14 9

		Brought forward .....	£ s. d.
1838.			446 14 9
Jan'y. 11	.....	To paid J. B. Askin, on account of services.....	20 0 0
1837.			
April. 15	11	To paid J. G. Bridges, for taking two inquisitions in Bayham, 1836 .....	2 10 0
July.. 18		To paid British America Fire and Life Assurance Office, for premium renewal of policy, No. 1321 .....	25 5 0
		To paid G. Goodhue, for public postage.....	10 13 9
Oct'r. 20		To paid J. Gillett, services as Constable, October sessions.....	2 5 10
12		To paid D. Anderson, for services as Constable, for the year ending with April sessions	27 7 0
April. 15	28	To paid Solomon Moore, for do in 1836.....	0 15 0
	42	To paid John McIntyre, for do do .....	16 13 4
	31	To paid Alexander Milmer, for services in guarding prisoners.....	2 7 6
	58	To paid G. Moore, for medical attendance on the prisoners for one year, to April sessions, 1837.....	25 0 0
	55	To paid Douglas & Warren, for necessaries furnished the prisoners in Gaol .....	5 1 7½
	52	To paid Lyman Farr & Co. do do .....	1 6 7½
	57	To paid William Park, for assisting to guard the prisoners in the Gaol .....	8 0 0
	51	To paid J. Jennings, for blankets and sundry articles of clothing furnished the prisoners in Gaol, since January sessions, 1837.....	21 12 6¾
	59	To paid Dennis O'Brien, sundry articles of bedding and clothing furnished to do....	15 0 9
	14	To paid R. Smith & Co. for do do .....	11 14 4½
	50	To paid Samuel Park, for provisions furnished to prisoners, from January sessions to April do, 1837.....	114 16 7
	33	To paid Nelson Perkins, for services as Constable, 1837 .....	2 11 8
	4	To paid G. Bostwick, for services as Crier of the Courts, for one year, ending with the April sessions.....	20 0 0
	12	To paid John Treanor, for services as Constable in Burford, 1837.....	3 16 3
	61	To paid H. Dorman, for his attendance as witness, cause of Rex vs Lama, case of Larceny .....	1 0 0
	20	To paid Stephen Lander, for services as Constable for the quarter ending April sessions, 1837.....	4 7 6
	25	To paid J. Daggart, for services as Constable, 1836 .....	1 5 0
	15	To paid Henry Grove, for do do 1836 and 1837.....	17 4 11
	32	To paid Cyrus Sumner, for do do 1836 .....	2 8 4
	32	To paid Phillip Sennett, for attending an insane person .....	1 0 0
Nov'r. 25		To paid Peter Schram, High Constable, for services for one year, to April sessions..	20 0 0
April. 15	5	To paid Peter Schram, for so much paid by him to Constables in attendance on the several Courts, for year ending April sessions, 1837.....	32 15 0
	60	To paid ditto as Constable in 1837 .....	3 19 0
	30	To paid Nisbitt Widner, services as Constable, Rex vs C. Green, case of Larceny, and conveying him to prison.....	5 16 0
	29	To paid John McHelcan, as professional attendant on inquest taken by J. J. Huntley, a Coroner .....	1 5 0
	43	To paid Philo Bennett, for services as Constable, 1836.....	8 12 10
	39	To paid Thomas Phillips, taking an inquest on the body of J. Depant, and paying Constable to summon July .....	3 13 9
	37	To paid James Cuddy, services as Constable in 1836.....	1 12 4
	21	To paid W. Hawley, for do in 1837.....	1 6 2
	19	To paid W. Neal, for do in Mosa and Ekfreid, 1837.....	2 16 0
	41	To paid P. Van Every, for do in 1836 and 1837.....	8 16 4
	1	To paid Abraham Rapelje, for services as Sheriff of London, one year to April, 1837.	79 11 3
	40	To paid J. C. Gillis, for services as Constable in 1835.....	4 6 0
	23	To paid Thomas Chur, do in conveying Z. Smith, a prisoner, to Gaol.	2 10 0
May.. 24		To paid J. Wissin, for services as witness on the trial of T. Hopkins, for Larceny, being destitute .....	1 0 0
July.. 13	75	To paid S. Park, for provisions supplied to prisoners, from April sess. to July do, '37.	89 1 7
	70	To paid costs of prosecution in the cause of Rex vs Albert Spencer, case of Larceny.	0 12 0
	71	To paid do do Rex vs Hartness Simpson and W. Price, do ..	0 15 0
	77	To paid H. V. A. Rapelje, for services in conveying prisoners to the Penitentiary, Kingston, 1837.....	77 7 9
	66	To paid costs of prosecution in cause of Rex vs Thomas Duncan, case of Larceny..	0 10 0
	65	To paid do do Rex vs Elisha Ferguson, do ..	0 10 0
	72	To paid do do Rex vs Albert Spencer, do ..	0 13 0
	67	To paid do do Rex vs Almeron Bowdish, do ..	1 11 0
	64	To paid do do Rex vs T. Duncan and A. Bowdish, do ..	1 11 6
	69	To paid do do Rex vs Daniel Vail, do ..	1 10 6
	74	To paid do do Rex vs Terence Donnelly, do ..	0 18 0
	73	To paid do do Rex vs Almeron Bowdish, do ..	1 9 6
	68	To paid do do Rex vs Thomas Duncan, do ..	1 9 0
	93	To paid John McEvans, for attendance on behalf of Crown as a witness .....	1 5 0
Oct'r. 12	91	To paid Stephen Lander, for do do do .....	1 5 0
	84	To paid John Jennings, for materials furnished to the prisoners in Gaol .....	4 5 3¾
	87	To paid Thomas Gibbins, for do do .....	1 8 9
	129	To paid Samuel Park, for provisions for the prisoners in Gaol, for the quarter ending October sessions, 1837.....	30 10 7½
	88	To paid Peter Rogers, for attending sick prisoners .....	2 5 0
Carried forward .....			£1233 16 6½

		Brought forward .....		£	s.	d.
1837.				1233	16	6½
Oct'r. 12	92	To paid J. Loamy, as witness on behalf of Crown.....		1	5	0
	125	To paid Asa R. Warren, for monies laid out by him in prosecuting J. Walker for horse stealing .....		12	2	3
	90	To paid W. Neal, services as Constable to April, 1837.....		1	15	0
	97	To paid R. Doke, do to July sessions, 1837 .....		1	7	0
	103	To paid H. W. Fraser, do to do .....		1	18	9
May... 4	108	To paid S. Park, for repairs to Gaol .....		56	19	1
Oct'r. 12	188	To paid F. Tiffany, services as special Constable.....		2	12	6
	121	To paid J. McKeuzie, for attendance on behalf of the Crown, in a case of horse stealing .....		8	0	0
	120	To paid R. Mowbra, do do do .....		8	0	0
	100	To paid J. Whitehead, for serving subpoenas on witnesses to attend at the assizes in May, 1837.....		1	0	0
	89	To paid L. Lawison, for necessaries furnished to Isaac Crowe, an indigent witness at the assizes.....		3	4	6
	46	To paid H. V. A. Rapelje, for and on account of his account, expense taking prisoners to penitentiary.....		80	0	0
	105	To paid P. Mee, for services as Constable, to July, 1837.....		1	15	0
	96	To paid Peter Schram, for apprehending and bringing from Detroit, J. Walker, for horse stealing .....		17	12	6
	102	To paid D. Bowman for taking an inquisition, and paying Constable for summ'g July ..		3	15	0
	181	To paid Peter Van Every, for services as Constable, to the October sessions, 1837 ..		3	15	10
	98	To paid R. Hervey, do to July sessions, 1837.....		7	15	8
	101	To paid Philo Bennett, do to do .....		3	17	6
	118	To paid ditto do to October sessions .....		5	0	0
	132	To paid Joel Westbrooke, do to do .....		1	0	0
	134	To paid W. Fince, do to do .....		1	11	3
	106	To paid Thomas Parish, do to July sessions.....		3	8	9
	137	To paid ditto do to October do .....		9	17	8
	135	To paid Jacob Becker, do to do .....		6	9	0
	108	To paid Jeremiah Weaver, do to July do .....		0	12	6
	136	To paid Thomas Knight, do to October do .....		5	6	0
	140	To paid W. Cascadden, do to do .....		1	10	0
May... 24	140	To paid Agnes McLacklen, an indigent witness examined on the trial of James Gibson, for arson .....		2	10	0
	140	To paid Agnes McIntaggart, do do do ..		2	10	0
	140	To paid Angus McIntaggart, do do do ..		2	10	0
	140	To paid Joseph Ward, do do do ..		2	10	0
1838.				50	0	0
Jan'y. 11	140	To paid Samuel Parks, for victualling the prisoners now in Gaol .....		3	15	0
1837.						
Jan'y. 14	140	To paid John Thayer, for conveying prisoners to Gaol of the London District, 1836 ..		12	10	0
April. 13	140	To paid in aid to repair a bridge across east branch of river Thames, in Oxford, near Beachville.....		2	10	6
	34	To paid B. Brigham, for services as Surveyor of Highways in Middlesex, in 1837..				
	63	To paid Honourable Thomas Talbot, to reimburse him for monies paid to J. Patterson, for the improvement of hills, roads and bridges in Aldbro .....		50	0	0
Oct'r. 12	119	To paid P. Carroll, for services as Surveyor of highways .....		2	0	0
	139	To paid B. Brigham, for do do do .....		1	2	6
	126	To paid Daniel Hanvy, for do to October Sessions.....		6	7	6
1838.						
Jan'y. 11	141	To paid Esbon Gregory, for building a bridge in Yarmouth, by order of W. Warren and J. Crysler.....		15	12	6
Feb'y. 27		To paid J. Harris, for Peter Carroll, as Surveyor of Highways, to January, 1838..		3	0	0
1835.		To amount omitted in former accounts—		1	2	6
April. 20		To paid Mahlon Burwell, Surveyor of Highways, 1835.....		1	5	0
July.. 17		To paid do for surveying road in Malahide .....				
1836.						
Oct'r. 16		To paid R. Clark, for attendance with W. W. Young, in Court, in 1834.....		3	0	0
Sept'r. 3		To paid Thomas Collier, witness for the Crown, in case Rex vs. W. Footestis, for rape,		2	10	0
May.. 14		To paid S. Park, for repairs to Gaol.....		25	0	0
1829.						
May.. 16		To cash received from Mrs. H. Smith, as loan to Commissioners for building Gaol and Court House in London—£25 .....		13	10	0
1838.		To paid entire, with interest for 9 years, £38 10s. ....				
1837.				25	0	0
April. 17		To paid S. Parke, in aid of repairs to Gaol.....		100	0	0
		To paid do salary for one year as Gaoler.....				
	17	To paid P. Graham, for so much paid by him for shackles to secure a prisoner in Gaol .....		2	2	6
	36	To paid W. Haskett, for painting Court-room, and other repairs to Gaol and Court-house .....		6	3	10
		Carried forward .....		£1815	14	1½

		Brought forward .....		£	s.	d.
1837.				1815	14	1½
April. 17	56	To paid W. Wheeler, for stove-pipes, and necessary utensils in the Gaol .....		3	14	0
	53	To paid W. Bellows, for Blacksmith-work in Gaol.....		2	16	10½
	54	To paid J. Crookshank, for making cell-tubs for use of prisoners in Gaol .....		0	18	9
Oct'r. 12	130	To paid J. Smith for guarding Gaol at night .....		5	15	0
	128	To paid E. Matthews, for repairing Court House and Gaol .....		25	19	3
	94	To paid W. Bellows, do pump at Gaol .....		0	3	9
	124	To paid R. Green, for making pump for well at Gaol.....		2	0	0
	104	To paid J. Williams, for iron-work done in cells.....		28	7	0
Jan'y. 13	104	To paid P. Carroll, Surveyor of Highways in County of Oxford, in 1836.....		2	0	0
Oct'r. 12	127	To paid W. Haskett, for repairing, clearing and painting, and whitewashing the Court-room, Jury-room, passages, &c. of Court House and Gaol.....		18	3	0
	80	To paid S. Parke, for work and planks for Gaol.....		3	15	3
	81	To paid W. A. Park, guarding prisoners in Gaol .....		11	10	0
	122	To paid L. Perrin, iron and blacksmith-work to do.....		12	1	9
April. 15	....	To paid Members of Provincial Parliament, for attendance in the Sessions of 1837, viz:—				
	44	David Duncombe, Esq.....	£ 53	0	0	
	47	Elias Moore, Esq. ....	65	10	0	
	45	David Duncombe, Esq.....	63	0	0	
	49	John Rolph, Esq. ....	58	10	0	
	48	Thomas Parke, Esq. ....	65	10	0	
	46	Robert Alway, Esq.....	62	10	0	
Oct'r. 12	110	Do do .....	15	10	0	
	112	John Rolph, Esq. ....	11	10	0	
	113	David Duncombe, Esq.....	15	10	0	
	114	Thomas Parke, Esq. ....	18	10	0	
	115	Elias Moore, Esq.....	18	10	0	
	116	R. Dunlop, Esq.....	19	10	0	
						467 0 0
		To paid Township Commissioners, fees for 1836, viz:—				
		Oakland, 3 Commissioners.....	£ 2	5	0	
		Houghton, 1 do .....	0	15	0	
		Woodhouse, 3 do .....	2	5	0	
		Westminster, 2 do .....	1	10	0	
		Blandford, 1 do .....	0	15	0	
		Aldborough, 3 do .....	2	5	0	
		Lobo, 2 do .....	1	10	0	
						11 5 0
		To paid Township Commissioners, for 1837, viz:—				
		Burford, 1 Commissioner .....	£ 0	15	0	
		Windham, 1 do .....	0	15	0	
		Carradoc, 3 do .....	2	5	0	
		South Easthope, 3 do .....	2	5	0	
		Houghton, 3 do .....	2	5	0	
		Walsingham, 3 do .....	2	5	0	
		Middleton, 3 do .....	2	5	0	
		Downie, 3 do .....	2	5	0	
		Ellice, 3 do .....	2	5	0	
		Williams, 3 do .....	2	5	0	
		Biddulph, 3 do .....	2	5	0	
		Malahide, 3 do .....	2	5	0	
		West Oxford, 3 do .....	2	5	0	
		North Easthope, 3 do .....	2	5	0	
		Woodhouse, 2 do .....	1	10	0	
		Lobo, 2 do .....	1	10	0	
		Southwold, 3 do .....	2	5	0	
		Nissouri, 2 do .....	1	10	0	
		Aldborough, 3 do .....	2	5	0	
		Yarmouth, 2 do .....	1	10	0	
		Norwich, 2 do .....	1	10	0	
		Bayham, 2 do .....	1	10	0	
		Ekfrid, 2 do .....	1	10	0	
		McGillivray, 2 do .....	1	10	0	
		Mosa, 2 do .....	1	10	0	
		Zorra, 2 do .....	1	10	0	
		Adelaide, 1 do .....	0	15	0	
		East Oxford, 2 do .....	1	10	0	
		London, 1 do .....	0	15	0	
		Dunwich, 3 do .....	2	5	0	
		Townsend, 3 do .....	2	5	0	
		Blenheim, 3 do .....	2	5	0	
						57 15 0
		Carried forward .....	£ 2469	5	9	

1837.		Brought forward .....	£ s. d.
Oct'r. 12	To paid Township Clerks' Fees, for 1837, viz:—		2469 3 9
	Towasend, .....	£ 2 10 0	
	Lobo, .....	2 10 0	
	Mosa, .....	1 10 6	
	Woodhouse, .....	1 5 0	
	McGillivray, .....	2 10 0	
	Aldborough, .....	2 10 0	
	Biddulph, .....	2 10 0	
	Westminster, .....	2 10 0	
	Zorra, .....	2 10 0	
	North Easthope, .....	2 10 0	
	Ellice, .....	2 10 0	
	Williams, .....	2 10 0	
	Walsingham, .....	2 10 0	
	Downie, .....	2 10 0	
	Houghton, .....	2 10 0	
	Ekfrid, .....	2 10 0	
	Nissouri, .....	2 10 0	
	Norwich, .....	2 10 0	
	Blandford, .....	2 10 0	
	Burford, .....	2 10 0	
	West Oxford, .....	2 10 0	
	Windham, .....	2 10 0	
	Yarmouth, .....	2 10 0	
	Southwold, .....	2 10 0	
	Malahide, .....	2 10 0	
	Dunwich, .....	2 10 0	
	Charlotteville, .....	2 10 0	
	Adelaide, .....	2 10 0	
	Bayham, .....	2 10 0	
	Carrudoc, .....	2 10 0	
	Delaware, .....	2 10 0	
	Dorchester, .....	2 10 0	
	London, .....	2 10 0	
	Middleton, .....	2 10 0	
	South Easthope, .....	2 10 0	
	Colborne, .....	2 10 0	
	Tuckersmith, .....	2 10 0	
	Stanley, .....	2 10 0	
	McKillop, .....	2 10 0	
	Hibbert, .....	2 10 0	
	Goderich, .....	2 10 0	
	Blenheim, .....	2 10 0	
	Oakland, .....	2 10 0	
	Dereham, .....	2 10 0	
	Oxford East, .....	2 10 0	
	McGillivray, .....	2 10 0	
			112 15 6
	To paid Town Clerks, for 1836, viz:—		
	Ellice, .....	£ 2 10 0	
	Walsingham, .....	2 10 0	
	Tuckersmith, .....	2 10 0	
	Stanley, .....	2 10 0	
	McKillop, .....	2 10 0	
			12 10 0
	To paid Collectors' Fees, for 1837, viz:—		
	Middleton, .....	£ 2 16 8½	
	Dunwich, .....	7 7 0	
	Southwold, .....	14 0 2	
	Houghton, .....	1 7 7	
	Downie, .....	1 3 8	
	North Easthope, .....	2 5 7½	
	South Easthope, .....	1 11 0½	
	Ellice, .....	1 2 5½	
	McGillivray, .....	0 16 6¾	
	Williams, .....	2 11 5	
	Dereham, .....	3 8 8½	
			38 10 11½
	Carried forward .....		£2633 0 2½

		£ s. d.	
1837.	Brought forward .....	2633	0 2½
Oct'r. 12	To paid Collectors' Fees, for 1836, viz:—		
	Adelaide, .....	£ 2 17	7
	Delaware, .....	2 7	1½
	Dorchester, .....	2 13	7½
	London Town, .....	£ 3 19 10	}
	London Township, .....	12 9 3	
	Malahide, .....	16 9	1
	Southwold, .....	12 10	11
	Yarmouth, .....	14 8	0
	Woodhouse, .....	13 16	6
	Middleton, .....	10 16	4¾
	Ellice, .....	2 16	9½
	Goderich, .....	0 19	3
	Burford, .....	7 5	0
	Oakland, .....	11 1	0
	Norwich, .....	4 2	5
	Dereham, .....	13 12	5½
	Burford, for 1833, .....	3 2	9
	Burford, for 1834, .....	£ 6 0 6	}
	Dorchester, for 1835, .....	6 1 6	
		12 2	0
		1 8	1
			132 8 11¾
	To paid Assessors' Fees, for 1837, viz:—		
	Adelaide, .....	£ 3 10	6½
	Aldborough, .....	2 5	2½
	Bayham, .....	7 8	8½
	Carradoc, .....	2 6	4
	Delaware, .....	1 10	2½
	Dorchester, .....	1 18	6
	Dunwich, .....	4 7	10
	Ekfrid, .....	2 14	2
	London, .....	9 19	6
	Lobo, .....	3 2	3
	Malahide, .....	7 15	5
	Mosa, .....	2 13	1
	Southwold, .....	7 18	6
	Westminster, .....	7 2	6
	Yarmouth, .....	9 15	2
	Woodhouse, .....	6 10	1½
	Charlotteville, .....	6 18	11½
	Walsingham, .....	3 8	9½
	Windham, .....	4 8	0
	Townsend, .....	8 8	6
	Middleton, .....	1 11	4
	Houghton, .....	0 15	3
	Downie, .....	0 12	0
	North Easthope, .....	1 4	6
	South Easthope, .....	0 16	10
	Biddulph, .....	0 11	9½
	Ellice, .....	0 11	9½
	Colborne, .....	1 8	4
	Tuckersmith, .....	0 19	1
	Stanley, .....	0 13	0
	McKillop, .....	0 8	11
	Hibbert, .....	0 1	9½
	Williams, .....	1 6	11½
	Goderich, .....	4 1	4½
	Blenheim, .....	4 5	4
	Burford, .....	6 1	6½
	Oakland, .....	2 17	6
	Norwich, .....	7 19	1½
	Dereham, .....	1 17	11½
	Zorra, .....	5 19	3½
	Oxford West, .....	6 1	0½
	Blandford, .....	2 0	5
	Oxford East, .....	3 2	9½
	Nissouri, .....	3 6	4½
	McGillivray, .....	0 8	9
			163 6 4½
	Carried forward .....	£2928	15 6½

		£ s. d.	
1837.!			
Oct'r. 12	To paid amount of Absentee List, for—		
	Brought forward .....		2928 15 6½
	Burford, for 1835, .....	£ 4 5 6	
	Dorchester, do .....	0 6 7½	
	Oxford, 1836, .....	1 2 1	
	Mosa, do .....	1 4 1	
	Townsend, do .....	3 6 4	
	North Easthope, do .....	£ 0 3 3 }	
	Do 1837, .....	0 14 4 }	
	Goderich, do .....	8 12 9	
	McGillivray, do .....	0 16 8	
	Williams, do .....	0 18 8	
	Houghton, do .....	0 9 11	
	Woodhouse, do .....	5 5 11	
	Southwold, .....	7 8 2½	
	Mosa, .....	3 4 1	
	Aldborough, .....	2 3 2½	
	Dunwich, .....	0 16 6	
	London, .....	0 13 4	
	Walsingham, .....	0 15 7	
	Ellice, .....	0 9 6½	
	South Easthope, .....	0 13 4½	
	Lobo, .....	2 9 6½	
	Townsend, .....	5 4 0	
	To paid J. B. Askin, for services, viz:—		51 3 6
	To making 46 Collection Rolls, .....	£ 69 0 0	
	To making 3 supplementary Rolls for Dunwich, Carradoc and Goderich, .....	4 10 0	
	To making aggregate statement of the Assessments of L. D. in triplicate, .....	4 10 0	
	To aggregate statement of the population of do. in do. ....	3 0 0	
	To supplementary aggregate statement of do in do. ....	3 0 0	
	To error in crediting Collector of Walsingham, for 1836 .....		84 0 0
	To do. of Delaware .....		3 0 0
	To paid for Wolf scalps, viz: :		1 10 6½
	County of Huron, 65, a 30s. ....	97 10 0	
	County of Oxford, 106, a 30s. ....	165 0 0	
	Do. do. 9, a 20s. ....		
	Do. Norfolk, 43, a 30s. ....	65 10 0	
	Do. do. 1, a 20s. ....		
	Do. Middlesex, 146, a 30s. ....	223 0 0	
	Do. do. 4, a 20s. ....		
			551 0 0
			£ 3619 9 7
	To paid County of Norfolk, 4, at 30s. ....		6 0 0
	To paid two Commissioners for Windham .....		1 10 6
	To four Returns of Wild Lands in arrears of Tax. ....		20 0 0
			£ 3646 19 7

Amounting to three thousand, six hundred and forty-six pounds, nineteen shillings and seven-pence.

JOHN HARRIS, Treasurer, L. D.

LONDON, 1st April, 1838.

ABSTRACT of monies received on account of the LONDON DISTRICT, from the 1st day of April, 1837, to the 31st day of March, 1838.

		£ s. d.	
By amount rec'd. from the	Collector of Township of Adelaide, for the year 1836...	£ 41 0 3	
Do	do do do Dorchester, do ....	35 10 5	
Do	do do do London, do ....	102 5 8	
Do	do do do Southwold, do ....	40 9 8	
Do	do do do Yarmouth, do ....	70 19 1½	
Do	do do do Norwich, do ....	197 5 6	
Do	do do do Burford, do ....	43 12 3	
Do	do do do Oakland, do ....	58 17 5	
Do	do do do Middleton, do ....	38 17 4	
Do	do do do Woodhouse, do ....	26 14 3½	
Do	do do do Windham, do ....	23 4 1	
Do	do do do Ellice, do ....	12 0 9	
Do	do do do Tuckersmith, do ....	2 19 7½	
Do	do do do Dereham, do ....	7 7 6½	
			701 3 11½
	Carried forward .....		£ 701 3 11½

		Brought forward .....		£	s.	d.
By part of Assessment from the township of Townsend, for the year 1836.....				701	3	11½
By amount received from the Collector of Dorchester, for the year 1835.....				61	2	10
By part of Assessments from the township of Aldborough, for 1837, .....		£	29 10 2½			
Do	do do do Bayham, do .....		45 10 0			
Do	do do do Delaware, do .....		27 10 0			
Do	do do do Ekfrid, do .....		34 4 2			
Do	do do do Lobo, do .....		48 5 1			
Do	do do do London, do .....		197 5 0			
Do	do do do Malahide, do .....		77 10 0			
Do	do do do Mosa, do .....		26 1 4			
Do	do do do Westminster, do .....		90 7 6			
Do	do do do Yarmouth, do .....		234 7 8			
Do	do do do Burford, do .....		164 5 0			
Do	do do do Blenheim, do .....		114 1 4			
Do	do do do Nissouri, do .....		33 15 0			
Do	do do do Norwich, do .....		73 9 1			
Do	do do do Oxford West, do .....		130 15 0			
Do	do do do Oxford East, do .....		21 10 10			
Do	do do do Zorra, do .....		107 10 0			
Do	do do do Charlotteville, do .....		21 10 0			
Do	do do do Townsend, do .....		83 10 10			
Do	do do do Woodhouse, do .....		31 6 5			
Do	do do do Walsingham, do .....		69 5 5			
				1666	9	10½
By amount received from Collector of the Township of Dunwich, for the year 1836,...				£	75 11 8½	
Do	do do do Southwold, do .....		226 9 9			
Do	do do do Houghton, do .....		17 5 1			
Do	do do do Downie, do .....		14 6 2			
Do	do do do Ellice, do .....		14 1 7½			
Do	do do do Goderich, do .....		34 8 5			
Do	do do do McGillivray, do .....		10 7 2			
Do	do do do South Easthope, do .....		20 1 7			
Do	do do do North Easthope, do .....		29 4 8			
Do	do do do Williams, do .....		32 2 9			
				473	18	11½
Total .....				£	2910 11 4½	

**THE LONDON DISTRICT, in Account Current with the Treasurer, between the 1st day of April, 1837, and the 31st day of March, 1838.**

<b>Dr.</b>		£	s.	d.	<b>Cr.</b>	
To amount of disbursements made on acc't. of the District, as per voucher No. 1,...		3646	19	7	To amount received from Collectors of Townships, .....	2910 11 4½
To 4 per cent. on £3646 19s. 7d.....		145	17	7	Do. on account of Wild Lands, .....	663 3 3
Stationary for Treasurer's Office,.....		9	10	0	Balance in Treasurer's hands, 1st April, 1837, .....	1237 1 8
Balance in Treasury, 1st April, 1838, ...		3802	17	2		
		1008	9	1½		
		£	4810	16	3½	£
					Balance of the Account, .....	1008 9 1½

JOHN HARRIS, *Treasurer, L. D.*

LONDON, 18th April, 1838.

The above Account Current, with the abstract of disbursement, and of receipt of monies paid and received by the Treasurer of the District of London, from the 31st day of March, 1837, to the 1st day of April, 1838, have been examined, and also the vouchers in support thereof, and are found to be correct, and the same approved of in open Court of General Quarter Sessions of the Peace, held at London, this 15th day of October, 1838, leaving a balance in the hands of the Treasurer of the said District, of one thousand and eight pounds, nine shillings and one penny half-penny.

(Signed) JOSEPH B. CLENCH,  
*Chairman.*

JOHN HARRIS, Treasurer of the District of London, maketh oath, that the within Account, contained in four sheets, is a true copy of the London District Account, as audited 15th day of October, 1838.

JOHN HARRIS, *Treasurer, L. D.*

Sworn before me, at London, this  
20th day of February, 1839.

L. LAWRASON, *J. P.*

Dr.		The WESTERN DISTRICT, in Account with JEAN BABY, Treasurer.				Cr.					
No of Voucher.	Date.	To whom paid.	Amount.			Date.	From whom received.	Amount.			
			£	s.	d.			£	s.	d.	
	1837.					1837.					
1	July.. 24	To paid order of C. Robinson in favour of John Knapp, a witness in Rex vs R. Babcock,.....	2	0	0	July.. 24	By cash from Collector of Sandwich, on acc't. of 1836 .....	15	2	8	
2		To paid warrant in favor of F. Lafertt, Constable, .....	0	15	0	August 6	By cash from Collector of Colchester, per C. Baby, being balance for 1835.....	5	14	9½	
3		To paid warrant in favor of C. Cartier, Constable, .....	2	7	8		By cash from Collector of Colchester, per C. Baby, being balance for 1836.....	7	17	10½	
4	27	To paid warrant in favor of F. Machand, Crier.....	0	5	0		21	By cash from Collector of Rochester, on acc't. of 1836 .....	12	3	4½
5	August 6	To paid Collector's Commission for Colchester, for 1835, .....	4	16	4		28	By cash from Collector of Sandwich .....	14	10	0
6		To paid Collector's Commission for Colchester, for 1836, .....	5	2	4	Nov'r. 3	By cash from Collector of Chatham, on acc't. of 1836 .....	17	5	0	
7		To paid affidavit of Absentees for Colchester, for 1836, .....	2	0	8	10	By cash from Collector of Mersea, on acc't. of 1836 .....	9	10	0	
8	15	To paid warrant to A. Unsworth, Gaoler, .....	26	0	0	17	By cash from Collector of Sandwich, on acc't. of 1836 .....	12	10	0	
9	19	To paid warrant to P. A. Burwell, Assistant Gaoler, .....	3	0	0	29	By cash from Collector of Malden, on acc't. of 1836 .....	16	2	0½	
10	31	To paid warrant to Joseph Poyet, Constable, .....	0	12	6	Dec'r. 4	By cash from Collector of Mersea, on acc't. of 1836 .....	5	15	0	
11	Sept'r. 10	To paid warrant to Pascal Rencand, Constable, .....	1	0	0		By cash per Cha's. Baby, Esq. on account of N. A. Jeanette, late Collector for 1835.....	50	0	0	
12	Oct'r. 2	To paid order of Judge in favour of D. Medley, a witness in Rex vs T. Morgan, .....	1	5	0	19	By cash from Collector for East Tilbury....	11	15	0	
13	12	To paid warrant to E. Reynolds, Esq., late Sheriff, for execution of R. Morgan, .....	12	10	0	22	By cash from Collector for Sarnia, on acc't. of 1837.....	18	18	1½	
14		To paid warrant to E. Reynolds, Esq., late Sheriff, for execution of P. Fitzpatrick, .....	12	10	0	27	By cash from Collector for Oxford, on acc't. of 1837.....	24	15	0	
15	17	To paid warrant to F. Machand, ...	3	13	6		1838.				
16		To paid warrant to J. Gentle, Esq., Postmaster, Sandwich, amount of account, .....	2	4	2	Jan'y. 20	By cash from Collector of Sarnia, on account, for 1837.....	0	10	0	
17	29	To paid Assessor's Commission, for Malden, for 1835,.....	4	7	0	Feb'y. 14	By cash from Collector of Sombra, on acc't. of 1837.....	22	10	0	
18	Dec'r. 4	To paid warrant to A. Unsworth, ..	28	9	0	22	By cash from Collector of East Tilbury, on account .....	5	0	0	
19		To paid warrant to Clerk of the Peace	30	4	0	March 26	By cash from Collector of Howard, on acc't. of 1837.....	56	5	0	
20	22	To paid Assessor's Commission, for Sarnia, for 1837,.....	1	8	9	April.. 4	By cash from Collector of Moore, in full, for 1837 .....	48	7	2½	
21		To paid Collector's Commission, for Sarnia, for 1837,.....	1	12	10½		By cash from Collector of Plympton, on acc't. of 1837.....	28	3	2½	
22	27	To paid Assessor's Commission, for Oxford, for 1837, .....	2	0	0	10	By cash from Collector of Howard, on acc't. of 1837.....	34	1	2½	
23		To paid Town Clerk, for Oxford, for 1836, .....	2	10	0	27	By cash from Collector of Colchester, on acc't. of 1837.....	72	5	5½	
24		To paid Commissioner, for Oxford, for 1836, .....	0	15	0	28	By cash from Collector of Mersea, on acc't. of 1837.....	9	17	5½	
	1838.					29	By cash from do. on do. By cash from Collector of Harwich, on acc't. of 1837.....	18	15	0	
25	Jan'y. 5	To paid J. Gentle, Esq. Postmaster, account against Treasurer's office, .....	1	11	10	12	By cash from Collector of Raleigh, on acc't. of 1837.....	64	0	0	
26	26	To paid Henry Venall, Constable, per order of Henry Jones, Esq. ...	1	5	0	25	By cash from Collector of Zone, on account .	25	0	0	
27	Feb'y. 15	To paid J. H. Young, Special Constable, per order of Magistrates, ..	0	15	0	May.. 2	By cash from Collector of Mersea, balance ..	1	9	0½	
28	March 21	To paid warrant to A. Unsworth, Gaoler, .....	26	0	0	5	By cash from Collector of Chatham, balance ...	20	6	6½	
29	April.. 4	To paid Collector's Commission, for Moore, for 1837,.....	3	14	5						
30		To paid affidavit of Absentees, for Moore, for 1837,.....	1	16	9½						
31		To paid Collector's Commission, for Plympton, for 1837, .....	2	4	10½						
32		To paid Assessor's Commission, for Plympton, for 1837, .....	1	9	9½						
33		To paid Collector's Commission, for Howard, for 1837, .....	6	8	6½						
		Carried forward.....	£196	9	0½		Carried forward ..	£663	1	6½	





# 404 Casual & Territorial Revenue Acc'ts. [4th Sess. 13th Parl.]

Dr.		<i>The WESTERN DISTRICT, in Account with JEAN BABY, Treasurer.</i>				Cr.			
		£	s.	d.			£	s.	d.
1838.					1838.				
	Brought forward .....	1039	7	9		Brought forward ..	1287	4	0½
101	Oct'r. 7 To paid 15 months allowance to F. Maichand.....		7	10	0				
102	To paid 127 Wolf scalp certificates.....	186	0	0					
	To paid my allowance for account of lands eight years in arrears of assessment .....		5	0	0				
	To paid my commission on £1232 17s. 9d. disbursements, at 4 per ct. ....	49	6	3½					
	Total....	£ 1287	4	0½		Total....	£ 1287	4	0½

Examined and approved, and sworn to in open Court.

(Signed) **JOHN PRINCE,**  
*Chairman.*

10th October, 1838.

Personally appeared before me, John Alexander Wilkinson, Esquire, one of Her Majesty's Justices of the Peace, in and for the Western District—Jean B. Baby, Treasurer of the Western District, who maketh oath and saith, that the foregoing is a true and correct copy of the Account Current passed at the General Quarter Sessions of the Peace, the 10th day of October, 1838.

**J. B. BABY,**  
*Treasurer, W. D.*

SANDWICH, 1st March, 1839.

**JOHN A. WILKINSON, J. P. W. D.**

## CASUAL AND TERRITORIAL REVENUE ACCOUNTS, FOR THE YEAR 1838.

### Upper Canada.—No. 1.

ABSTRACT of Warrants issued by His Excellency the Lieutenant Governor, on the Receiver General of the Province, payable from the Casual and Territorial Revenues, from the 1st January to the 31st December, 1838, inclusive.

TO WHOM PAID, AND FOR WHAT SERVICE.	Amount—Sterling.		
	£	s.	d.
The Honourable John B. Bobinson, his Salary as Speaker of the Legislative Council, from the 1st July, 1837, to the 30th June, 1838, inclusive, .....	360	0	0
The Honourable John Henry Dunn, Receiver General of the Province, his Salary for the same period, .....	200	0	0
The Honourable John Macaulay, Surveyor General, his Salary from the 1st July, 1837, to the 15th June, 1838, inclusive, .....	572	17	6½
The Honourable George H. Markland, Inspector General, his Salary from the 1st July, 1837, to the 30th September, 1838, inclusive, .....	249	11	9½
The Honourable Joseph Wells, Treasurer of the Upper Canada College, being the allowance in aid of the funds of the said College, from the 1st July, 1837, to the 30th June, 1838, inclusive, .....	1000	0	0
William Jarvie, Esquire, Captain in the late Battalion of Incorporated Militia, his Pension from the 1st July, 1837, to the 30th June, 1838, inclusive, .....	103	16	11
Lieutenant Daniel McDougall his Pension as a Lieutenant in the late Battalion of Incorporated Militia, for the same period, .....	72	13	10
John Beikie, Esquire, Clerk of the Executive Council, his Salary for the same period, .....	200	0	0
The Honourable and Right Reverend Alexander McDonell, (R. C.) Bishop of Regiopolis, his Pension for the same period, .....	100	0	0
The Honourable Robert Baldwin Sullivan, Com'r. of Crown Lands, his Salary for the same period, .....	500	0	0
Mr. Joseph Spragge, Master of the Central School at Toronto, his Salary for the same period, ...	150	0	0
Mr. Joseph Spragge, Master of the Central School at Toronto, his allowance in lieu of house-rent, fuel and candles, for the same period .....	80	0	0
The Reverend William Bell, Presbyterian Minister at the Perth Settlement, his Salary for the same period, .....	100	0	0
Carried forward .....	£ 3689	0	0½

Abstract of Warrants issued by the Lieutenant Governor, &c.—(CONTINUED.)

TO WHOM PAID, AND FOR WHAT SERVICE.	Amount—Sterling.		
	£	s.	d.
Brought forward .....	3689	0	0½
John Joseph, Esquire, Civil Secretary, to enable him to pay into the Military Chest the amount of cost of Stationary supplied from the Stationary Office in England, in pursuance of Lord Glenelg's Despatch of 29th September, 1837,.....	152	13	8
The Reverend E. W. Sewell, Executor of the late Bishop of Quebec, the allowance to said Bishop for House-rent, from the 1st to the 13th July, 1837, inclusive,.....	5	13	5
Anthony B. Hawke, Esquire, on account of the Emigration Expenditure, for the years 1837 and 1838, pursuant to Lord Goderich's Despatches of the 7th February, 1831, and 1st February, 1832,.....	2434	16	4
Mr. Henry J. Castle, Extra Clerk in the Surveyor General's Department, his Salary, from the 1st July to the 31st December, 1837, inclusive,.....	76	10	0
Mr. J. F. Willson, Teacher of the Central School, his Salary, from the 1st July, 1837, to the 30th June, 1838, inclusive,.....	90	0	0
Mrs. Rebecca Sylvester, Assistant Teacher, Central School, her Salary for the same period,.....	45	0	0
Mr. Samuel Smith, his Salary as third Clerk in the Executive Council Office, from the 4th October to the 31st December, 1837, inclusive,.....	37	6	1½
Mr. W. R. Bartlett, Supernumerary Clerk in the Executive Council Office, his Salary from the 11th October to the 31st December, 1837, inclusive,.....	34	7	5½
The Reverend H. M. Williamson, Master of the Peterborough School, his Salary from the 1st July, 1837, to the 30th June, 1838, inclusive,.....	67	10	0
Mr. Edward Kent, Extra Clerk in the Secretary and Registrar's Office, his Salary for the above period,.....	157	10	0
Edward McMahon, Esquire, being on account of the Contingent Expenses of the Government Office, for the same period,.....	90	0	0
The Honourable John Macaulay, Surveyor General, on account of Surveys,.....£ 674 11 1½			
The Honourable R. B. Sullivan, do do ..... 347 0 4½			
	1021	11	6
The Honourable William H. Draper, the amount of his Travelling Expenses, on a Special Mission to England,.....	315	0	0
Oneida Joseph, an Indian Chief, his Pension for the year ended 30th June, 1838,.....	15	0	0
John Joseph, Esquire, being the Lieutenant Governor's proportion of Seizures, from the 25th January, 1836, to the 18th January, 1838, inclusive,.....	258	14	3
The Reverend John Ryerson, being the remaining moiety of the sum of £4,100, Currency, authorised to be paid to the Wesleyan Methodist Mission,.....	1845	0	0
Robert Stanton, Esquire, Government Printer, for Printing, from the 1st July, 1837, to the 30th June, 1838, inclusive,.....	13	7	9½
The Honourable Duncan Cameron, Secretary and Registrar, the amount of his account for the Contingencies of his office,.....£ 272 7 0½			
T. D. Harrington, Clerk in Secretary and Registrar's Office on account of ditto,.... 47 1 0			
	319	8	0½
Richard Bullock, Esquire, Adjutant General of Militia, the amount of his salary from the 9th December, 1837, to the 6th March, 1838, inclusive,.....	70	4	0
The Honourable Robert S. Jameson, late Attorney General, the amount of his account of disbursements made on behalf of the Crown .....	70	13	9
Reward for the apprehension of Samuel Lount .....	450	0	0
Lieutenant John Carthew, account of expenses on an exploring expedition.....	38	15	0
The Honourable John Henry Dunn, to enable him to pay the salaries of the Ministers of the Presbyterian Synod, for the year ended the 30th June, 1838.....	699	19	10½
The Honourable John Henry Dunn, to enable him to pay the expenses of the Ministers of the Church of England, for the year ended 30th June, 1838.....	2540	18	0
Colonel Samuel P. Jarvis, Chief Superintendent of Indian Affairs, to enable him to pay that sum into the Military Chest at Toronto, as the balance due on account of advances made to the Indians, in payment of their annuities for lands ceded to the Crown.....	3941	15	10½
Anthony B. Hawke, Esq. on account, for subsistence of Commuted Pensioners at Penetanguishine,.....	1101	2	10½
John G. Sprugge, Esq'r. his account against the Government, as one of the Special Commissioners,.....	264	12	0
Sir Allan N. Macnab, his account against the Government, as Queen's Counsel .....	192	3	0
Henry Sherwood, Esquire, his account against the Government, as ditto,.....	324	3	0
The Honourable Levis P. Sherwood, Judge of the Court of King's Bench, the amount of his account for travelling expenses, on a Special Assize.....	39	18	1
George Gurnett, Esquire, being the amount of his account against the Government, for certain disbursements made by him.....	66	2	11½
Frederick Chiney, to remunerate him for certain services performed during the late Revolt.....	16	13	0
Mr. John Wesley, being to remunerate him for a like service.....	9	0	0
John F. Taylor, Esquire, Clerk of a Special Commission for the trial of State Prisoners, being on account of his claim against Government.....	135	0	0
F. T. Billings, Esquire, being the amount of his account incurred in the keeping of State Prisoners in the Gaol of the Home District.....	321	5	7½
John Marks, Esquire, being the amount of his account for do. ....	675	0	0
William B. Jarvis, Esquire, being the amount of his account for do. ....	397	2	0½
Allan McDonell, Esquire, Sheriff, Gore District, being the amount of his account for the keeping of State Prisoners.....	228	6	4
Carried forward .....	£22191	4	1

Abstract of Warrants issued by the Lieutenant Governor, &c.—(CONTINUED.)

TO WHOM PAID, AND FOR WHAT SERVICE.	Amount—Sterling.		
	£	s.	D.
Brought forward .....	22191	4	1
James Hamilton, Esquire, Sheriff of the London District, on account of ditto,.....	588	18	0
Mr. William Walker, for subsistence furnished to State Prisoners .....	6	15	0
Richard Bullock, Esquire, Adjutant General of Militia, the amount of his account to the Govern- ment, for the contingencies of his office .....	28	16	0
James Nation, Esquire, Treasurer of Toronto Hospital, his account for State Prisoners admitted into the Institution .....	66	3	0
Mr. William Higgins, Constable in the Home District, to remunerate him for services performed and expenses incurred in bringing State Prisoners from different Districts during the late disturbances,	16	10	3 $\frac{1}{2}$
John Joseph, Esquire, for Furniture for the Government House,.....	1847	5	8 $\frac{1}{2}$
Ensign Compton Donville, for Travelling Expenses of His Excellency the Lieutenant Governor..	150	11	5
Samuel P. Jarvis, Esquire, to enable him to pay the Salary of the Reverend Charles C. Brough, as Missionary to the Indians, for the year ending the 30th June, 1838,.....	100	0	0
Samuel P. Jarvis, Esquire, to enable him to remit that sum to Mr. Paul Darling and Mr. Benjamin Bailey, as their half-year's Salary, the former as Surgeon, the latter as Schoolmaster, to the Manitoulin Indians, from 1st September, 1838, to 28th February, 1839, inclusive, in advance.	112	10	0
The Honourable John Macaulay, on account of the Public Service,.....	90	0	0
John Stewart, Clerk to the Special Commission, on account of his claim against the Government for the Trial of State Prisoners,.....	50	0	0
John S. Macdonell, Esquire, on account of ditto, .....	50	0	0
William H. Boulton, Esquire, Executor to the Estate of the late Honourable Peter Robinson, being a balance due by the Government to the said Estate, for the erection of Public Offices at Toronto,.....	586	0	8 $\frac{1}{2}$
John Cameron, Esquire, Treasurer of the Saint Andrew's Church, Toronto, being a loan to the Congregation of the said Church, .....	810	0	0
Henry Sherwood, Esquire, Judge Advocate, being in advance on account of the expenses in attend- ing a Court Martial at London,.....	90	0	0
For Secret Service, .....	753	6	4 $\frac{1}{2}$
Special Messengers to and from New-York and Washington,.....	294	11	10
The Honourable Duncan Cameron, Provincial Secretary and Registrar, his Salary, from the 1st July, 1837, to the 30th June, 1838, inclusive,.....	300	0	0
The Honourable Duncan Cameron, his Commutation in lieu of Fees, as an Officer of the Land Granting Department, for the year ended 30th June, 1838,.....	636	11	4
The Honourable Colonel Talbot, his Pension for the above period,.....	400	0	0
The Honourable and Right Reverend Alexander McDonell, R. C. Bishop of Regiopolis, being the allowance to Roman Catholic Priests for the above period .....	1000	0	0
The Honourable and Right Reverend Alexander McDonell, his salary for the same period.....	500	0	0
William Chewett, Esquire, his Pension for the same period .....	360	0	0
Samuel Ridout, Esquire, his allowance as late Agent for the collection of fees to the Officers of the Land Granting Department, for the same period.....	200	0	0
Thomas Merritt, Esquire, his allowance in lieu of fees, as an Officer of the Land Granting Depart- ment for the above period .....	47	0	0
Miss Sophia Shaw, the Pension to the family of the late Major-General Shaw, for the above period,	100	0	0
Dame Mary Smith, Executrix to the Estate of the late Sir David William Smith, the Pension due to the Estate of the late Sir D. W. Smith.....	70	13	8 $\frac{1}{2}$
The Reverend Alexander Gale, to enable him to pay the salaries of the Ministers of the Presbyterian Synod, from the 1st July, 1837, to the 30th June, 1838, inclusive,.....	1425	0	0
Salary of His Excellency the Lieutenant Governor,.....	1000	0	0
Total .....	£39871	17	5

JAMES NATION,  
Acting Inspector General.

Inspector General's Office,  
20th March, 1839.

Upper Canada.—No. 2.

STATEMENT of the Receiver General's Receipts and Payments of the Casual and Territorial Revenues of the Crown from the 1st January to the 31st December, 1838.

RECEIPTS.	STERLING.			PAYMENTS.	STERLING.		
	£	s.	d.		£	s.	d.
To balance in hand, 31st December, 1837, as per acc't. audited in Council, (D) .....	* 73,768	5	0½	By balance in advance, 31st Dec'r. 1837, as per audited account, K.,	62,195	19	10½
To balance in hand, 31st December, 1837, as per acc't. audited in Council, (F) .....	477	4	10¼ 1/10	By amount of Warrants issued by His Excellency the Lieutenant-Governor, from 1st January to 31st December, 1838, as per Abstract No. 1. ....	33,871	17	5
Fees on the Seal .....	53	11	0				
Sales of Crown Lands .....	1,350	0	0				
Sales of Crown Timber .....	11,565	0	0				
Fines under Provincial Statutes ...	19	16	0¾ 6/10				
Fines in Criminal Cases .....	248	10	7 1/10				
The Crown's proportion of Seizures, Patent, and sundry Fees on Grants of Land and Leases .....	1,479	12	5¼ 2/10				
Re-payment by the Government Printer .....	993	10	1½ 1/10				
Amount of the Canada Company's Instalments .....	90	0	0				
	20,000	0	0	Balance in hand on 31st Dec. 1838,	13,977	12	10¼ 3/10
<b>Total, Sterling....</b>	<b>£110,045</b>	<b>10</b>	<b>1½ 9/10</b>	<b>Total, Sterling....</b>	<b>£110,045</b>	<b>10</b>	<b>1½ 9/10</b>

\* The charge by the Receiver General, of £200 per annum, in Account D, as Agent for the receipt and payment of the Canada Company's Instalments, having been suspended by the Board of Audit, is included in this balance;—the amount thereof, is £2,300.

JAMES NATION,  
Acting Inspector General.

Inspector General's Office,  
20th March, 1839.

Statement of Expenses incurred by recent Occurrences.

SCHEDULE OF CLAIMS against the Government, for services and expenses consequent upon the late Insurrection, for the year 1838, exclusive of those audited in Council, and transmitted to the House of Assembly.

Claimants.	Services.	Amount—Currency.		
		£	s.	d.
C. C. Small, Esq. ....	Clerk, Special Commission, .....	482	17	2
John F. Taylor, Esq. ....	Do. do. balance of account, .....	410	19	2
Captain Richardson, .....	Charter of Steamer Transit, .....	116	10	0
Captain Richardson, .....	Costs in a Prosecution, .....	11	13	0
Henry Sherwood, Esq. ....	Queen's Counsel, .....	45	14	6
Harry Cook, .....	Services as Magistrate, .....	68	15	0
Steamer Britannia, .....	Transport of Prisoners, .....	19	5	0
James Merryweather, .....	Services as Special Constable, .....	3	5	0
Edward Howard, .....	Conveying State Prisoners, .....	4	5	0
Captain Richardson, .....	Transport of do. ....	25	5	0
Andrew Stewart, .....	Do. do. ....	10	10	0
Baron de Rottenburgh, .....	Expense of Handbills, .....	1	0	0
Edward O'Brien, .....	Services as Special Constable, .....	7	0	0
Henry Wilson, .....	Do. do. ....	7	10	0
Alexander McLeod, .....	Disbursements, .....	24	4	11
Dr. Widmer, .....	Attendance on State Prisoners, .....	60	5	0
B. Bache, .....	Services as Special Constable, .....	12	7	6
Mayor of Toronto, .....	Additional Police Force, .....	175	10	0
Isaac Thompson, .....	Expenses in procuring Information, .....	5	5	0
G. Gurnett, Esq. ....	Do. of Special Constables, .....	37	19	6
G. Gurnett, Esq. ....	Services as Special Magistrate, .....	75	0	0
Treasurer of Midland District, ..	Expenses of State Prisoners, .....	757	3	0
	Carried forward .....	£ 1562	3	9

## Schedule of Claims against the Government, &amp;c.—(CONTINUED.)

Claimants.	Services.	Amount—Currency.		
		£	s.	d.
	Brought forward .....	1562	3	9
Sheriff of Niagara, .....	Expenses of State Prisoners, .....	294	16	1
J. Scholfield, .....	Expenses of Boarding a Witness, .....	16	12	6
J. S. Cartwright, Esq., .....	Secret Services, .....	103	5	0
Sheriff of London, .....	Expenses of State Prisoners, .....	463	8	9
Treasurer of Home District, ..	Do. do. ....	16	14	9
George Gibb, .....	Teaming, .....	10	10	0
Duncan McGregor, .....	Transport, .....	4	3	9
J. Hamilton, Esq., .....	Do. of Prisoners, .....	14	10	0
Thomas Steers, .....	Services in charge of Prisoners, .....	15	0	0
John Wesley, .....	Escort of Prisoners, .....	3	0	0
Patrick Finn, .....	Clerk, Special Commission, .....	11	6	6
Sheriff of London, .....	Services and Expenses at a Special Commission, .....	193	15	2
J. S. Cartwright, Esq., .....	Queen's Counsel, .....	187	0	0
William Higgins, .....	Services as High Constable, .....	27	10	0
Charles Hadley, .....	Do. and Expenses, .....	125	5	6
Francis Martin, .....	Do. as Constable, .....	1	2	4
James Givins, Esq., .....	Do. as Counsel to Magistrates, .....	160	0	0
Louis Rendt, .....	Services, .....	4	0	0
Christopher Armstrong, .....	Do. at a Court Martial, .....	92	10	0
Charles Berczy, .....	Disbursements for Secret Service, .....	120	1	8
	Total Currency, .....	£ 4226	15	9

JAMES NATION,  
Acting Inspector General.

Inspector General's Office,  
1st April, 1839.

## ACCOUNTS OF KING'S AND UPPER CANADA COLLEGE, FOR 1836, 7 & 8.

*Letter from the Bursar of King's College, transmitting Abstracts of Accounts of King's College and Upper Canada College, for 1836, 1837 and 1838.*

KING'S COLLEGE OFFICE,  
April 16th, 1839.

Sir,

I have the honour herewith to transmit to you a part of the Returns which, by direction of His Excellency the Lieutenant Governor, I was required to furnish in compliance with an Address from the House of Assembly.—These now sent are as follows:

Three Annual Abstracts of the General Account Current of the Bursar's Receipts and Payments, on account of King's College for the years 1836, 1837 and 1838.

Three ditto for the same periods, on account of Upper Canada College.

N. B.—Those for preceding years have long since been laid before the House of Assembly, and are recorded in their Journals.

Also, a Return of the amount of Government Debentures, Bank Stock, and Notes of individuals bearing interest.

The other Return called for in the said Address, respecting the sale of Lands belonging to the two Colleges, and the average price per acre, I shall have the honour of transmitting to-morrow or next day; and I hope to be pardoned for the delay, on account of my anxiety that the Return should be correct—and as I have to retrace a period of upwards of ten years, it may easily be imagined that it requires a very laborious investigation to render it so.

I have the honour to be,

SIR,

Your most obedient, humble Servant,

JOSEPH WELLS,  
Bursar of King's College.

Hon. JOHN MACAULAY,  
Civil Secretary, &c.

**Dr.** ABSTRACT of the BURSAR'S General Account Current with KING'S COLLEGE, for the year 1836. **Cr.**

1836.		£	s.	d.	1836.		£	s.	d.
Jan. 1	To balance from last year's abstract, as laid before the House of Assembly in the session of 1836, ..	3629	10	0	From Jan. 1 to Dec. 31	By the Desjardins Canal Company: Jan. 2. A payment of the premium and interest on the purchase of 5 Government Debentures from them, of £200 each, No's 10 to 14, the loan upon which was charged in the last year's abstract...			
From Jan. 1 to Dec. 31	To aggregate amount of rents received on leased lots of land: For the half year ending 30th June ..... £ 672 14 8 Do. do. 31st Dec... 560 5 5					By sums advanced as a farther loan to the said Company, which have since been paid by Government Debentures: February 18th ..... £ 200 0 0 March 21st..... 200 0 0			12 19 7
	To aggregate amount of first payments received on account of sales of land during the year: For the half year ending 30th June ..... £ 813 9 9 Do. do. 31st Dec... 556 6 3	1233	0	1		March 29. By a payment to the said Company of the balance of the premium and interest on two Government Debentures of £200 each, No's 15 and 16, which latter repaid the two sums advanced as above .....			400 0 0
	To aggregate amount of sums received on account of subsequent instalments on former sales: For the half year ending 30th June ..... £ 2513 8 3 Do. do. 31st Dec... 2415 12 9	3699	16	0		Sept. 16. By a payment to the said Company for the purchase of a Government Debenture, No. 17, for £600 at 2 per cent. premium,..... £12 0 0			6 5 2
	To aggregate amount of sums received on account of interest on subsequent payments: For the half year ending 30th June..... £ 597 19 10 Do. do. 31st Dec... 770 17 3	4929	1	0		Oct. 21. By a sum advanced on a loan to said Company, to be repaid by Government Debentures....			612 0 0
	To aggregate amount of dividends received on 20 shares of Bank stock: For the half year ending 1st January ..... £ 10 0 0 Do. do. 1st July... 10 0 0	1368	17	1		Total amount of payment to the Desjardens Canal Company in the year 1836.....			1000 0 0
	To aggregate amount of interest received on a loan of £1000 to the Hon. and Venerable Archdeacon Strachan: For the half year ending 30th June ..... £ 30 0 0 Do. do. 31st Dec... 30 0 0	20	0	0	Jan. 2	By a sum advanced on loan to the Hon. and Venerable Archdeacon Strachan, which was afterwards sanctioned by the College Council, as a part of a loan for £5250, which was agreed to be advanced to him upon the security of approved notes of hand, and endorsed by himself .....			2031 1 9
	To sundry amounts of interest received on sundry Government debentures: May 20, half year's interest on 2 of £1000, No's 8 and 9, to 1st April..... £ 60 June 30th, do. do. on 1 of £1000, No. 7, to 1st July. 30 Sept. 17th, do. do. on 5 of £200, No's 10 to 14, to 1st July..... 30 Nov. 30th, do. do. on 2 of £1000, No's 8 and 9, to 1st October..... 60 Nov. 30th, do. do. on 2 of £200, No's 15 and 16, to 1st October ..... 12 Dec. 19th, do. do. on 1 of £1000, No. 7, to 1st January ..... 30	60	0	0		By Robert Stanton, for two accounts for Books, Stationary, Parchment Deeds, blank Indentures and Leases, and also for advertising in the years 1834 and 1835, which were not before sent in for payment, as the amounts were intended as payments on land: For the year 1834, £21 7s 1d, for 1835, £38 10s 3d .. £ 59 17 4 Deduct part charged to U. C. College,..... 10 0 0			1000 0 0
		222	0	0		By the total amount of sundry periodical issues to Mr. J. Wedd, as overseer of the College grounds, to pay wages to labourers, and for teams employed in improvements upon the same: vide appendix for an enumeration of the several payments ..... £ 285 10 1			49 17 4
						Jan. 19. Paid J. Harper for carpenter's work on gates, fences, &c. 8 19 10			
						March 1. Paid Prince & Sons, of New-York, for trees, shrubs, &c. 10 2 5			
						Nov. 8. Paid do. do... 13 5 0			
						Paid James Brown, wharfinger, for freight wharfage, &c. for do. 1 10 6			
	Carried forward ....	£12832	4	2		Carried forward ..	£319	7	10
							3080	19	1

Dr.		ABSTRACT—(Continued.)			Cr.			
		£	s.	d.				
1836.	Brought forward .....	12832	4	2	1836.	Brought forward ..	£319 7 10	3080 19 11
From					From	Deduct from this expen-		
Jan. 1					Jan. 1	diture the following		
to					to	sums received :		
Dec.31					Dec.31	From Mr. John Wedd,		
						on the sale of 608		
						bushels of barley, at		
						2s 3d .....	£68 7 10	
						Do. Mr. Grant		
						Powell, for		
						shrubs char-		
						ged in the		
						account of		
						Prince and		
						Sons .....	5 17 6	
								74 5 4
								245 2 6
						Paid quarterly to		
						Mr. John Wedd,		
						as Overseer of the		
						College grounds,		
						his salary of 5s.		
						per day, which for		
						this year, (being		
						leap year) is....	£91 10 0	
						Deduct a propor-		
						tion charged to		
						U. C. College, by		
						order of the Coun-		
						cil, for his occa-		
						sional services on		
						the grounds be-		
						longing to it....	6 5 0	
								85 5 0
						Balance of expendi-		
						ture upon the		
						College grounds.....		330 7 6
						By T. D. Harrington, two payments		
						of £12 10s. and £10 6s. for ser-		
						vices as an extra Copying Clerk,		
						to prepare voluminous returns for		
						several years past, as called for by		
						the House of Assembly, regarding		
						both Colleges.....	£22 16 0	
						Deduct part charged to		
						U. C. College.....	10 6 0	
								12 10 0
						By amount of payments of the		
						annual salaries—		
						Lieut. Col. Wells, Registrar and		
						Bursar .....	£300 0 0	
						Mr. E. J. Ridout, Sen'r.		
						Clerk .....	150 0 0	
						Mr. H. Hawkins, Jun'r.		
						Clerk and Messenger	75 0 0	
								525 0 0
						By sundry payments for the contin-		
						gencies of the Office—		
						One year's rent for the		
						Office .....	£ 40 0 0	
						One year's assessment,	2 2 6	
						James Stewart, for 42		
						cords of wood for the		
						winter 1835, at 11s.		
						10½d.....	24 18 9	
						John Harper, for Car-		
						penten's work.....	3 1 3	
						Jacques and Hay, for a		
						book-case .....	6 1 6	
						H. Rowsell, for books		
						and stationery.....	13 17 3	
						Carried forward .....	£12832 4 2	
						Carried forward ..	£ 90 1 3	4193 19 1







Dr.		ABSTRACT—(Continued.)			Cr.	
		£	s.	d.		
1837.	Brought forward .....	16634	0	0	1838.	Brought forward .. £139 10 5
From					From	Samuel Adams, for cut-
Jan. 1					Jan. 1	ting, carrying and pi-
to					to	ling cordwood..... 4 19 6
Dec.31					Dec.31	Postages during the year, 8 11 3
						Small expenditures, as
						per petty cash book. 5 16 3
						158 17 5
						£10156 4 0
						By balance of sums received and
						paid on account of Upper Canada
						College, as per separate abstract,
						and which is to be added to the
						former debt, to 31st Dec. 1836.. 1934 19 9
						Vide memorandum on the other
						side,* ..... £12091 3 9
						By balance carried forward to next
						year's abstract ..... 4542 16 3
						£16634 0 0
		£16634	0	0		£16634 0 0

\* Memorandum referred to.

Former debt from Upper Canada College to King's College to 31st Dec. as per last year's abstract..£30624 4 11  
 To which add the balance of receipts and expenditure for the year ending 31st Dec. 1837, as per foregoing abstract ..... 1934 19 9  
 Total amount of debt to Dec. 31st, 1837..£32559 4 8

Errors Excepted.

JOSEPH WELLS,

Bursar.

APPENDIX REFERRED TO IN THE ABSTRACT FOR 1837.

Payments to Mr. J. WEDD, for Labour in the College Grounds.

1837.—January 7,.....	£ 4 2 6	Brought forward.....	£ 150 13 7
14,.....	3 7 6	July.... 1,.....	8 12 6
21,.....	2 10 0	8,.....	8 16 3
28,.....	4 17 6	15,.....	11 14 5
February 4,.....	4 10 0	22,.....	15 9 4
12,.....	4 17 6	29,.....	9 3 9
18,.....	4 11 2	August.. 5,.....	9 0 0
25,.....	3 10 0	12,.....	7 15 8
March.. 4,.....	4 15 0	19,.....	15 10 7
11,.....	6 5 0	26,.....	36 12 6
18,.....	5 15 0	Sept'r.. 2,.....	24 8 9
25,.....	4 2 6	9,.....	26 16 10
April... 1,.....	4 5 0	16,.....	39 8 9
8,.....	5 5 0	23,.....	42 9 6
15,.....	6 6 3	30,.....	34 15 0
22,.....	5 6 3	October 7,.....	33 9 4
29,.....	5 8 9	14,.....	51 3 6
May.... 6,.....	7 11 10	21,.....	38 4 3
12,.....	6 10 0	28,.....	26 8 0
20,.....	7 0 8	Nov'r.. 4,.....	29 5 6
27,.....	10 17 6	11,.....	15 13 1
June.... 3,.....	12 7 6	18,.....	17 6 3
10,.....	9 1 11	25,.....	5 16 3
17,.....	8 16 9	Dec'r.. 2,.....	9 11 3
24,.....	8 12 6		
Carried forward.....	£ 150 13 7	Total amount.....	£668 4 10









Dr.		ABSTRACT—(Continued.)			Cr.							
		£	s.	d.								
1836.	Brought forward .....	2989	16	10	1836.	Brought forward .....	£	s.	d.	3907	3	2
From Jan. 1 to Dec. 31	To balance to be added to the former debt to King's College, to 31st December, 1835, as per last year's abstract .....	1408	14	5	From Jan. 1 to Dec. 31	By three amounts paid for sundry repairs to some of the buildings: Jan. 8, Rev. Charles Matthews, on award by the Council in part of sundry outlays upon the house formerly occupied by the Vice Principal .....	£			15	0	0
	Vide subjoined Memorandum.					Jan. 8, Rev. Dr. Harris to pay sundry acc'ts. for the repairs of the house prepared for the new Classical Master, .....				3	18	10
						March 11, John Ritchie two accounts for carpenter's work: College building, .....	£	33	18	3		
						Boarding h'se. .....	5	7	6			
						39 5 9						
										58	4	7
						By three amounts paid for books, &c for the pupils of the College: July 8, Bank of Upper Canada, for a draft on England for £294 10s st'g. to remit to Longman & Co. of London .....	£	359	18	11		
						Sept. 1, E. Leslie & Sons, an old account, .....	32	1	0			
						Oct. 5, Robert Stanton, part of an account for books, stationary, &c. the remainder charged to King's College... ..	10	0	0			
										401	19	11
						By sundry amounts paid for advertising: Editor of the London Patriot .....	£	0	17	0		
						Do. Niagara Herald... ..	0	10	0			
						Do. U. C. Herald... ..	3	7	0			
						Do. Montreal Herald.. ..	3	5	4			
										7	19	4
						By an amount paid T. D. Harrington, part of an account for services on preparing sundry voluminous Returns called for by the House of Assembly.....				10	6	0
						By an amount paid Joseph Martin, for whitewashing and repairing the plastering of the District School. .....				6	5	0
						By amount of sundry postages....				1	2	0
						By amount paid for assessment on the boarding house and porter's lodge.....				5	11	3
		£	4398	11	3		£	4398	11	3		

*Memorandum.*

Former debt from U. C. College, to King's College, to 31st Dec., 1835, as per last year's abstract. £ 29215 10 6  
 To which add the balance of receipts and expenditure for the year ending 31st Dec. 1836, as per last year's abstract..... 1408 14 5  
 Total amount of debt to Dec. 31st, 1836... £30624 4 11

Errors excepted.

JOSEPH WELLS,  
*Bursar.*



Dr.		ABSTRACT—(Continued.)			Cr.	
		£	s.	d.		
1837. Brought forward .....		3189	5	1	1837. Brought forward .....	
From Jan. 1 to Dec.31					From Jan. 1 to Dec.31	
					By sundry amounts paid for a large addition made to the Boarding House, and for sundry repairs to it and the other College Buildings:	
					Feb. 6—John Ritchie, for repairs..... £ 72 0 3	
					Jan. 3—John Ritchie, on account of his contract for the additional building..... 250 0 0	
					John Craig on account of painting the outside of the College Buildings and Pallsading. 50 0 0	
					Jan'y. 17—John Craig, balance of his acc't. for do..... 17 18 0	
					Sept'r. 23—J. Ritchie, on further account of sundry contracts for building the addition to the boarding-house, and forming a new drain through the College play-ground.... 300 0 0	
					Oct. 7—John Craig, on account of painting the addition to the boarding-house..... 100 0 0	
					Oct'r. 14—John Craig balance of account for painting the interior of the College Buildings..... 37 0 0	
					Oct. 21—A. Brown, for 20 loads of gravel to one of the buildings.. 1 5 0	
					828 3 3	
					By sundry amounts paid for articles for the boarding-house :	
					March 28—Mrs. Fenwick, to pay for a large cooking-stove and oven pans, 15 2 6	
					June 26—Do. to pay for 6 Burdett Bedsteads, for the Pupils..... 4 10 0	
					Sept. 16—Do. to pay for two iron bedsteads.. 5 0 0	
					Sept. 29—R. French, for six chairs..... 3 0 0	
					Oct'r. 10—F. Thomas, for six iron bedsteads, 15 0 0	
					Oct'r. 27—S. Wiggins, for 9 do.; 6 at £2 10s. and 3 at £4..... 27 0 0	
					69 12 6	
					By three amounts paid for books, &c. for the pupils :	
					Jan. 31—Bank of U. C. for a draft on England for £33 sterling, to remit to Longman & Co. of London..... 41 5 0	
					Oct'r. 6—H. Rowsell, balance of an acc't. for books, &c. &c... 18 2 9	
					Do. for stationery..... 7 12 5	
					62 0 2	
Brought forward .... £		3189	5	1	Carried forward .... £	
					5080 5 0	



Dr.		ABSTRACT—(Continued.)			Cr.	
		£	s.	d.		
1838.	Brought forward .....	2326	2	2	1838.	Brought forward .. £1333 6 8
From	To aggregate amount of sums received on account of sales of land:				From	Jan. 1 Mr. F. W. Barron, one year's salary as a Classical Master.... 333 6 8
Jan. 1	March 29, From the Hon. Lt. Col. Talbot, as Agent...£ 137 4 5				to	Dec. 31 Rev. H. Scadding, one quarter's salary to 31st Dec. as 3rd Classical Master.... 83 6 8
Dec. 31	Dec. 31, From sundry purchasers..... 115 5 3					Mr. John P. De laHaye, French Master..... 222 4 4
	From do. for interest.. 12 5 0	264	14	8		Mr. G. A. Barber, 1st Writing Master .... 222 4 4
	To aggregate amount of sums received on account of sundry town lots sold by auction in 1829:					Mr. James Duffy, 2nd Writing Master .... 125 0 0
	On further account of purchase money...£ 114 5 0					Mr. John Kent, 3 quarters, to 30th Sept. Preparatory School do.. 143 15 0
	On account of interest on the unpaid part of the purchase money. 31 13 8	145	18	8		Mr. C. N. B. Cousins, one quarter, to 31st Dec. new Master... 47 18 4
	To aggregate amount of a quarterly stoppage from the salary of Mr. John P. De la Haye, French Master, in part payment of debt for College dues, from his boarders:					Mr. J. G. Howard, Geometrical Draw'g M'r. 111 2 2
	In part payment of the debt.....£ 40 0 0					Mr. Thos. Young, Ornamental Drawing M'r. 55 11 1
	Interest on do. .... 28 10 0	68	10	0		£2677 15 3
						Samuel Alderdice, Porter and Messenger.. 40 0 0
						2717 15 3
						Rev. Dr. Phillips a temporary retired allowance as late Vice Principal. 111 2 2
						By an amount paid Rev. G. Maynard, for half a quarter's salary awarded him by the Council, upon his petition for the period between the day of his receiving his appointment as Classical Master and that of his embarkation from England..... 41 13 4
						By sundry amounts paid to Mrs. E. Fenwick and Mr. C. N. B. Cousins, for boarding pupils at the College boarding house, at £23 per annum:
						Feb. 21, Mrs. Fenwick, on account of 1st quarter.....£ 75 0 0
						March 24, Do. on further account of do... 100 0 0
						March 31, Do. balance of do. .... 51 2 6
						May 7, Do. on account of 2nd quarter..... 100 0 0
						June 9, Do. balance of do..... 130 0 0
						August 15, Do. in full of 3rd quarter..... 207 0 0
						Dec. 31, Mr. Cousins, in full of 4th quarter. 184 0 0
						847 2 6
						By three amounts paid for Insurance on the different College buildings:
						Jan. 13, Robert Stanton, as agent for the Phoenix Company, for £2000 on the central building, at 16s 6d, Policy No. 637863 .....£ 16 10 0
						Carried forward .. £ 16 10 0
	Carried forward.... £	2805	5	6		3717 13 3



Dr.		ABSTRACT—(Continued.)		Cr.			
		£	s. D.				
1838.	Brought forward .....	2805	5 6	1838.	Brought forward .....	4058	18 9
From	To balance to be added to the former debt of King's College, to Jan. 1 to Dec. 31			From	By an amount paid the Rev. Dr. Harris, as authorised by the Council, for 77 volumes of valuable classical works .....	59	9 6
	vide subjoined memorandum.* .....	1385	4 4		By an amount paid Henry Rowsell, the balance of an account for books, stationary, &c. for pupils.	18	15 1
					By amount paid John Ritchie, for sundry repairs at the District school house.....	20	8 8
					By amount paid John Watkins, for a year's assessments:		
					On the boarding house, £ 6 15 0		
					On the vacant house of the Principal .....	5	12 6
					On the Porter's lodge . . . . .	0	13 6
						13	1 0
					By a proportion of the annual salary to Mr. J. Wedd, as Overseer of the grounds of both Colleges, as directed by the College Council.	6	5 0
					By ditto, for the years 1836 and 1837, which were omitted to be charged in the abstracts for those years .....	12	10 0
					By amount of Postage for the year,	1	1 10
		£	4190 9 10			£	4190 9 10

## \* Memorandum.

Former debt from Upper Canada College to King's College to Dec. 31, 1837, as per last year's abs't. £32559	4 8
To which add the balance of receipts and expenditures for the year, ending 31st Dec. 1838, as per foregoing abstract..	1385 4 4
Total amount of debt to Dec. 31st, 1838..	£33944 9 0

Errors Excepted.

JOSEPH WELLS,  
Bursar.

## KING'S COLLEGE.

Return of Government Debentures, Bank Stock, and amount of notes of hand of private individuals bearing interest.

JANUARY 1st, 1839.

	£	s.	D.
3 Debentures of £1000 each, No. 7 to 9 .....	£ 3000	0	0
1 Debenture of 600 No. 17.....	600	0	0
4 Debentures of 500 each, No. 386 to 389.....	2000	0	0
22 Debentures of 200 each, 7 No. 10 to 17—7 No. 390 to 396—8 No. 406 to 413.	4400	0	0
	10,000	0	0
20 Shares of Bank Stock .....	250	0	0
Amount of Notes of hand of private individuals bearing interest*	4,987	10	0
	£15,237	10	0

\* One of these notes of hand, for £187 10s. has since been paid.

N. B.—Upper Canada College has no monies invested, being considerably indebted to King's College, as detailed in the accompanying abstracts.

JOSEPH WELLS,  
Bursar.

KING'S COLLEGE OFFICE,  
April 18th, 1839.

SIR,

I have now the honour to transmit the remaining return respecting the sale of lands belonging to King's College, and Upper Canada College, (as referred to in my letter of the 16th instant) which by direction of His Excellency the Lieutenant Governor, I was required to furnish, in compliance with the Address of the House of Assembly.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

JOSEPH WELLS,

Registrar and Bursar

of King's College.

The Honourable JOHN MACAULAY,  
Civil Secretary,  
&c. &c. &c.

### AGGREGATE STATEMENT

Of the number of Acres of the Lands of the University of King's College, and of Upper Canada College, which have been sold, to the 1st of January, 1839, shewing the average price per acre, and the gross amount actually received on such sales, as required in the Address of the House of Assembly.

	Total number of Acres sold.	Aggregate amount of such sales.	Gross amount actually received on such sales.	Average price per Acre.
King's College.....	93,737 $\frac{3}{4}$	£ 100,809 18 6	£ 53,224 14 7	21s. 6d. and a fraction.
Upper Canada College.....	17,388	13,101 10 0	6,693 14 3	15s. $\frac{3}{4}$ and a fraction.
Do. do. .... Town Lots in Toronto...		5,223 10 0	917 9 5	
		£18,325 0 0	£ 7,611 3 8	

Errors excepted.

JOSEPH WELLS,

Bursar of King's College.

Letter from the Bursar of King's College, on Salaries to the Officers thereof, agreeably to Address of the House of Assembly.

KING'S COLLEGE OFFICE,  
May 3rd, 1839.

SIR,

In obedience to the commands of His Excellency the Lieutenant Governor, communicated in your letter of the 30th ultimo, I have the honour herewith to transmit a statement of "the authority under which the salaries and allowances are paid to the President, and other Officers of King's College," in compliance with the Address of the House of Assembly to His Excellency.

I have the honour to be,

SIR,

Your obedient Servant,

JOSEPH WELLS,

Registrar and Bursar,

King's College.

The Honourable JOHN MACAULAY,  
Civil Secretary,  
&c. &c. &c.

*Statement of the authority under which the salaries and allowances are paid to the President, and other Officers of King's College, in compliance with the Address of the House of Assembly to His Excellency the Lieutenant Governor.*

- March 21st, 1839.—Order in Council, that the sum of £150, Provincial Currency each, be the respective salaries of the Registrar and Bursar, to commence from the date of their appointment.
- February 8th, 1838.—Order in Council, that the salary of the Clerk (Mr. George Percival Ridout,) be £100, Currency, per annum, from the period of his being first employed.
- March 17th, 1830.—Order in Council, that Richard Coleman be appointed Overseer of the College Grounds, with a salary of £60 per annum.
- October 1st, 1831.—Order in Council, that Mr. John Wedd be appointed Overseer, *vice* Coleman, deceased, with the same salary and appointments.
- March 16, 1832.—Notification from His Excellency the Lieut. Governor Sir John Colborne, that he has appointed Lieut. Col. Wells to be the Registrar of King's College, *vice* Mr. G. H. Markland, appointed Inspector General, whereby his salary was increased to £300, Currency, per annum, as Registrar and Bursar.
- March 27, 1833.—Order in Council to allow Mr. John Wedd, as Overseer of the College Grounds, £12 10s. Currency, per annum, for House Rent, until he could be put in possession of the house before occupied by his predecessor, which the widow and family of the latter still occupy.
- February 27, 1836.—Upon a representation of Mr. John Wedd, of the inadequacy of his salary, and a solicitation that the sums collected by him for the pasturing of cattle, &c. might be allowed him as a perquisite, It was ordered in Council, That no perquisites whatever should be allowed, but that taking into consideration all the circumstances of the increasing responsibility of the Overseer in managing the farming concerns, his salary from the 1st of January last, should be at the rate of 5s. Currency, per day, and that a proportion of this salary (*viz.* £6 5s. per annum,) should be charged against the Upper Canada College, on account of the Overseer's occasional superintendance of the ornamental ground attached to it.
- December 17, 1836.—Upon the strong representation of the Bursar, that Henry Hawkins, the Messenger, had been necessarily employed as a Junior Clerk, for upwards of a twelve-month past, in consequence of the increasing duties of the Office, which required additional aid, and that he was found fully adequate to the situation, It was ordered in Council, That Henry Hawkins be allowed an additional salary of £25, Currency, per annum, for the current year.
- N. B. His former salary, as Messenger, was £50, per annum.
- February 22, 1837.—The President communicated to the Council, that, in reference to the situation of the Officers of the Institution, and the prospect of its speedily getting into actual operation, and the necessity of active measures being immediately taken for the effecting this object, he had thought it reasonable to express to His Excellency the Lieut. Governor (Sir Francis Bond Head,) his desire to draw his appointed salary, as President, from the 1st day of January last, having forborne any application hitherto, in consequence of the obstacles which had arisen to the execution of the Charter, and that His Excellency had been pleased to approve of this suggestion, which he had expressed, It was ordered in Council, That the President's salary (£250, Sterling, per annum,) be considered as accruing from the 1st day of January last, and be hereafter paid out of the funds of the Institution, upon the scale established by His Majesty's Government, as notified in a Despatch from Earl Bathurst to His Excellency Sir Peregrine Maitland, dated Downing Street, March 21, 1827.

August 15, 1837.—Order in Council, That Mr. Thomas Young be employed as Architect for the proposed buildings, at the rate of £200, Currency, per annum, from the 1st of May last, when he was first employed in drawing Plans and preparing Estimates.

May 12, 1838.—Upon the strong representation of the Bursar, of the inadequacy of the salary of Henry Hawkins, the Junior Clerk, for the very efficient services which he had zealously rendered for upwards of three years, It was ordered in Council, That the salary of Henry Hawkins be raised from £75 to £100, Currency, per annum, from the 1st of January last.

JOSEPH WELLS,  
*Registrar and Bursar,  
King's College.*

*Kings College Office, May 3, 1839.*

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P A P E R S  
ON THE SUBJECT OF  
POSTAGE OF ADJUTANT GENERAL'S OFFICE.

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(Copy.)

ADJUTANT GENERAL'S OFFICE,  
3rd May, 1839.

SIR,

With reference to the Estimate now before the Legislature, of the Contingent Expenses of this Office, amounting only to the sum of two hundred and sixty-five pounds, currency, for the current year, I beg to send for your information, and with a view to a reformation of the Estimate, the accompanying account for Postage, for the quarter ending on the 5th of April, amounting to the sum of five hundred and nineteen pounds, sixteen shillings and eleven pence.

I have, &c.

(Signed) RICHARD BULLOCK,  
*Adjutant General Militia.*

The Honourable JOHN MACAULAY,  
*&c. &c. &c.*

P. S. The Postage, Stationary and Printing of this Office, during the last year, amounted to two hundred and ninety-eight pounds, ten shillings and ten-pence: these embrace the whole of the items forming the contingent account; but the sum will necessarily be much larger the present year, as you will observe that a charge has been incurred the last quarter, for Postage, very disproportioned to that of the corresponding quarter in the last year.

(Signed) R. B.

(Copy.)

POST OFFICE, TORONTO,  
8th April, 1839.

SIR,

I have the honour to enclose the account of this Office against your department, for Postage, from the date of your appointment to the 5th instant, which now amounts to the large sum of £283 7s. 2d. Currency, and beg to call your attention to the absolute necessity of making some arrangement to pay the amount, as I cannot continue to advance the same every quarter, out of my private funds, which I have to do to meet my balances.

I have written to the Deputy Postmaster General on the subject, requesting to be directed how to act in the matter ; for the sum is now becoming too large for me to advance.

I am, &c.

(Signed) CHARLES BERCY,  
P. M.

(Copy.)

Toronto, 10th April, 1839.

DEAR SIR,

Adverting to my letter of the 8th instant, on the subject of your Postage account, I beg to inform you that I have received a letter from the Deputy Postmaster General, authorising me to take credit for the amount, on producing your Certificate, should there be no objections to the same made by Government.

I have, &c.

(Signed) CHARLES BERCY.

Colonel BULLOCK,  
Adjutant General Militia.

THE ADJUTANT GENERAL OF MILITIA,

To the POST OFFICE, Toronto, Dr.

1839.

To Postage during the Quarter ending the 5th of April.....	£ 119 16 11	Currency.
Amount due per last account rendered .....	163 10 3	
	£ 283 7 2	

## POST OFFICE REVENUE ACCOUNTS, OF LOWER AND UPPER CANADA, FOR THE YEAR 1838.

*An Account of the gross and net produce of the Post Office Revenue of Lower and Upper Canada, in the year ended 5th July, 1838.*

LIST OF ITEMS.	GROSS RECEIPT.			Returned, Refused, Mis-sent, Re-directed, and Forwarded Letters, Over-charges and Returns.			Net Produce—(exclusive of Charges.)		
	Currency.			Currency.			Currency.		
	Lower Canada.	Upper Canada.	Canadas.	Low'r Canada.	Upper Canada.	Canadas.	Lower Canada.	Upper Canada.	Canadas.
	£ s. D.	£ s. D.	£ s. D.	£ s. D.	£ s. D.	£ s. D.	£ s. D.	£ s. D.	£ s. D.
Postage of Letters in the Canadas, including British & Packet Postage.....	19585 17 10½	22640 8 9	42226 6 7½						
				4168 9 10	2773 3 11	6941 13 9	15418 3 0½	20040 9 10	35458 12 10½
Micellaneous receipts	0 15 0	173 5 0	174 0 0						
	£ 19586 12 10½	22813 13 9	42400 6 7½	4168 9 10	2773 3 11	6941 13 9	15418 3 0½	20040 9 10	35458 12 10½

T. A. STAYNER,  
D. P. M. G'l.

E. G. KING,  
Accountant.

An Account of the charges of management on the Post Office Revenue of the Canadas, in the year ended 5th July, 1838.

		Currency.	
		£	s. d.
<i>Salaries and Allowances:</i>			
Salaries to the Deputy Post Master General, Officers and Clerks of the Quebec Office, and wages to Letter Carriers, Messengers, &c.....	£2657 2 2½		
Salaries and allowances to Deputy Post Masters.....	5071 0 3½		
		7728	2 6
<i>Allowances for Special Services and Travelling Charges:</i>			
Special Services and Travelling Charges.....		443	1 3
<i>Conveyance of Mails, Transit Postage, and Payments for Ship Letters:</i>			
Conveyance of Mails.....	£16612 14 1½		
Transit Postage through the United States.....	17 4 9½		
Ship Letter Payments.....	9 2 9		
		16639	1 8
<i>Tradesman's Bills, Building and Repairs:</i>			
Tradesman's Bills.....	£ 69 8 1½		
Other Bills.....	22 2 3½		
		91	10 5
<i>Rents and Taxes:</i>			
Rent for Offices, and Taxes.....		194	10 0
<i>Law Charges:</i>			
Amount paid for Law Charges.....		6	7 6
<i>Stationary and Printing:</i>			
Stationary, Printing and Advertising.....		1040	8 7
		£26143	1 11

T. A. STAYNER,  
D. P. M. G.

E. G. KING,  
Accountant.

A General Statement of the Revenue of the Post Office in the Canadas, in the year ended 5th July, 1838.

Voucher, see Account numbered.	Income.	Currency.	Voucher, see Account numbered.	Disposal of the Income.	Currency.
		£ s. d.			£ s. d.
	Balance due by the Deputy Post-master General, upon the year ended July 5, 1837, £1443 4 11			Charges of management, or total payments out of the Income, in its progress to the General Post Office, London.....	26143 1 11
	Balance due by the Public Departments in Lower Canada, year ended 5th July, 1837.....	5099 9 6		Remittances made to the General Post Office, London, on account of the year ended 5th July, 1838.	14150 16 9
	Balance due by the Public Departments in Upper Canada, year ended 5th July, 1837.....	210 13 3		Balances due by the Public Departments in Lower Canada, year ended July 5, 1838, £1716 13 11	
	Total of balances due upon the year ended 5th July, 1837.....	6753 7 8		Balance due by the Public Departments of Upper Canada, year ended 5th July, 1838.....	nil.
	Gross Receipt.....	£42400 6 7½		Balance due by the Deputy Postmaster General, upon the year ended 5th July, 1838.....	201 7 10
	Returned, refused, mis-sent, forwarded and re-directed Letters, overcharges and returns.....	6941 13 9		Amount of fractions occasioned by the reduction of the several sums from Currency into Sterling....	0 0 1½
	Net receipt upon the year after deducting returned Letters, &c....	35458 12 10½		Total discharge of the income....	£42212 0 6½
	Total income including balance.	£42212 0 6½			

T. A. STAYNER,  
D. P. M. G.

E. G. KING,  
Accountant.

**TIMBER DUES COLLECTED ON THE OTTAWA,  
AND OTHER RIVERS IN THE PROVINCE.**

STATEMENT of the amount of Duties collected for Timber cut on Crown Lands, on the Ottawa River and on the other Rivers throughout the Province, with an account of the expenses attendant upon the collection of the same.

Year.	Where collected.	By whom collected.	Total amount collected.			Local expenses, contingent on the Collection.			Expenses incurred at the Office of the Surveyor General of Woods and Forests.			Remarks.
			£	s.	d.	£	s.	d.	£	s.	d.	
1827	Bytown	Messrs. Shirreff	57	0	6	0	0	0	90	12	6	This collection made on the River Ottawa and its tributaries.
1828	Bytown	Messrs. Shirreff	4176	19	2	691	5	4				
1829	Bytown Carrying Place	Messrs. Shirreff A. McDonell	3718 278	6 15	8½ 7½	771 113	15 11	6½ 4	109	1	8	This collection was made on the River Trent, Bay of Quinte and rivers falling thereinto.
1830	Bytown Belleville Glengarry Carrying Place	Charles Shirreff S. S. Wilmot D. McDonell A. McDonell	6947 506 217 0	18 11 10 0	10½ 4½ 0 0	805 461 100 224	7 16 0 19	3½ 2 0 9	110	17	9½	
1831	Bytown Belleville Glengarry	Charles Shirreff S. S. Wilmot D. McDonell	7928 1243 490	11 10 3	9 0 5	714 329 243	6 17 0	4 9 0	* 25	18	0½	* Add also for error in S. S. Wilmot's accounts for this year £44 15s. 2½d. Currency, being charged by the late Surveyor General of Woods and Forests to the Government for this year: see account current rendered.
1832	Bytown Glengarry Belleville Seymour	Charles Shirreff D. McDonell S. S. Wilmot David Campbell	4380 572 1436 188	8 9 9 4	11½ 4 5½ 8½	461 250 290 67	15 0 16 10	10½ 0 0 0	* 156	7	6½	
1833	Bytown Belleville Seymour Glengarry	Charles Shirreff S. S. Wilmot David Campbell D. McDonell	596 799 156 375	3 17 14 17	3 5½ 0½ 3	596 254 67 188	3 13 10 4	6 4 0 7	30	16	10	
1834	Bytown Belleville Glengarry	Charles Shirreff S. S. Wilmot D. McDonell	2522 233 303	1 8 19	5 9½ 6½	522 97 152	1 16 14	5 4 7	22	1	8½	

STATEMENT of the Amount of Duties collected for Timber cut on Crown Lands—(CONTINUED.)

Year.	Where collected.	By whom collected.	Total amount collected.	Local expenses, contingent on the Collection.	Expenses incurred at the Office of the Surveyor General of Woods and Forests.	Remarks.
			£ s. d.	£ s. d.	£ s. d.	
1835	Bytown .....	Charles Shirreff.....	7701 14 2	468 6 8	38 19 6 <sup>3</sup>	A further sum of £131 12s. 3d. was paid in by the Collector at Belleville, not included in the column for total amount collected this year. † 8th March, 1837. * This account only rendered in November, 1838—the charge for expenses being considered disproportionate by the Surveyor General of Woods and Forests, is not admitted; therefore the column for local expenses is left open opposite to the Glengarry collection.
	Belleville .....	S. S. Wilmot.....	881 6 1 <sup>1</sup>	299 0 11		
	Glengarry .....	D. McDonell.....	327 9 1 <sup>1</sup>	* 0 0 0		
1836	Bytown .....	Charles Shirreff.....	10152 2 1 <sup>1</sup>	475 0 3	79 7 0	* See remark for 1835. The account current for 1836 is not entered in the account current book for Woods and Forests, not being yet rendered by the late Commissioner; the amounts given are taken from the documents upon which such account will be based.
	Glengarry .....	D. McDonell.....	285 6 10	* 0 0 0		
	Belleville .....	S. S. Wilmot.....	0 0 0	88 7 7		
1837	Bytown .....	Charles Shirreff.....	2200 0 0	497 14 4	120 19 9	* See remark for 1835.
	Bytown .....	James Stephenson.....	1824 10 5	231 6 3		
	Belleville .....	S. S. Wilmot.....	35 13 11	80 6 10		
	Saint Francis .....	Benjamin Teit.....	17 10 0	0 0 0		
	Glengarry .....	D. McDonell.....	225 18 3	* 0 0 0		
1838	Bytown .....	James Stephenson.....	9407 19 3	479 5 0	16 10 0	* See remark for 1835.
	Seymour .....	D. Campbell.....	30 2 6	0 0 0		
	Glengarry .....	D. McDonell.....	209 17 4	* 0 0 0		

R. B. SULLIVAN.

Crown Lands Office,  
Toronto, 10th April, 1839.

STATEMENT of Contingent Disbursements, made in the collection of Duties upon Crown Timber, up to the 31st December, 1838, inclusive.

Year.	Where incurred.	To whom paid.	For what Service.	Amount paid.	Amount of disbursements at each place of Collection.	Total amount of disbursements.	
				£ s. d.	£ s. d.	£ s. d.	
1828.	Bytown.....	Charles Shirreff.....	Salary as Collector.....	300 0 0			
	Do.....	Do.....	Travelling expenses.....	98 11 0			
	Do.....	Do.....	Postage and Stationery.....	25 1 6			
	Do.....	Do.....	Office-rent.....	25 0 0			
	Do.....	Do.....	Discount on money remitted.....	4 17 6			
	Do.....	William Barnet.....	Measurer.....	242 6 11			
	Do.....	Andrew Hutton.....	Assistant Measurer.....	27 16 0			
	Do.....	J. H. Collins.....	Do.....	1 7 6			
	Do.....	Reuben Traveller.....	Clerk.....	90 0 0	818 17 8		
	Do.....	F. Monaghan.....	Assistant Clerk.....	3 17 3	127 12 4		
				Less by proportion paid by Lower Canada.....			
	York.....	The Surveyor General of Woods and Forests.....	Printing and Postage.....	15 9 2	691 5 4		
			Office-rent, and allowance for a Messenger.....	75 3 4	90 12 6	781 17 10	
	1829.	Bytown.....	Charles Shirreff.....	Salary as Collector.....	300 0 0		
Do.....		Do.....	Travelling expenses.....	129 10 1½			
Do.....		Do.....	Postage and Stationery.....	27 1 9			
Do.....		Do.....	Office-rent.....	25 0 0			
Do.....		Do.....	Discount on money remitted.....	7 17 5½			
Do.....		William Barnet.....	Measurer.....	277 5 0	856 14 4		
Do.....		Reuben Traveller.....	Clerk.....	90 0 0	84 18 9½		
			Less, by proportion paid by Lower Canada.....				
Newcastle District.....		Alexander McDonell.....	Salary as Collector.....	66 15 0	771 15 6½		
		Richard Birdsall, D. P. S.....	Assistant.....	7 8 6			
		Alexander McDonell.....	Contingent expenses.....	86 17 10			
		Wellesley Richey.....	Chain-bearer.....	2 10 0	118 11 4		
Trafalgar and Esquesing.....		William J. Kerr.....	Expenses incurred in seizing Timber.....	11 5 0	11 5 0		
York.....		The Surveyor General of Woods and Forests.....	Postage.....	6 3 4			
		Stationery, office-rent, fuel.....	91 18 4	97 16 8	994 8 6½		
					£ 1776 6 4½		

STATEMENT OF Contingent Disbursements, made in the collection of Duties upon Crown Timber—(CONTINUED.)

Year.	Where incurred.	To whom paid.	For what Service.	Amount paid.	Amount of disbursements at each place of collection.	Total amount of Disbursements.	
				£ s. d.	£ s. d.	£ s. d.	
1830.	Bytown	Charles Shirreff	Brought over				
	Do	Do	Salary as Collector	300 0 0			
	Do	Do	Travelling expenses	155 12 11			
	Do	Do	Postage and Stationary	28 12 11½			
	Do	Do	Office-rent	25 0 0			
	Do	William Barnet	Measurer of Timber	55 12 8			
	Do	Joseph Dowal	Do	81 19 2			
	Do	Robert Stirling	Do	231 10 7			
	Do	John Gillien	Do	3 4 0			
	Do	Reuben Traveller	Clerk	90 0 0	971 12 3½		
			Less, by proportion paid by Lower Canada		166 5 0	1776 6 4½	
		Newcastle and Midland Districts	Samuel S. Wilmot	Salary as Collector	198 12 6	805 7 3½	
		Do	Do	Contingencies	14 4 8		
		Do	Richard Birdsall, D.P.S.	Assistant	149 7 0		
		Do	Wellesley Richey	Chain-bearer	69 0 0		
		Do	Maurice Cotter	Axe-man	30 12 0		
		Glengarry	Duncan McDonell	Salary as Collector	100 0 0	461 16 2	
		Do	Alexander McDonell	Expenses incurred in seizing Timber	224 10 9	100 0 0	
	Carrying-place, Trent, &c.	The Surveyor General of Woods and Forests	Printing and Postage	19 4 5½	224 19 9		
	York	Do	Office-rent, Stationery, and allowance for Messenger	91 13 4	110 17 9½		
1831.	Bytown	Charles Shirreff	Salary as Collector	300 0 0			
	Do	Do	Travelling expenses	140 13 5			
	Do	Do	Postage and Stationary	27 4 11			
	Do	Do	A Boat	4 12 6			
	Do	Do	Office-rent	25 0 0			
	Do	Charles Hill	Clerk	63 11 3			
	Do	Reuben Traveller	Clerk	30 0 0			
	Do	Le Pierre, and Benoit	Boatmen	14 11 0			
	Do	Daniel Fisher	Auctioneer	3 3 2			
	Do	Charles Sterling	Measurer	116 5 2			
	Do	Reuben Traveller	Do	116 5 2	841 7 0		
			Less, by proportion paid by Lower Canada		127 0 8	1703 1 0½	
	1832.	Belleville	Samuel S. Wilmot	Salary as Collector	158 7 6		
		Do	Do	Contingent expenses	11 10 9		
		Do	John Farquharson, D.P.S.	Assistant	72 12 0		
		Do	Wellesley Richey	Chain-bearer	87 7 6	329 17 9	
		Glengarry	Duncan McDonell	Salary as Collector	200 0 0		
		Do	John Buchanan	Assistant	43 0 0	243 0 0	
York		The Surveyor General of Woods and Forests	Postage and Stationary	12 0 3½			
		Do	Allowance for Messenger	13 17 9½	25 18 0½		
Bytown		Charles Shirreff	Salary as Collector	300 0 0			
Do		Do	Travelling expenses	67 14 5			
Do		Do	Postage and Stationary	19 19 3			
Do		Do	Office-rent	20 0 0			
Do		Joseph De Quartre	Boatman	5 5 0			
Do		Charles Hill	Clerk	90 0 0			
Do		Traveller and Cameron	Measurers	160 0 0	603 9 1½		
			Less, by proportion paid by Lower Canada		141 13 3	141 13 3	
Glengarry		Duncan McDonell	Salary as Collector	200 0 0			
Do		Charles P. Treadwell	Assistant (at Quebec)	50 0 0	250 0 0		
Belleville	Samuel S. Wilmot	Salary as Collector	133 0 0				
Do	Do	Contingent expenses	10 7 0				
Do	John Farquharson	Assistant	87 9 0				
Do	Allan Wilmot	Do	60 0 0	290 16 0			
Township of Seymour	David Campbell	Salary as Collector	67 10 0	67 10 0			
York	The Surveyor General of Woods and Forests	Printing and Postage	17 11 9½				
Do	Alexr. Mathison, late Deputy Sheriff of Bathurst District,	Damages incurred by him in consequence of seizing Crown Timber	138 15 9	156 7 6½			
		Carried over			1226 9 5½		
					£ 6018 18 11½		

Year.	Where incurred.	To whom paid.	For what Service.	Amount paid.	Amount of disbursements at each place of collection.	Total amount of Disbursements.	
				£ s. d.	£ s. d.	£ s. d.	
1832.	Belleville	Samuel S. Wilmot	Salary as Collector	158 7 6			
	Do	Do	Contingent expenses	11 10 9			
	Do	John Farquharson, D.P.S.	Assistant	72 12 0			
	Do	Wellesley Richey	Chain-bearer	87 7 6	329 17 9		
	Glengarry	Duncan McDonell	Salary as Collector	200 0 0			
	Do	John Buchanan	Assistant	43 0 0	243 0 0		
	York	The Surveyor General of Woods and Forests	Postage and Stationary	12 0 3½			
		Do	Allowance for Messenger	13 17 9½	25 18 0½		
	Bytown	Charles Shirreff	Salary as Collector	300 0 0			
	Do	Do	Travelling expenses	67 14 5			
	Do	Do	Postage and Stationary	19 19 3			
	Do	Do	Office-rent	20 0 0			
	Do	Joseph De Quartre	Boatman	5 5 0			
	Do	Charles Hill	Clerk	90 0 0			
	Do	Traveller and Cameron	Measurers	160 0 0	603 9 1½		
			Less, by proportion paid by Lower Canada		141 13 3	141 13 3	
	Glengarry	Duncan McDonell	Salary as Collector	200 0 0			
	Do	Charles P. Treadwell	Assistant (at Quebec)	50 0 0	250 0 0		
Belleville	Samuel S. Wilmot	Salary as Collector	133 0 0				
Do	Do	Contingent expenses	10 7 0				
Do	John Farquharson	Assistant	87 9 0				
Do	Allan Wilmot	Do	60 0 0	290 16 0			
Township of Seymour	David Campbell	Salary as Collector	67 10 0	67 10 0			
York	The Surveyor General of Woods and Forests	Printing and Postage	17 11 9½				
Do	Alexr. Mathison, late Deputy Sheriff of Bathurst District,	Damages incurred by him in consequence of seizing Crown Timber	138 15 9	156 7 6½			
		Carried over			1226 9 5½		
					£ 6018 18 11½		



STATEMENT of Contingent Disbursements, made in the collection of Duties upon Crown Timber—(CONTINUED.)

Year.	Where incurred.	To whom paid.	For what Service.	Amount paid.	Amount of disbursements at each place of Collection.	Total amount of disbursements.
				£ s. d.	£ s. d.	£ s. d.
1886.	Belleville	Samuel S. Wilmot	Brought over.	83 2 6	475 0 3	8757 8 4½
	Do	Do	Contingent expenses	5 5 1	88 7 7	
	Toronto	The Surveyor General of Woods and Forests	Salary to Edward Beeston, as Clerk.	79 7 0	79 7 0	642 14 10
1887.	Bytown	Charles Shirreff	Salary as Collector	300 0 0		
	Do	Do	Travelling expenses	72 0 0		
	Do	Do	Postage and Stationary	9 8 11		
	Do	Do	Discount on remittances	9 5 0		
	Do	Do	Office-rent	25 0 0		
	Do	Do	A Boat	5 0 0		
	Do	Do	Assistant Collector at Quebec	99 7 5		
	Do	Do	Measurers	78 0 0		
	Do	Do	Clerk—(part of his salary)	67 10 0		
	Do	Do	Surveyor of timber boundaries	143 6 0		
	Do	Do	Boatman	23 5 0		
	Do	Do	Collector	0 0 0		
	Do	Do	Salary as Surveyor	200 0 0		
	Do	Do	Contingent expenses	8 16 3		
	Do	Do	Clerk—(balance of salary)	22 10 0		
	Do	Do	Less, by proportion paid by Lower Canada		1063 8 7	
	Do	Do			394 8 0	
	Do	Do			729 0 7	9400 9 2½
	Belleville	Samuel S. Wilmot	Salary as Collector	80 6 10	80 6 10	
	Toronto	The Surveyor General of Woods and Forests	Postage and Stationary	6 8 6		
	Do	R. H. Thornhill	Travelling expenses to and from Quebec	75 0 0		
	Do	Do	Do do Bytown	39 11 3		
	Do	Do			120 19 9	930 7 2
1888.	Bytown	James Stephenson	Salary as Collector	300 0 0		
	Do	Do	Travelling expenses	17 7 7		
	Do	Do	Postage and Stationary	36 6 9		
	Do	Do	Discount on remittances	3 8 0		
	Do	Do	Office-rent and fuel	37 14 0		
	Do	Do	A Boat	15 8 0		

Do	William McQueen	Clerk	162 7 7
Do	Cameron & Paterson	Measurers	92 0 0
Do	J. McInnes	Check Officer at Bytown line	43 10 0
Do	Joseph De Corré	Boatman	27 12 0
		Less, by proportion paid by Lower Canada	
Toronto	The Surveyor General of Woods and Forests	Postage and Stationary	9 0 0
	Do	Law expenses	7 10 0
		Total	495 15 0
			10826 5 4½

Crown Lands Office, Toronto, 9th April, 1839.

R. B. SULLIVAN.

MESSAGE FROM HIS EXCELLENCY THE LIEUTENANT GOVERNOR,

TRANSMITTING

RETURN FROM THE TREASURER OF THE GORE DISTRICT.

GEO. ARTHUR.

With reference to the Address of the House of Assembly, dated the 17th ultimo, a copy of which was communicated to the Treasurer of the Gore District, with directions to furnish the documents thereby required, the Lieutenant Governor now transmits to the House the statement received from that Officer, shewing the gross amount only of the receipts and payments by him in each of the years 1836, 1837 and 1838, and acquaints the House, that the Officer in question has been again called upon to transmit his Accounts, in detail, for the above Address.

GOVERNMENT HOUSE,  
6th May, 1839.

RETURN FROM TREASURER OF GORE DISTRICT.

TREASURER'S OFFICE,  
Hamilton, 2nd May, 1839.

Sir, The annexed is a Statement of the Amounts received from the 1st July, 1836, to the 1st April, 1839—and the amounts paid out to the same date.

There is, per account rendered to the District, up to the 1st April, 1839, a balance shewn in favour of the District to the amount of £945 16s. 9½d. and I am ordered to retain the following amounts, viz:

For two years' interest on a District Debenture of £3000	£360 0 0
For one years' interest on a do. of £1000	60 0 0
For Members' wages	300 0 0
For wild land taxes, due the respective Townships	80 16 9½
Halifax Currency	£800 16 9½

Leaving a balance in favour of the District of £145, which has since been paid out.

I have the honour to be,  
Your very obedient,  
Humble Servant,

HENRY BEASLEY.

# POPULATION AND ASSESSMENT RETURNS.

GEO. ARTHUR,

THE LIEUTENANT GOVERNOR transmits, for the information of the House of Assembly, the Returns of the Population of the several Districts of the Province, for the year 1838—that of the District of Talbot excepted; also, the Assessment Returns for the same period—those of the Western and Talbot Districts excepted.

GOVERNMENT HOUSE,  
12th March, 1839.

## GENERAL RETURN of the Population of the EASTERN DISTRICT, for the year 1838.

Counties.	Townships.	Number in each Township.				Deaf and Dumb.	Insane.	Total in each Township.	Total in each County.	Remarks.
		Males under 16 years.	Females under 16 yrs.	Males above 16 years.	Females above 16 yrs.					
Dundas .....	Winchester .....	147	139	161	112	0	0	559	6565	
	Williamsburgh .....	707	649	646	594	1	4	2601		
	Matilda .....	585	573	548	543	0	1	2250		
	Mountain .....	329	259	301	265	0	1	1155		
Stormont .....	Roxborough .....	243	194	206	186	0	1	830		
	Finch .....	140	144	181	142	6	0	613		
	Osnabrock .....	1052	903	1008	868	3	11	3845		
	Cornwall, (Township) .....	1071	1070	1007	1061	0	3	4212		
	Cornwall, (Town) .....	294	283	393	368	0	1	1339		
Glengarry .....	Charlottenburgh .....	1161	1090	1223	1229	2	3	4708		
	Lancaster .....	742	658	731	725	1	3	2860		
	Kenyon .....	638	603	218	522	4	6	1991		
	Lochiel .....	631	600	671	629	4	0	2535		
	Total .....	7740	7165	7294	7244	21	34	29498	29498	

I do hereby certify, that the above General Return of the Population of the Eastern District, is carefully made up from the Population Returns, sworn to by the Assessors for the several Townships, for the year 1838.

JAMES PRINGLE,

Clerk of the Peace, E. D.

Clerk of the Peace's Office,  
3rd day of May, 1838.

GENERAL RETURN of the Population of the District of Ottawa, for the year 1838.

Counties and Townships.	Number in each Township.				Total in each Township.	Deaf and Dumb.	Insane.	Religious Denominations.							
	Males.		Females.					Episcopalian.	Presbyterian.	Roman Catholics.	Methodists.	Baptists.	Universalists.		
	Under 16	Over 16	Under 16	Over 16											
<i>County of Prescott.</i>															
Hawkesbury, East .....	368	354	331	296	1349	}	0	4							
Hawkesbury, West .....	442	403	444	355	1644		1	4							
Longueil .....	265	264	249	263	1041										
Caledonia .....	136	111	110	106	463		0	0	94	138	196	19	2	14	
Alfred .....	49	47	54	39	189		0	0	65	32	56	29	0	7	
Plantagenet .....	199	174	197	175	745		0	0							
	1459	1353	1385	1234	5431		1	8							
<i>County of Russell.</i>															
Clarence .....	48	55	46	38	187		0	0	30	48	4	2	103	0	
Cumberland .....	96	90	88	72	346		0	0							
Gloucester .....	344	377	300	291	1312		0	0	472	304	465	65	0	6	
Osgoode .....	153	204	167	149	673		0	0							
Russell .....	13	25	10	19	67		0	0							
Cambridge .....	0	0	0	0	0		0	0							
	654	751	611	569	2585		0	0							
Total of the County of Prescott .....	1459	1353	1385	1234	5431		1	8							
Russell .....	654	751	611	569	2585		0	0							
Total of District .....	2113	2104	1996	1803	8016		1	8							

I certify that the above statement is correctly compiled from the Assessors' Returns of the several Townships for the current year 1838.

RICHARD PHILLIPS HOTHAM,

CLERK OF THE PEACE,

District of Ottawa.

L'Original, September 7th, 1838.

GENERAL RETURN of the Population of the Johnstown District for the year 1838.

Counties.	Townships.	Number in each Township.				Total in each Township.	Total in each County.
		Males, under 16.	Females, under 16.	Males, over 16.	Females, over 16.		
Leeds .....	Elizabethtown .....	1427	1288	1382	1323	5420	18383
	Yonge .....	880	886	805	724	3295	
	Bastard .....	588	515	526	488	2117	
	Kitley .....	539	530	529	452	2050	
	Elmsley .....	426	367	399	354	1546	
	Front of Leeds and Lansdowne	391	345	428	316	1480	
	Rear of Leeds and Lansdowne	275	265	256	230	1026	
	South Crosby .....	191	171	210	162	734	
	North Crosby .....	81	21	119	10	231	
Burgess .....	140	122	114	108	484		
Grenville .....	Augusta .....	1228	1156	1149	1125	4658	13593
	Edwardsburgh .....	581	570	568	508	2227	
	Oxford .....	495	496	485	408	1884	
	Wolford .....	337	314	324	295	1270	
	Montague .....	459	446	412	360	1677	
	Marlborough .....	223	182	179	158	742	
	South Gower .....	199	164	163	145	671	
North Gower .....	142	123	109	90	464		
Total .....		8602	7961	8157	7256	31976	

JAMES JESSUP,

CLERK OF THE PEACE,

District of Johnstown.

# 442 Population and Assessment Returns. [4th Sess. 13th Parl.]

## GENERAL RETURN of the Population of the BATHURST DISTRICT, for the year 1838.

Townships.	Heads of Families.	Numbers in each Family.				Total.
		Males		Females		
		Under 16.	Over 16.	Under 16.	Over 16.	
Bathurst.....	370	573	132	565	434	2074
Beckwith.....	316	477	95	453	391	1732
Diamond.....	451	750	221	649	651	2720
Ramsey.....	399	553	193	542	511	2198
Ross.....	18	24	15	28	21	106
Westmeath.....	61	54	11	44	62	232
North Sherbrooke.....	61	66	18	71	67	283
Fitzroy.....	203	329	71	242	236	1081
Packenham.....	121	132	25	158	121	551
McNab.....	114	147	79	143	150	633
March.....	102	167	30	139	130	568
Darling.....	32	62	10	48	35	187
Dalhousie.....	221	313	49	305	261	1149
Torbolton.....	40	60	26	54	49	229
Horton.....	67	76	17	62	62	284
Huntley.....	227	359	87	321	270	1264
South Sherbrooke.....	41	77	1	44	41	204
Lanark.....	350	555	102	498	428	1933
Goulbourn.....	416	602	81	596	457	2152
Pembrooke.....	32	44	8	29	28	141
Nepean.....	538	949	402	901	917	3707
	4180	6369	1673	5892	5322	23436

C. H. SACHE, D. C. P.

## AGGREGATE CENSUS of the MIDLAND DISTRICT, for the year 1838.

Counties.	Townships.	Males		Females		Total in each Township.	Deaf and Dumb.		Insane.	
		Over 16.	Under 16.	Over 16.	Under 16.		Males.	Females.	Males.	Females.
Frontenac	Town of Kingston	970	859	1141	907	3877	0	0	0	2
	Township do.	920	1007	885	932	3744	1	0	0	0
	Pittsburgh.....	474	399	389	377	1639	2	0	0	0
	Loughborough.....	365	427	346	373	1511	1	0	1	0
	Portland.....	203	237	183	235	858	0	0	0	0
	Wolfe Island.....	170	156	126	133	585	0	0	0	0
	Bedford.....	62	72	43	60	237	0	0	0	0
	Total.....	3164	3157	3113	3017	12451				
Lennox & Addington	Ernesttown.....	1062	930	1016	968	3976	2	1	0	0
	Fredericksburgh..	704	662	646	662	2674	0	0	1	0
	Richmond.....	470	481	414	494	1859	2	0	0	0
	Adolphustown.....	163	167	160	130	620	0	0	0	0
	Camden.....	776	913	673	793	3155	6	0	0	0
	Sheffield.....	133	128	96	116	473	0	0	0	0
	Amherst Island...	212	215	190	205	822	0	0	3	2
	Total.....	3520	3496	3195	3368	13579				
Hastings	Sidney.....	728	724	625	720	2797	0	0	0	0
	Thurlow.....	978	916	922	926	3742	0	0	0	0
	Rawdon.....	205	225	168	201	799	0	0	0	0
	Marmora.....	59	65	54	59	237	0	0	0	0
	Madoc.....	137	143	108	155	543	2	0	0	0
	Huntingdon.....	202	197	155	187	741	0	0	0	0
	Hungerford.....	129	141	109	127	506	0	0	0	0
Tyendinaga.....	502	371	411	503	1987	0	0	0	0	
	Total.....	2940	2982	2552	2878	11352				
	Total for District..	9624	9635	8860	9263	37382	16	1	6	4

I do hereby certify, that the foregoing Return has been faithfully taken from the original Rolls deposited in my office.

JAMES NICKALLS,  
Clerk of the Peace, M. D.

AGGREGATE RETURN of the Population of the PRINCE EDWARD DISTRICT, for the year 1838.

Townships.	Males, over 16.	Males, under 16	Females, over 16.	Females, under 16	Insane.	Deaf and Dumb.	Total in each Township.
Hallowell, exclusive of Picton.....	897	893	850	851	0	0	3491
Town of Picton.....	264	221	256	217	0	0	958
Hillier.....	493	521	429	488	0	0	1931
Sophiasburgh.....	674	642	595	591	0	0	2509
Marysburgh.....	521	613	490	591	0	2	2217
Ameliasburgh.....	537	575	497	497	0	0	2106
Grand Total.....	3386	3465	3117	3242	0	2	13212

D. L. FAIRFIELD,  
CLERK OF THE PEACE,  
Prince Edward District.

Clerk of the Peace Office,  
15th October, 1838.

A CENSUS of the Population of the DISTRICT OF NEWCASTLE, for the year 1838.

Townships.	Males.		Females.		Deaf and Dumb.		Insane.		Total.
	Over 16.	Under 16.	Over 16	Under 16.	Males.	Females.	Males.	Females.	
<i>County of Durham.</i>									
Hope.....	928	836	810	862	0	0	0	0	3436
Cavan.....	660	826	581	724	0	3	1	0	2791
Emily.....	364	375	315	432	0	0	0	0	1486
Clarke.....	583	651	520	568	0	0	0	1	2322
Darlington.....	563	639	482	524	0	0	0	0	2213
Cartwright.....	8	22	15	13	0	0	0	0	58
Manvers.....	118	127	91	96	0	0	0	0	432
Ops.....	290	287	230	301	1	0	0	0	1128
Mariposa.....	292	233	162	221	0	0	1	0	818
Eldon.....	72	197	184	188	0	1	0	0	641
Verulam.....	65	52	52	36	0	0	0	0	205
Fenelon and Bexley.....	51	32	42	41	0	0	0	0	166
Total.....	3909	4277	3504	4006	1	4	2	1	15696
<i>County of Northumberland</i>									
Hamilton.....	1048	1001	993	941	0	0	1	1	3983
Haldimand.....	632	642	630	594	0	0	0	0	2548
Cramahle.....	619	625	583	609	0	0	0	0	2436
Murray.....	689	720	596	646	1	1	1	0	2651
Percy.....	187	196	153	179	0	0	0	0	715
Seymour.....	268	137	193	141	0	0	0	0	739
Otonabee.....	411	424	351	375	0	0	0	0	1561
Asphodel.....	134	135	101	119	0	0	1	1	489
Dummer.....	221	228	193	195	0	1	0	0	837
Donre.....	193	214	180	196	0	0	0	0	783
Belmont.....	18	12	17	17	0	0	0	0	64
Monaghan.....	40	430	420	385	2	0	0	0	1715
Smith.....	314	353	256	307	2	0	0	0	1230
Harvey.....	25	9	20	14	0	0	0	0	68
Ennismore.....	74	67	47	52	0	0	0	0	240
Total.....	5363	5193	4733	4770	5	2	3	2	20059

T. WARD,  
Clerk of the Peace.

GENERAL RETURN of the Population of the HOME DISTRICT, for the year 1838.

Counties.	Townships.	Number in each Township.				Total in each Township.	Total in each County.	Deaf and Dumb.	Insane.	Remarks.
		Males under 16 yrs.	Females under 16 yrs.	Males over 16 yrs.	Females over 16 yrs.					
York ...	Scarborough.....	473	594	577	577	2221		0	4	No return has yet been received from any of these three townships, for the present year.
	Pickering.....	812	672	835	820	3139		2	2	
	Whitby.....	1207	1170	1180	1030	4587		2	2	
	Markham.....	1453	1342	1324	1180	5299		1	0	
	Vaughan.....	950	870	897	788	3505		2	1	
	Whitchurch.....	807	688	788	690	2973		0	0	
	King.....	529	489	580	545	2143		1	1	
	Etobicoke.....	440	406	480	401	1727		0	1	
	Caledon.....	392	369	370	291	1422		0	0	
	Georgina.....	114	117	119	108	458		0	0	
	North Gwillimbury...	115	127	110	111	463		0	0	
	Reach.....	190	158	186	133	667		0	0	
	Brock.....	297	258	366	342	1257		1	0	
	Scott.....	129	132	111	102	474		0	0	
	Toronto.....	1095	1188	1249	1280	4812		0	0	
	Gore of Toronto.....	246	209	247	252	954		0	0	
	Uxbridge.....	19	13	20	14	57		0	0	
	Chinguacousy.....	968	945	904	745	3562		1	0	
	Albion.....	0	0	0	0	0		0	0	
	York.....	0	0	0	0	0		0	0	
East Gwillimbury....	0	0	0	0	0		0	0		
Simcoe..	Tecumseth.....	597	488	427	388	1900	39720	0	0	No return has as yet been received from any of these three townships, for the current year.
	Adjala.....	157	201	176	159	693		0	0	
	Oro.....	265	210	84	203	762		0	0	
	Flos.....	37	35	37	23	132		0	0	
	Vespra.....	106	98	107	93	404		0	0	
	Medonte.....	129	123	155	118	525		0	0	
	Thorah.....	174	128	156	127	585		0	0	
	Essa.....	98	81	98	72	349		0	0	
	Sunnidale.....	89	26	34	47	146		0	0	
	Orillia.....	61	44	21	13	139		0	0	
	Tny.....	77	69	86	61	293		0	0	
	Tay.....	18	19	25	19	81		0	0	
	Mono.....	184	260	196	239	879		1	0	
	Mara.....	0	0	0	0	0		0	0	
	Innisfil.....	0	0	0	0	0		0	0	
	West Gwillimbury....	0	0	0	0	0		0	0	
	Amaranth.....	0	0	0	0	0		0	0	
	Artemesia.....	0	0	0	0	0		0	0	
	Collingwood.....	0	0	0	0	0		0	0	
	Luther.....	0	0	0	0	0		0	0	
Melancthon.....	0	0	0	0	0	0	0			
Mulmer.....	0	0	0	0	0	0	0			
Matchedash.....	0	0	0	0	0	0	0			
Notawasaga.....	0	0	0	0	0	0	0			
Ospry.....	0	0	0	0	0	0	0			
Proton.....	0	0	0	0	0	0	0			
Rama.....	0	0	0	0	0	0	0			
Tosoronto.....	0	0	0	0	0	0	0			
Uphrsy.....	0	0	0	0	0	0	0			
St. Vincent.....	0	0	0	0	0	0	0			
Zero.....	0	0	0	0	0	0	0			
						6388			No returns have ever been received from any of the latter fifteen Townships.	
Total ...	52	12169	11523	11945	10971	46608	46608	1111		

GEORGE GURNETT.  
C. P. H. D.

Office of the Clerk of the Peace,  
Toronto, 30th June, 1838.

SUPPLEMENTARY RETURN of the Population of the HOME DISTRICT, for the year 1838.

Counties.	Townships.	Males, under 16 yrs.	Females, under 16 yrs.	Males, over 16 yrs.	Females, over 16 yrs.	Total in each Township.	Total in each County.	Deaf and Dumb.	Infirm.
York .....	York .....	1104	1067	1139	1203	4513	7765		
	East Gwillimbury .....	468	447	409	398	1722			
Simcoe.....	Albion .....	421	402	380	327	1530	2941		
	West Gwillimbury ...	647	497	516	485	2145			
	Mara.....	37	33	11	31	112			
	Ironside .....	212	153	177	142	634			
		2889	2599	2632	2586	10706	10706		
	Return sent in on 30th June .....	12169	11523	11945	11971	46608	York - { 39720 Simcoe { 6888	11	11
	Grand total of the District .....	15058	14122	14577	14557	57314	57314	11	11

GEORGE GURNETT,  
CLERK OF THE PEACE,  
Home District.

Clerk of the Peace Office, Toronto,  
September 20th, 1838.

POPULATION of the CITY OF TORONTO, and LIBERTIES, July, 1838.—Extracted from the Assessors' Returns.

Wards.	Males, over 16.	Females, over 16.	Males, under 16.	Females, under 16.	Total in each Ward.		
					Males.	Females.	Total.
St. George .....	293	339	207	201	500	540	1092
Liberties .....	11	15	10	16	21	31	
St. Andrew's .....	682	789	588	576	1270	1365	2699
Liberties .....	14	12	11	27	25	39	
St. Lawrence .....	451	429	293	244	744	673	1941
Liberties .....	135	143	124	122	259	265	
St. Patrick .....	374	463	368	384	742	847	2211
Liberties .....	153	168	155	146	308	314	
St. David .....	1119	1114	1089	747	2208	1861	4628
Liberties .....	145	143	126	145	271	288	
							4628
							12571

Exclusive of the Military, transient persons, and prisoners in the Gaol.

I, CHARLES DALY, Clerk of the Peace of the City of Toronto, certify the above to be a correct return of the population of the City of Toronto.

CHARLES DALY,  
Clerk of the Peace,  
City of Toronto.

# 446 Population and Assessment Returns. [4th Sess. 13th Parl.]

LIST of the Population of the GORE DISTRICT, for the year 1838.

Counties.	Townships.	Males		Females		Total in each Township.	Deaf and Dumb.	Insane.	Total of each County.
		Under 16.	Over 16.	Under 16.	Over 16.				
Halton .....	Trafalgar .....	1124	1081	1094	955	4254	0	0	
	Esquesing .....	732	667	651	585	2635	0	3	
	Erin .....	368	315	286	320	1284	0	0	
	Nelson .....	680	641	692	573	2586	0	0	
	Nessagawya .....	289	234	256	196	975	0	0	
	Eramosa .....	177	202	229	190	798	0	0	
	Guelph .....	529	526	680	521	2256	0	0	
	Woolwich .....	213	196	199	177	785	0	0	
	Nichol .....	249	218	249	191	907	0	0	
	Garafraxa .....	55	50	51	41	197	0	0	
	Waterloo .....	1064	937	1094	890	4005	4	10	
	Wolnot .....	391	380	420	300	1491	0	0	
	Puslinch .....	311	295	391	289	1286	0	0	
	Dumfries .....	1535	1399	1482	1221	5637	0	0	
	Beverly .....	654	638	493	643	2428	0	0	
West Flamboro' ..	625	550	706	607	2488	2	0		
East Flamboro'...	296	298	324	267	1185	0	0		
Total in Halton..		9287	8647	9297	7966	35197	6	13	35216
Westworth ...	Brantford .....	1191	1059	1143	1062	4455	0	0	
	Ancaster .....	644	594	650	572	2460	0	3	
	Town of Hamilton	634	713	897	872	3116	0	0	
	Barton .....	382	327	359	333	1401	0	0	
	Glanford .....	241	260	231	213	945	0	0	
	Bimbrooke .....	163	144	193	143	643	0	0	
	Salfleet .....	536	589	491	461	2097	0	3	
Total in Westworth		3791	3606	3964	3656	15097	0	6	15103
Total in the District		13078	12333	13261	11622	50294	6	19	50319

ROBERT BERRIE, C. P.

Office of the Clerk of the Peace,  
Hamilton, 1st July, 1838.

GENERAL RETURN of the Population of the DISTRICT OF NIAGARA, for the year 1838.

County.	Names of Towns and Townships.	Number in each Family.				Total.	Insane.				Deaf.				Dumb.				Total.	Grand Total.
		Males under 16.		Females over 16.			Males under 16.		Females over 16.		Males under 16.		Females over 16.		Males under 16.		Females over 16.			
		Males	Females	Males	Females		Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females		
Lincoln .....	Bertie .....	637	562	548	568	2315	0	0	1	0	0	0	2	1	3	0	0	2	9	2324
	Caistor .....	135	111	121	109	476	0	0	0	1	0	0	1	0	0	0	1	0	3	479
	Clinton .....	507	499	532	488	2016	1	0	1	2	0	1	0	0	0	0	0	0	4	2023
	Crowland .....	207	200	225	207	859	4	0	0	0	0	0	0	0	0	0	0	0	7	863
	Gainsboro' .....	468	426	402	340	1636	0	0	2	2	0	1	0	0	0	0	0	2	7	1643
	Grantham .....	801	761	832	797	3191	0	0	3	2	0	0	1	0	0	0	0	0	6	3197
	Grimshy .....	469	403	437	408	1717	0	0	0	0	0	0	0	0	0	0	0	0	0	1717
	Humberstone .....	321	279	297	277	1174	0	0	0	0	0	0	0	0	0	0	0	0	0	1174
	Louth .....	369	316	332	325	1342	1	0	1	0	0	0	0	0	0	0	0	0	2	1344
	Niagara Town .....	427	428	447	501	1803	0	0	0	1	0	0	0	0	0	0	0	0	1	1804
	Niagara Township .....	497	446	510	467	1920	0	0	0	0	0	0	0	0	0	0	0	0	0	1920
	Pelham .....	386	376	363	347	1472	0	0	1	0	0	0	0	0	0	0	0	0	1	1473
	Stamford .....	522	445	514	461	1942	0	0	0	0	0	0	0	0	0	0	0	0	0	1942
	Thorald .....	544	480	474	456	1954	1	2	2	1	0	0	0	0	0	0	0	0	6	1960
	Wainfleet .....	310	279	244	255	1088	0	0	0	0	0	0	0	0	0	0	0	0	0	1088
Willoughby .....	246	234	243	223	946	0	0	0	0	0	0	0	0	0	0	0	0	0	946	
		6846	6255	6521	6229	25851	7	2	10	9	0	2	4	3	3	0	2	4	46	25897

2nd Victoria, 1839.] Population and Assessment Returns. 447

GENERAL RETURN of the Population of the DISTRICT OF NIAGARA—(CONTINUED.)

County.	Names of Towns and Townships.	Number in each Family.				Total.	Insane.				Deaf.				Dumb.				Total.	Grand Total.
		Males under 16.	Females under 16.	Males over 16.	Females over 16.		Males under 16.	Females under 16.	Males over 16.	Females over 16.	Males under 16.	Females under 16.	Males over 16.	Females over 16.	Males under 16.	Females under 16.	Males over 16.	Females over 16.		
Haldimand....	Canboro .....	189	159	149	127	618	0	0	0	0	0	0	0	0	0	0	0	0	0	618
	Cayuga .....	159	142	220	151	672	0	0	0	0	0	0	0	0	0	0	0	0	0	672
	Dunn .....	47	64	81	75	267	0	0	0	0	0	0	0	0	0	0	0	0	0	267
	Haldimand.....	251	219	117	226	813	0	0	0	0	0	0	0	0	0	0	0	0	0	813
	Rainham .....	185	175	177	151	688	0	0	0	0	0	0	0	0	0	0	0	0	0	688
	Sherbrooke & Moulton	188	178	210	168	744	0	0	0	0	0	0	0	0	0	0	0	0	0	744
	Walpole .....	257	202	188	176	823	0	0	0	0	0	0	0	0	0	0	0	0	0	823
	Co. of Haldimand...	1270	1139	1142	1074	4625	0	0	0	0	0	0	0	0	0	0	0	0	0	4625
	Co. of Lincoln .....	6846	6255	6521	6229	25851	7	2	10	9	0	2	4	3	3	0	2	4	46	25897
	Grand Total .....	8116	7394	7663	7303	30476	7	2	10	9	0	2	4	3	3	0	2	4	46	30522

Office of the Clerk of the Peace,  
Niagara, 30th June, 1838.

CHARLES RICHARDSON, Clerk of the Peace.

GENERAL RETURN of the Population of the LONDON DISTRICT, for the year 1838.

Counties.	Townships.	Number in each Township.				Total in each Township.	Total in each County.	Remarks.
		Males, under 16 yrs.	Females, under 16 yrs.	Males, over 16 yrs.	Females, over 16 yrs.			
Middlesex ...	Dunwich .....	147	119	155	145	566	23741	Not yet rec'd.
	Dorchester, North .....	45	36	53	39	178		
	Dorchester, South .....	108	94	95	87	384		
	Mosa .....	191	262	248	202	903		
	Ekfrid .....	225	268	238	194	925		
	Westminster .....	661	507	573	501	2242		
	Adelaide .....	215	162	247	195	819		
	Malahide .....	670	657	535	532	2394		
	Carradoc .....	198	174	185	161	718		
	Bayham .....	599	596	636	529	2360		
	Lobo .....	309	287	248	206	1050		
	London Township .....	1099	1057	907	825	3888		
	London Town .....	185	155	263	195	798		
	Southwold .....	705	665	632	620	2622		
Aldborough .....	145	172	178	157	652			
Yarmouth .....	864	740	865	778	3247			
Delaware.....	0	0	0	0	0			
Oxford .....	Dereham .....	157	154	172	137	620	12537	Not yet rec'd.
	Burford .....	519	458	452	425	1854		
	Norwich .....	686	586	581	453	2306		
	Nissouri .....	281	241	241	213	976		
	Blandford .....	125	133	162	141	561		
	Oxford, East.....	231	200	228	199	858		
	Oxford, West.....	331	335	396	357	1469		
	Blenheim .....	411	346	356	320	1433		
	Zorra .....	655	624	623	558	2460		
	Oakland .....	0	0	0	0	0		
Huron .....	North East Hope.....	71	104	57	95	327	1815	Not yet rec'd.
	South East Hope.....	54	67	70	74	265		
	Ellice .....	46	45	50	37	178		
	Downie .....	69	49	82	63	263		
	McGillivray .....	26	23	32	20	101		
	Williams .....	89	105	111	94	399		
	Biddulph .....	67	72	85	58	282		
	McKillop .....	0	0	0	0	0		
	Hibbert .....							
	Tuckersmith .....							
	Stanley .....							
	Goderich .....							
Colborne.....								
Total .....	10234	9493	9756	8610		98093		

These Townships noted as not yet forwarded, will be forwarded as soon as the returns are made to the Clerk of the Peace's Office.

London, 1st June, 1838.

JOHN B. ASKIN, Clerk of the Peace.

# 448 Population and Assessment Returns. [4th Sess. 13th Parl.]

## SUPPLEMENTARY AGGREGATE of the Population of the DISTRICT OF LONDON, for the year 1838.

County.	Townships.	Number in each Township.				Total in each Township.	Total in each County.
		Males, under 16.	Females, under 16.	Males, over 16.	Females, over 16.		
Huron .....	Colborne.....	63	52	77	57	249	811
	Goderich .....	115	117	198	132	562	
		178	169	275	189		

JOHN B. ASKIN,  
Clerk of the Peace.

Clerk of the Peace Office,  
London, 28th November, 1838.

## GENERAL RETURN of the Population of the WESTERN DISTRICT, for the year 1838.

Counties.	Townships.	Number in each Township.				Total in each Township.	Total in each County.	Deaf and Dumb.	Insane.	Remarks.
		Males, under 16.	Females, under 16.	Males, above 16.	Females, above 16.					
Essex ..	Sandwich.....	850	786	864	823	3323	0	1	12	
	Malden .....	385	346	409	347	1487				
	Colchester .....	261	263	275	231	1030				
	Gosfield.....	331	314	300	258	1203				
	Mersea.....	155	147	151	127	580				
	Maidstone .....	141	124	135	103	503				
	Rochester .....	94	83	90	74	341				
						8467				
Kent ...	Romney .....	54	56	49	39	198	0	0	0	No return.
	Sarnia.....	64	55	90	71	280				
	Plympton.....	0	0	0	0	0				
	Sombra and Walpole } Island..... }	0	0	0	0	0				
	Camden.....	93	78	64	59	294				
	Warwick.....	162	145	158	126	591				
	Chatham.....	157	150	172	137	616				
	Moore.....	145	131	159	139	574				
	Harwich.....	368	289	339	298	1294				
	East and West Dover.	294	292	237	207	1030				
	Raleigh.....	320	331	314	251	1216				
	Tilbury East.....	78	85	101	78	342				
	Zone.....	279	190	230	182	881				
	Orford.....	160	109	135	124	528				
	Dawn.....	179	159	146	106	590				
Howard.....	0	0	0	0	0					
Tilbury West.....	0	0	0	0	0					
						8434				
	Total.....	4570	4133	4418	3780	16901	16901	4	21	

CHARLES BABY,  
CLERK OF THE PEACE,  
Western District.

Clerk of the Peace Office,  
Sandwich, 25th August, 1838.











AGGREGATE ACCOUNT of the Ratable Property in the PRINCE EDWARD DISTRICT, for the year 1838.

TOWNSHIPS.	Lands.		Houses.										Mills.				Carriages.				Amount of Rates.			Representatives' Wages.			Total amount to be levied.									
	Uncultivated.	Cultivated, Pasture or Meadow.	Squared or Hewed Timber, one Story.	Additional Fire-places.	Frame, under two Stories.	Additional Fire-places.	Brick or Stone, one Story.	Additional Fire-places.	Frame, Brick or Stone, two Stories.	Additional Fire-places.	130l. Wrought by water, one pair of Stones.	30l. Additional pairs of Stones.	100l. Saw-mills.	400l. Store-houses.	200l. Merchant's Shops.	190l. Stone Houses, for covering Shales.	4l. Horses, three years old, and upwards.	4l. Oxen, four years old, and upwards.	3l. Milk Cows.	1l. Horned Cattle, two to four years.	10l. Four wheels, open.	10l. Four wheels, tips, &c.	15l. Wagons, for pleasure.	£ s. d. Valuation of Property Assessed.	£ s. d. at one penny in the pound, in the pound, Currency.	£ s. d. Representatives' Wages.	£ s. d. Total amount to be levied.									
Hallowell.....	35116	24335	13	0	311	29	12	1	74	69	5	5	11	2	19	4	1131	244	1718	511	1	10	6	91	76513	0	0	316	16	1	45	10	7	362	6	8
Hillier.....	15800	14470	14	0	142	1	1	0	8	8	4	3	9	5	1	1	562	125	856	206	0	4	1	14	34258	0	0	142	14	10	20	7	10	163	2	8
Sophiasburgh.....	25335	15366	2	0	174	11	7	4	29	20	5	5	8	1	4	7	760	204	1125	384	2	6	12	27	44721	0	0	186	6	9	26	12	4	212	19	1
Marysburgh.....	27490	9693	15	1	104	1	4	0	7	6	4	2	11	0	1	0	514	275	922	306	0	1	1	10	30259	0	0	126	1	7	18	1	4	144	2	11
Ameliasburgh.....	25939	13086	21	0	112	6	14	10	0	0	3	1	3	0	5	2	292	265	997	309	0	1	0	15	34355	0	0	145	4	7	20	13	11	165	18	6
Total.....	129680	76952	55	1	843	48	38	15	118	103	21	16	42	8	30	14	3259	1113	5618	1716	3	22	20	157	220606	0	0	917	3	30	131	6	1	1048	9	11

DAVID L. FAIRFIELD,  
CLERK OF THE PEACE,  
District of Prince Edward.

Clerk of the Peace's Office,  
Picton, 20th October, 1838.



AGGREGATE ACCOUNT OF Ratable Property in the HOME DISTRICT, for the year 1839.

TOWNSHIPS.	LANDS.		HOUSES.										MILLS.			Stone-Horses, for covering Mares for hire or gain.	Store-Horses.	Horses of three years old, and upwards.	Oxen of four years old, and upwards.	Milk Cows.	Horned Cattle, from two to four years old.	Carriages, Cabs or other Carriages, with two wheels, kept for pleasure.	Wagons, kept for pleasure only.	Close Carriages, with four wheels, kept for pleasure.	Phaetons, or other open Carriages, kept for pleasure only, four wheels.	Amount of Valuation of Property assessed.		Amount of Rates, at 1d. per pound.		Amount of Rate to be levied in the County of Simcoe, at an additional 1d. in the pound, as authorised by Statute 1st Victoria, chapter 39.		Members' Wages.						
	Uncultivated.	Cultivated, Arable, Pasture or Meadow.	Squared or Hewed Timber on two sides, one Story.	Additional Fire-places.	Squared or Hewed Timber on two sides, two Stories.	Additional Fire-places.	Framed, under two Stories.	Additional Fire-places.	Framed, of two Stories.	Additional Fire-places.	Brick or Stone, of one Story.	Additional Fire-places.	Wrought by water, with one pair of Stones.	Additional pairs of Stone.	Saw-Mills.											Merchants' Shops.	Stone-Horses.	Horses of three years old, and upwards.	Oxen of four years old, and upwards.	Milk Cows.	Horned Cattle, from two to four years old.	Carriages, Cabs or other Carriages, with two wheels, kept for pleasure.	Wagons, kept for pleasure only.	Close Carriages, with four wheels, kept for pleasure.	Phaetons, or other open Carriages, kept for pleasure only, four wheels.	£	s.	d.
York	354884	17182	109	8	12	3	187	10	95	113	57	29	10	7	28	3	0	6	871	352	1502	525	6	10	312	639	23	10	266	6	114	0	0	0	18	0	69	
Scarborough	22241	103544	54	2	3	1	63	3	18	10	3	0	1	1	7	2	0	0	403	221	874	298	0	1	0	277	5	10	115	16	34	0	0	0	7	19	24	
Pickering	36762	140254	8	0	0	0	115	7	7	4	5	8	3	2	15	6	0	2	460	537	1148	570	0	1	0	397	7	10	166	14	94	0	0	0	11	4	7	
Whitby	35659	19216	11	0	15	28	240	39	8	8	1	0	3	14	16	2	4	704	592	1506	679	3	35	2	0	565	10	10	235	9	24	0	0	0	15	19	34	
Markham	40589	24847	67	0	24	0	276	4	65	27	7	2	7	4	20	16	0	4	1064	386	1926	818	2	31	0	1	733	13	5	905	9	54	0	0	0	20	12	0
Vaughan	40034	15008	70	0	22	2	99	6	30	35	3	3	6	10	16	12	0	3	513	546	1298	566	0	1	4	481	45	5	200	12	14	0	0	0	13	10	33	
Whitchurch	27038	1208	25	1	2	0	171	3	61	17	7	0	4	6	13	5	0	0	603	429	988	427	0	3	0	277	13	0	115	9	5	0	0	0	7	15	54	
King	33025	8868	11	0	1	0	57	12	13	6	4	4	4	8	11	1	0	4	376	223	728	384	0	0	0	189	25	15	113	7	14	0	0	0	5	7	84	
Eriebeoke	14542	9574	29	1	1	0	74	9	20	18	4	4	4	8	11	0	0	0	34	91	144	351	0	0	0	189	25	15	113	7	14	0	0	0	1	10	94	
Caledon	32102	6527	15	0	0	0	5	0	2	0	1	0	2	2	3	2	0	0	85	58	175	82	0	0	0	69	58	15	28	19	104	0	0	0	1	19	54	
Georgina	8628	1664	4	0	1	0	2	1	1	1	1	0	1	0	0	3	1	0	7	85	58	175	82	0	0	0	69	58	15	28	19	104	0	0	0	1	13	14
North Gwillimbury	7104	24584	9	3	1	0	1	2	2	2	0	0	0	0	0	0	0	0	47	141	218	91	0	0	0	58	50	0	24	7	6	0	0	0	1	13	14	
Reach	11266	1622	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	97	238	422	220	0	0	0	58	50	0	60	8	7	0	0	0	4	1	114	
Brook	26400	4782	12	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	97	238	422	220	0	0	0	58	50	0	60	8	7	0	0	0	4	1	114	

Scott	5396	17504	2	0	0	0	16	5	4	4	0	0	0	0	0	0	0	0	75	55	164	72	0	0	0	0	0	0	5786	5	24	2	24	0	0	1	12	64
Toronto	33630	23412	56	0	0	0	283	11	56	42	7	6	10	0	0	0	0	0	779	561	1871	540	29	0	0	0	0	0	70239	0	292	13	3	0	0	19	15	
Gore of Toronto	11569	5204	0	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0	141	166	590	170	0	0	0	0	0	0	11966	0	49	17	2	0	0	3	6	
Uxbridge	1331	135	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	18	22	15	0	0	0	0	0	0	563	0	2	7	1	0	0	0	3	
Albion	26337	6267	3	0	0	0	81	0	0	0	0	0	0	0	0	0	0	0	135	299	483	184	0	0	0	0	0	0	16123	5	67	3	74	0	0	0	4	
East Gwillimbury	192263	79924	5	0	0	0	63	3	1	0	3	2	2	1	5	7	0	1	385	75	637	246	0	1	0	0	0	0	23307	10	105	8	114	0	0	0	7	
Chinguncusy	48310	17588	5	0	0	0	51	0	17	3	2	0	1	1	3	7	0	1	417	677	1429	470	0	0	0	0	0	43080	0	179	10	10	0	0	0	4		
West Gwillimbury	274374	101163	2	0	0	0	8	1	2	1	4	0	1	1	4	0	0	0	324	345	742	440	0	8	0	0	0	27429	15	114	5	54	0	0	0	7		
Tecumseh	277934	69294	2	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0	242	304	615	334	0	0	0	0	0	19702	15	82	1	104	0	0	0	5		
Adjala	12969	1449	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	43	143	240	214	0	0	0	0	0	6547	15	27	5	734	0	0	0	7		
Innisfil	15333	22584	2	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0	59	140	193	116	0	0	0	0	0	7693	10	32	1	34	0	0	0	1		
Mara	36784	9104	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	26	49	42	0	0	0	0	0	0	1502	5	6	5	24	0	0	0	2		
Oro	29528	26934	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	36	182	285	211	0	0	0	0	0	11424	15	47	12	04	0	0	0	0		
Flos	3481	309	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	30	34	21	0	0	0	0	0	1490	15	6	4	24	0	0	0	0		
Vespra	10429	10643	10	1	2	0	12	6	9	0	0	0	0	0	0	0	0	0	20	52	81	44	0	0	0	0	0	6603	10	27	10	34	0	0	0	1		
Medonte	18894	1136	8	2	2	0	1	0	0	0	0	0	0	0	0	0	0	0	13	74	120	79	0	0	0	0	0	6401	5	26	13	54	0	0	0	1		
Thorah	12182	1478	11	1	0	0	5	0	0	0	0	0	0	0	0	0	0	0	38	78	160	104	0	0	0	0	0	6121	0	25	10	1	25	10	1	1		
Essa	6419	925	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	82	103	108	0	0	0	0	0	3045	0	12	13	9	12	13	9	1		
Sunnidale	3974	128	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	9	37	24	0	0	0	0	0	1204	15	5	0	44	5	0	4	0		
Orillia	4208	405	5	0	0	0	3	1	0	0	0	0	0	0	0	0	0	0	16	38	35	17	0	0	0	0	0	2451	10	10	4	34	10	4	34	0		
Tiny	4371	572	10	0	0	0	2	6	1	0	0	0	0	0	0	0	0	0	19	36	50	26	0	0	0	0	0	3297	5	13	14	94	13	14	94	0		
Tay	2471	184	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19	13	44	5	0	0	0	0	0	1200	5	5	0	94	5	0	94	0		
Mono	187754	21554	4	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	44	152	286	179	0	0	0	0	0	8540	0	35	11	8	35	11	8	2		
Mulmer	3714	479	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16	38	57	18	0	0	0	0	0	1690	13	7	0	104	7	0	104	0		
Total	7203214	2922624	559	19	138	43	1837	135	418	3																												

AGGREGATE AMOUNT OF Ratable Property in the City of Toronto, and Liberties, Extracted from the Assessors' Returns, for 1838.

WARDS.	Annual value of Tenement.	Quantity of additional lands.	First additional acre.	Second additional acre.	Third additional acre.	Remaining acres.	VACANT LANDS.							Total amount of Assessment.	REMARKS.									
							Under half an acre.	Under one acre.	Under two acres.	Total Number of acres.	First acre.	Second acre.	Third acre.			Remaining acres.								
St. George.....	7013	24	9	6	5	4	8	4	5	11	9	2	0	0	415	8	812	0	53	44	51	6	8842	The rate imposed for the year 1838, was one shilling and one-penny half-penny in the pound, upon the ratable property in the City, and one-fourth of that amount in the Liberties.— Total calculated to be received.....£3534 7 7½ Computation of Sundry Labour by male inhabitants, not otherwise assessed..... 140 0 0 Dog tax, imposed by an Act of the Common Council..... 108 3 9 Total.... £3782 11 4½ Total to be collected, after deducting allowances for vacant houses, and other contingencies..£3669 15 3½
Liberties .....	139	4	1	1	1	1	5	1	0	0	0	0	0	0	3	1	1	0	5	3	2	0	383	
St. Andrew .....	7152	28	10	7	6	5	13	5	5	11	9	2	0	0	418	9	913	0	58	47	53	6	9225	
Liberties .....	10223	23	5	5	5	8	10	11	6	12	4	4	3	1	116	8	8	4	66	54	72	2	12388	
St. Lawrence .....	219	0	0	0	0	0	0	3	6	4	2	2	0	0	0	0	0	0	2	9	2	0	459	
Liberties .....	10942	23	5	5	5	8	13	14	12	16	6	6	3	1	116	8	8	4	68	63	74	2	12842	
St. Patrick .....	11914	0	0	0	0	0	14	2	0	0	0	0	0	0	6	4	5	16	6	64	54	4	12936	
Liberties .....	2726	151	7	4	4	136	20	7	0	487	29	21	19	419	0	1	4	3	43	53	32	4	5160	
St. David .....	14640	151	7	4	4	136	34	9	0	487	29	21	19	419	0	7	28	6	19	117	86	8	18096	
Liberties .....	4916	46	6	6	6	28	27	10	3	42	7	7	7	21	1	6	8	1	3	40	61	29	6235	
St. Patrick .....	1976	473	10	8	8	447	8	10	5	1037	21	21	21	974	0	8	3	4	47	108	25	4	5996	
Liberties .....	6892	519	16	14	14	475	35	20	7	1079	28	28	28	995	1	14	11	4	7	87	169	54	12231	
St. David .....	16313	78	6	6	5	61	51	2	0	25	3	3	3	16	117	18	6	15	118	120	88	13	18442	
Liberties .....	1606	78	15	13	12	38	12	20	3	459	25	25	20	389	0	0	2	0	26	25	26	1	4929	
St. David .....	17919	156	21	19	17	99	63	22	3	484	28	28	23	403	1	17	19	6	15	144	143	114	14	
Liberties .....	57445	877	59	49	46	723	153	74	28	2077	100	85	73	1820	7	72	76	33	58	464	541	381	35	74065

I, CHARLES DALY, Clerk of the Peace of the City of Toronto, certify the above to be a correct Return of all the Ratable Property in the City of Toronto, and its Liberties, as assessed under the 7th Wm. IV. chap. 39, and taken from the Assessment Rolls.

CHARLES DALY, C.P. C.T.



# 460 Population and Assessment Returns. [4th Sess. 13th Parl.]

AGGREGATE STATEMENT of the Assessments of the LONDON DISTRICT, as taken from the several returns received

TOWNSHIPS.	Uncultivated Lands.		Cultivated Lands.															
	Area	Value	Square Log Houses, one Story.	Additional Fire-places.	Square Log Houses, two Stories.	Frame Houses, under two Stories.	Additional Fire-places.	Framed Houses, two Stories.	Additional Fire-places.	Brick or Stone Houses, under two Stories.	Additional Fire-places.	Brick or Stone, two Stories.	Additional Fire-places.	Crist-Mills, wrought by water.	Additional run of Stones.	Saw-Mills.	Store-Houses.	Merchants' Shops.
Oxford, West	20038	5115 1/2	3	0	0	84	17	18	30	2	3	1	0	2	3	10	0	0
Oxford, East	12493	3070	1	0	0	30	2	16	14	1	0	1	0	1	0	1	0	0
Burford	20732 1/2	9876 1/2	7	0	0	92	9	17	14	0	0	0	0	0	0	3	0	1
Greenheim	19427 1/2	4771	10	0	0	57	2	4	2	0	0	0	0	1	1	9	0	2
Oakland	4414	3655 1/2	0	0	0	6	0	29	0	0	0	0	0	1	1	1	0	0
Nissourley	20573	3388	1	0	1	8	1	1	0	0	0	0	0	1	0	0	0	0
Bladford	9468	1257	0	0	0	40	39	10	23	0	0	0	0	0	0	0	0	3
Norwich	31285 1/2	9213 1/2	12	0	0	81	6	9	4	1	0	0	0	3	1	7	0	4
Derchem	11416 1/2	1604	1	0	0	8	0	2	2	1	0	0	0	1	1	2	0	1
Zetia	42718 1/2	6213 1/2	0	0	0	38	3	0	0	0	0	0	0	1	0	2	0	5
Yarmouth	37581 1/2	12677 1/2	7	0	1	219	22	40	17	0	0	0	0	4	3	9	5	14
Supplement to ditto	439	1720	0	0	0	0	0	8	0	0	0	0	0	0	0	0	0	0
Southwold	37077	12605 1/2	4	0	0	158	1	7	2	3	0	2	2	3	2	2	0	3
Weyham	30394 1/2	5745 1/2	2	0	0	128	1	15	6	0	0	0	0	3	0	19	1	5
Malahide	34196	8956 1/2	0	0	0	119	1	10	0	0	0	0	0	2	0	10	0	3
Mosa	19467	2254 1/2	0	0	0	6	0	1	0	0	0	0	0	2	0	1	0	2
Dunwich	6493	2720	7	0	0	32	3	0	0	1	4	0	0	1	0	0	0	1
Westminster	36210	9410 1/2	15	0	0	105	23	11	15	0	0	0	0	3	1	1	0	2
Adeladey	26867	1896	3	5	0	7	0	1	2	0	0	0	0	1	0	1	0	1
Canadoc	17275	2488	7	0	0	10	1	1	1	0	0	0	0	1	0	0	0	0
Ekted	24423	2089	0	0	0	2	2	1	2	0	0	0	0	1	0	1	0	0
Delaware	5219	891	2	0	0	35	3	5	3	6	0	0	0	0	0	2	0	0
London, (Township of)	59907	14344 1/2	37	2	0	65	2	2	6	0	0	0	0	2	1	6	0	2
Ditto (Town of)	0	61 1/2	1	0	0	90	4	40	20	0	0	0	0	0	0	0	0	10
Aldbrough	10529	2976	0	0	0	3	0	0	0	0	0	0	0	1	0	1	0	0
Dorchester, North	3437	384	0	0	0	4	0	0	0	0	0	0	0	1	1	3	0	0
Ditto, South	7343	989	0	0	0	8	0	4	6	0	0	0	0	0	0	2	0	0
Lobe	21779	2790 1/2	4	0	0	11	5	1	2	0	0	0	0	2	0	3	0	0
Supplement to Dunwich	18275	270	0	0	0	1	5	0	0	0	0	0	0	0	0	0	0	0
Hullet	2610	190	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Tuckersmith	11457	757	3	0	1	1	0	0	0	0	0	0	0	1	0	0	0	0
McGillyray	7626	168	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
McKillop	3314	190	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ellice	3179	419	0	0	0	3	0	0	0	0	0	0	0	1	2	2	0	0
Downie	7832	584	4	0	0	1	2	0	0	0	0	0	0	0	0	0	0	2
Williams	13092	911	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0
Stanley	5381	330	1	0	1	2	0	0	0	0	0	0	0	0	0	0	0	0
North Easthope	11496	925 1/2	2	0	0	2	5	0	0	0	0	0	0	0	0	0	0	0
South Easthope	6496	876	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
Biddulph	7419	267	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Goderich	8621	699	11	0	2	34	0	25	7	0	0	0	0	0	1	4	0	3
Total	676906 1/2	139750 1/2	150	7	6	1490	159	278	178	9	7	4	2	41	17	104	10	79

2nd Victoria, 1839.] Population and Assessment Returns. 461

from the Assessors of Townships, and filed of record in the Office of the Clerk of the Peace, for the year 1838.

Stud Horses.	Horses, three years old and upwards.	Oxen, four years old and upwards.	Milk Cows.	Young Horned Cattle.	Gigs, Carriages, &c. with only two wheels.	Carriages, on 4 wheels.	Wagons, kept for pleasure.	Amount of Valuation of Property assessed.			Amount of Rate, at 1d. per pound.			Amount added, to pay Members' Wages, for 1838.			Amount added, to pay building the Gaol and Court House, at Woodstock and London.			Total amount to be collected.		
								£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
1	222	182	516	259	0	0	2	21347	11	0	88	18	11	0	0	0	59	6	0	148	4	11
1	103	161	303	167	0	0	0	12041	12	0	50	3	5	0	0	0	33	9	0	83	12	5
4	310	280	582	221	1	0	6	25580	15	0	106	11	8	0	0	0	71	1	2	177	12	10
0	177	201	403	152	0	0	3	16247	10	0	67	13	11	0	0	0	45	2	8	112	16	7
0	117	56	190	71	0	0	2	8619	1	0	35	18	3	0	0	0	23	18	10	59	17	1
1	123	185	358	190	0	0	0	11534	12	0	48	1	2	0	0	0	32	0	10	80	2	0
0	74	74	109	49	1	3	7	7639	12	0	31	16	7	0	0	0	21	4	5	53	1	0
1	415	302	957	481	0	0	0	29274	13	6	121	19	6	0	0	0	81	6	4	203	5	10
0	61	120	210	130	0	0	1	6710	6	0	27	19	2	0	0	0	13	12	10	46	12	0
1	190	368	631	676	0	0	0	23211	19	0	96	14	3	0	0	0	64	9	6	161	3	9
2	415	552	1038	423	0	0	0	45591	8	3	189	19	3	15	16	7	63	6	5	269	2	3
0	10	20	43	17	0	0	0	1575	0	0	6	11	3	0	10	11	2	3	9	9	5	
4	429	446	956	437	0	0	0	37033	7	0	154	6	1	12	17	3	51	8	9	218	12	1
0	296	303	614	363	0	0	0	26626	13	0	110	18	10	9	4	11	36	19	8	157	3	5
0	367	305	769	467	0	0	0	29126	1	0	121	13	0	10	2	9	40	11	0	172	6	6
0	68	178	304	122	0	0	0	9507	18	0	39	12	3	3	6	1	13	4	1	56	2	5
1	92	133	210	260	0	0	1	8395	12	0	34	19	7	2	18	4	11	13	3	49	11	2
0	328	371	779	317	0	0	3	29359	7	0	122	6	7	10	3	11	40	15	6	173	6	0
0	37	148	218	138	0	0	0	9804	10	4	40	17	0	3	8	1	13	12	4	57	17	5
0	60	160	209	164	0	0	0	8569	0	0	35	14	1	2	19	6	11	18	0	50	11	7
1	60	200	238	231	0	0	0	9807	12	0	40	17	3	3	8	1	13	12	5	57	17	9
0	56	41	82	80	0	0	3	5127	16	0	21	7	3	1	15	7	7	2	8	30	5	6
1	515	629	1365	655	0	0	1	42088	18	0	175	7	4	14	12	4	58	9	2	248	8	10
0	59	10	70	0	0	0	6	8663	17	6	36	1	11	64	19	6	12	0	8	113	2	1
1	70	176	234	187	0	0	0	7788	16	0	32	9	10	2	14	1	10	16	4	45	19	5
1	9	35	64	24	0	0	0	2338	8	0	9	14	10	0	16	2	3	4	11	13	15	11
0	35	62	109	56	0	0	0	4148	12	0	17	5	8	1	8	9	5	15	3	24	9	8
0	87	239	385	233	0	0	0	11356	6	0	47	6	4	3	18	10	15	15	5	67	0	7
0	4	8	20	12	0	0	0	4121	0	0	17	3	5	1	8	8	5	14	6	24	6	7
0	4	16	17	12	0	0	0	911	0	0	3	15	11	1	5	3	0	0	0	5	1	2
0	11	83	102	57	0	0	0	4306	8	0	17	18	10	5	19	7	0	0	0	23	18	5
0	4	24	38	24	0	0	0	1959	4	0	8	3	3	2	14	5	0	0	0	10	17	8
0	4	16	17	12	0	0	0	1245	16	0	5	3	94	1	14	7	0	0	0	6	18	4
0	6	48	60	58	0	0	0	2087	16	0	8	13	11	2	17	11	0	0	0	11	11	10
0	9	64	88	52	0	0	0	3319	8	0	13	16	7	4	12	2	0	0	0	18	8	9
0	15	114	160	126	0	0	0	4961	8	0	20	13	5	6	17	10	0	0	0	27	11	3
0	1	40	54	21	0	0	0	1877	4	0	7	16	5	2	12	2	0	0	0	10	8	7
0	8	80	107	64	0	0	0	4203	9	0	17	10	3	5	16	9	0	0	0	23	7	0
0	6	82	107	48	0	0	0	3020	4	0	12	11	8	4	3	11	0	0	0	16	15	7
0	12	46	63	46	0	0	0	2265	16	0	9	8	9	3	2	11	0	0	0	12	11	8
3	42	28	82	0	0	0	1	7672	4	0	31	19	4	10	13	0	0	0	0	42	12	4
20	4911	6586	12863	7102	2	3	36	501137	10	7	2088	1	5	219	0	10	868	15	8	3175	17	11

SUPPLEMENTARY AGGREGATE STATEMENT

Of the Assessment of the London District, as taken from the Assessments returned to the Clerk of the Peace's Office by the Assessors of Townships, for the year 1888, and filed of Record in said Office.

TOWNSHIPS.	Uncultivated Lands.	Cultivated Lands.	Square Log Houses, one Story.	Frame Houses, one Story.	Additional Fire-places.	Framed Houses, two Stories.	Stone Houses, one Story.	Horses three years old, and upwards.	Oxen four years old, and upwards.	Milk Cows.	Saw Mills.	Young Horned Cattle.	Merchant's Shops.	Store Houses.	Amount of valuation of Property Assessed.			Amount of Rate, at 1d. per Pound.			Amount added, to pay Members' Wages, for the year 1888.			Total amount to be collected.			
															£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£
Goderich—(Supplemental).....	19410½	1927½	7	2	4	2	0	0	23	143	1	229	1	0	7209	16	0	0	30	0	9½	10	0	3	40	1	0½
Colborne .....	18285	697	0	1	0	0	1	12	50	60	0	85	0	0	4990	0	0	0	20	15	10	6	18	8	27	14	6
<b>Total.....</b>	<b>37695½</b>	<b>2624½</b>	<b>7</b>	<b>3</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>12</b>	<b>73</b>	<b>203</b>	<b>1</b>	<b>214</b>	<b>1</b>	<b>0</b>	<b>12199</b>	<b>16</b>	<b>0</b>	<b>50</b>	<b>16</b>	<b>7½</b>	<b>16</b>	<b>18</b>	<b>11</b>	<b>67</b>	<b>15</b>	<b>6½</b>	

JOHN B. ASKIN,  
Clerk of the Peace.

Dated Clerk of the Peace's Office,  
London, 18th January, 1889.

AGGREGATE ACCOUNT OF ASSESSMENT FOR THE DISTRICT OF NIAGARA, FOR THE YEAR 1838.

Names of TOWNS AND TOWNSHIPS.  Counties of  LINCOLN & HALDIMAND.	LANDS.		HOUSES.										MILLS.				Amount of Rates, at 1d. per pound. £ s. d.	Amount of Valuation of Property Assessed. £ s. d.	Amount of allowance for Members wages. £ s. d.	Amount total to be collected for the District. Currency. £ s. d.																
	Uncultivated.	Cultivated.	Square or Hewn Timber on two sides, 1 story.	Additional Fire-places.	Squared Timber, 2 stories.	Additional Fire-places.	Framed, under 2 stories.	Additional Fire-places.	Brick or Stone, 1 story, not more than 2.	Additional Fire-places.	Brick or Stone, 2 stories, not more than 2.	Additional Fire-places.	Wrought by water, with 1 pair Stones.	Additional part of Stones.	Saw-mills.	Store-Houses.					Stone Horses for covering Mares, Hire or Gain.	Horses three years old and upwards.	Oxen, four years and upwards.	Milch Cows.	Horned Cattle, from 2 to 4 years old.	Close Carriages with 4 wheels, kept for pleasure.	Phaetons, or other open Carriages kept for pleasure, with 4 wheels.	Carriages, gigs, or other open Carriages.	Wagons for pleasure.	Rate per Pound.						
Niagara, .....	329	451	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	181	111	11	1	10	8	21	1d	92014 16 0	162 2 10	54 0 9A	216 5 8						
Township of Niagara, ...	10914	10026 1/2	17	6	0	0	0	0	0	0	0	0	0	0	0	0	0	498	655	506	9	7	7	20	...	94893 1 0	144 10 5	94 1 8	168 11 11 1/4							
Thorold, .....	15418	10296 1/2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	479	742	289	0	1	1	40	...	95820 2 0	149 5 0 1/2	24 17 6	174 2 6 1/2							
Grimsby, .....	17220 1/2	8963 1/2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	491	765	280	0	1	0	27	...	29164 9 4	121 10 2 1/2	20 5 0	141 15 8							
Climton, .....	13256	10530	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	480	890	586	1	0	0	23	...	32002 4 0	197 6 10 1/2	23 17 9 1/2	160 4 8 1/2							
Bertie, .....	2209 1/2	11715 1/2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	609	951	999	1	7	5	20	...	95918 19 8	149 13 3	24 18 10 1/2	174 12 1							
Stamford, .....	10701 1/2	10190 1/2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	551	758	148	6	6	8	21	...	96889 16 0	152 15 9 1/2	25 9 3 1/2	178 5 0 1/2							
Gainsboro', .....	13980 1/2	7674 1/2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	373	630	242	1	0	1	8	...	22867 8 6	14 2 11 1/2	15 14 10	118 5 9 1/2							
Louth, .....	8397	6821	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	518	591	921	0	0	0	5	...	20160 9 0	84 0 0 1/2	14 0 1 1/2	98 0 1							
Halldimand, .....	15662 1/2	8114 1/2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	392	884	930	0	5	1	2	...	25507 5 0	105 19 11 1/2	17 12 5	123 0 9 1/2							
Pelham, .....	9870	5425 1/2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	273	383	123	0	0	0	2	...	14644 9 0	61 0 4	10 8 6	71 9 10 1/2							
Crowland, .....	8177	4879	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	216	105	979	68	0	0	9	...	13017 2 0	54 4 9	9 0 9	63 5 7							
Willoughby, .....	14163 1/2	5278	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	267	123	463	323	0	0	18	...	17831 9 0	74 6 9	12 8 0	88 14 10 1/2							
Humberstone, .....	16304 1/2	4823	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	392	684	930	0	0	0	2	...	14760 13 0	61 10 0	10 5 0	71 15 0 1/2							
Wainfleet, .....	7474	1886	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	240	164	431	248	0	0	0	...	11760 13 0	61 10 0	10 5 0	71 15 0 1/2							
Caistor, .....	11951 1/2	10133 1/2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	601	924	828	214	1	5	8	...	45442 10 0	186 6 10	31 10 7	220 17 6							
Grantham, .....	7379	1773	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	119	100	202	44	0	0	1	...	11928 16 0	47 4 9 1/2	11 16 0 1/2	59 0 1							
Halldimand, .....	10822	5351	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	139	96	280	152	0	0	4	...	10498 18 0	45 14 9 1/2	10 18 7 1/2	54 18 5 1/2							
Remham, .....	15322 1/2	3700	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	100	124	249	125	0	0	0	...	11081 5 0	46 3 4	11 10 10	57 14 2 1/2							
Walpole, .....	1603 1/2	1666 1/2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	76	155	176	45	0	0	1	...	8086 12 0	53 15 11	8 8 6	42 2 5							
Cayuga, .....			18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	...	0	0	0	0						
Moulton, Sherbrooke, & ...			19	0	4	1	35	14	0	0	0	0	0	0	0	0	0	79	94	190	69	0	0	0	1	...	9108 8 0	57 18 7	9 9 7 1/2	47 8 9						
Forrest, .....	6702	1955	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	140	58	221	92	0	0	2	...	10252 5 0	42 14 4 1/2	10 18 7	53 7 1 1/2							
Canboro', .....	14261	2632	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	55	41	75	29	0	0	0	...	5850 9 0	16 0 10 1/2	4 0 2 1/2	20 1 1 1/2							
Dunn, .....	49474	699	6	1	0	0	18	7	0	0	0	6	9	0	0	0	0	0	0	0	0	0	0	0	0	...	0	0	0	0						
Total, .....	379924 1/2	133125 1/2	525	22	50	92	149	976	98	55	416	493	14	50	104	103	7	17	6700	3401	11079	3952	16	41	39	311	...	488846 3	6208 0	33	388	12	94	2324	13	1 1/2

CHARLES RICHARDSON,  
CLERK OF THE PEACE.  
  
Office of the Clerk of the Peace,  
Niagara, November 19, 1838.

ABSTRACT ACCOUNT of the Population of the several Districts of the Province of Upper Canada, from the year 1824 to 1838, inclusive.

1838.

DISTRICTS.

YEARS.	Eastern.	Ottawa.	Johnstown.	Bathurst.	Midland.	Prince Edward.	Newcastle.	Horns.	Geor.	Niagara.	London.	Western.	Districts.	Deaf and Dumb.	Inane.
1824.....	14879	2560	14741	a 10121	27695	.....	9292	16609	13157	17552	17539	6952	Eastern.....	21	34
1825.....	16324	2580	15266	b 10309	c 27316	.....	9966	d 17942	14168	18909	17351	7162	Ottawa.....	1	8
1826.....	17069	3009	15354	e 11364	No return	.....	12290	19670	13017	19015	17822	7533	Bathurst.....	No return.	No return.
1827.....	18368	3133	16719	f 12207	No return	.....	12285	21938	15493	18913	18912	7956	Johnstown.....	No return.	No return.
1828.....	19159	3732	10244	h 14516	i 50960	.....	13335	22927	15149	20177	19813	8333	Midland.....	17	10
1829.....	j 17453	3318	19062	k 14851	l 26343	.....	13993	25093	20958	20617	21305	5711	Prince Edward.....	2	0
1830.....	19755	3833	20407	m 16015	.....	.....	14850	28565	20945	20916	22803	9288	Newcastle.....	12	8
1831.....	21168	4272	21962	n 20112	o 36322	.....	16498	32871	27224	21974	26180	9770	Horn.....	11	11
1832.....	21765	5293	24299	p 19636	q 37457	.....	21019	40650	r 27224	24181	28841	10827	Gore.....	6	19
1833.....	23743	6349	27944	s 21726	t 42294	.....	u 35560	47650	r 27224	24772	33225	11788	Niagara.....	18	28
1834.....	25105	6335	28061	t 2079	v 32509	.....	w 27404	f 55540	34618	27347	y 37162	12752	London.....	No return.	No return.
1835.....	29119	7044	28504	z 22698	.....	.....	aa 30245	bb 57308	40156	28735	cc 39503	dd 14496	Western.....	4	21
1836.....	ec 22011	7487	f 29237	.....	.....	.....	gg 32963	hh 63529	43920	30428	47095	17065	.....	.....	.....
1837.....	30062	7929	31919	ii 24466	.....	.....	kk 32523	ll 57519	46828	32296	ll 49530	mm 19295	.....	.....	.....
1838.....	29498	8035	31976	iii 23436	.....	.....	mm 69885	nn 50319	50319	30522	oo 38904	pp 16901	.....	92	139

- a. No Parish or Town Officers for Fitzroy, Pakenham, Torbolton, Darling, p. Darling, Levant and Horton, not received—Population may be estimated at 790
- b. Levant—Population said to exceed 600 souls.
- c. Tyendinaga not returned.
- d. No returns from Vespra, Oro, Innisfil, and Eastern Division of Caledon
- e. Macnab, Darling and Levant, not included.
- f. South Sherbrooke, Torbolton, Levant, Macnab & Darling, not included.
- g. Douro not returned.
- h. South Sherbrooke, Levant, Darling, and Horton, not assessed
- i. Huntingdon not returned.
- j. Matilda not returned.
- k. Levant, Darling, South Sherbrooke, and Horton, not assessed—estimated about 290 souls.
- l. No returns from Townships of Kingston, Camden, Marmora, & Madoc. Return from Pittsburgh incomplete.
- m. No returns from Ramsay and Torbolton; South Sherbrooke, Levant, Darling and Horton, not assessed.
- n. Darling, Levant, South Sherbrooke, and Horton, not assessed—Population estimated at 300.
- o. No return from Madoc.
- p. No returns from Canada Company's Tract, except from Williams, Biddulph, Colborne, and Tuckersmith, amounting to 688.
- q. No returns from Sarnia, Brooke and Emmiskillen;—one was sent from Warwick, but not according to law.
- r. No return from the Township of Cornwall.
- s. No return from front of Leeds and Lansdown.
- t. No returns from Burleigh, Belmont, Methuen, and Cartwright.
- u. City of Toronto included—9654.
- v. No returns from Ross and Westmeath.
- w. No return for City of Toronto.
- x. No returns from Fullarton, Logan and Hullett
- y. No returns from Emmiskillen, Bosanquet and Brooke.
- z. City of Toronto included—19571. No returns from Artemish, Amarauth, Collingwood, Luther, Melancthon, Mulner, Matchelash, Notwasaga, Osprey, Proton, Rama, Toscoronia, Euphrasy, St. Vincent and Zero.
- aa. No returns from Delaware, Oakland, McKillop, Hibbert, Tuckersmith, and Stanley.—The County of Norfolk erected into District of Talbot, but no return made.
- ab. No returns from Plympton, Sombra, and Walpole Island, Howard and Tilbury West.

2nd Victoria, 1839.] Population and Assessment Returns. 465

ABSTRACT ACCOUNT of the Assessments raised in the several Districts of the Province, from 1825 to 1838, inclusive.

Districts.	Aggregate Valuation.			Rate per Pound.	Amount collected.			Additional Rate, for Members' Wages.			Additional Rate, for Court-House & Gaol.			Remarks.
	£	s.	d.		£	s.	d.	£	s.	d.	£	s.	d.	
1825.														
Eastern .....	0	0	0	....	0	0	0	0	0	0	0	0	0	No returns to be found.
Ottawa .....	0	0	0	....	0	0	0	0	0	0	0	0	0	Do.
Bathurst .....	91935	4	0	1d.	338	1	3	0	0	0	0	0	0	
Johnstown .....	190507	18	8	2d.	793	15	7 $\frac{1}{2}$	0	0	0	*793	15	7 $\frac{1}{2}$	* Original account says for Court-House and Bridges.
Midland .....	0	0	0	....	0	0	0	0	0	0	0	0	0	No return.
Newcastle .....	0	0	0	....	0	0	0	0	0	0	0	0	0	Do.
Home .....	261587	13	0	1d.	1191	7	9 $\frac{3}{4}$	0	0	0	0	0	0	{ One-ninth of a penny added for Members' wages.
Gore .....	213385	4	0	....	0	0	0	0	0	0	0	0	0	
Niagara .....	0	0	0	....	0	0	0	0	0	0	0	0	0	No return.
London .....	239680	10	0	1d.	998	13	4 $\frac{1}{2}$	0	0	0	0	0	0	
Western .....	0	0	0	....	0	0	0	0	0	0	0	0	0	No return.
.....														
1826.														
Eastern .....	229965	19	0	1d.	958	3	9 $\frac{1}{4}$	0	0	0	0	0	0	
Ottawa .....	0	0	0	1d.	145	8	7 $\frac{1}{2}$	0	0	0	0	0	0	
Bathurst .....	110139	14	0	1d.	459	2	5 $\frac{3}{4}$	0	0	0	0	0	0	
Johnstown .....	194564	5	0	1d.	810	13	8 $\frac{1}{4}$	0	0	0	*810	13	8 $\frac{1}{4}$	* For Court-House and Bridges.
Midland .....	435311	0	0	1d.	1813	15	11	0	0	0	0	0	0	
Newcastle .....	145834	11	9	1d.	607	13	0 $\frac{1}{2}$	141	16	9 $\frac{1}{2}$	0	0	0	
Home .....	283740	18	6	1 $\frac{1}{10}$ d.	1281	9	6*	0	0	0	0	0	0	{ One-tenth of a penny added for Members' wages.
Gore .....	273571	1	9	....	0	0	0	0	0	0	0	0	0	
Niagara .....	355001	0	1	1d.	1236	4	6	233	18	8	0	0	0	{ Rainham and Walpole not included.
London .....	246624	15	0	1d.	1027	12	0 $\frac{3}{4}$	0	0	0	0	0	0	
Western .....	109047	0	0	1d.	454	3	7 $\frac{3}{4}$	0	0	0	0	0	0	
.....														
1827.														
Eastern .....	239480	7	0	1d.	997	16	8 $\frac{1}{4}$	0	0	0	0	0	0	
Ottawa .....	0	0	0	....	152	7	2	0	0	0	0	0	0	
Bathurst .....	118647	15	0	1d.	494	7	3 $\frac{3}{4}$	0	0	0	0	0	0	
Johnstown .....	201495	3	0	1d.	839	11	3	0	0	0	*839	11	3	* For Court-House and Bridges.
Midland .....	0	0	0	....	0	0	0	0	0	0	0	0	0	
Newcastle .....	155671	13	0	1d.	648	12	6 $\frac{3}{4}$	124	0	0 $\frac{3}{4}$	0	0	0	
Home .....	317313	2	0	1 $\frac{1}{8}$ d.	1361	9	0	0	0	0	0	0	0	{ $\frac{1}{8}$ of 1d. for Members' wages.
Gore .....	253863	5	0	....	0	0	0	0	0	0	0	0	0	
Niagara .....	0	0	0	....	0	0	0	0	0	0	0	0	0	
London .....	258973	8	0	1d.	1079	1	0 $\frac{3}{4}$	0	0	0	0	0	0	
Western .....	11092	15	0	1d.	462	3	5 $\frac{3}{4}$	0	0	0	0	0	0	
.....														
1828.														
Eastern .....	0	0	0	....	0	0	0	0	0	0	0	0	0	
Ottawa .....	0	0	0	....	170	4	9 $\frac{1}{2}$	0	0	0	0	0	0	
Bathurst .....	0	0	0	....	0	0	0	0	0	0	0	0	0	
Johnstown .....	217346	9	4	1d.	905	13	0 $\frac{1}{4}$	0	0	0	*905	13	0 $\frac{1}{4}$	{ 1d. additional rate for Court-House and Bridges.
Midland .....	0	0	0	....	0	0	0	0	0	0	0	0	0	
Newcastle .....	168461	9	0	1d.	701	2	4 $\frac{1}{4}$	111	8	8 $\frac{3}{4}$	0	0	0	
Home .....	328387	5	6	....	1400	14	11 $\frac{1}{4}$	0	0	0	0	0	0	
Gore .....	265216	0	6	....	0	0	0	0	0	0	0	0	0	
Niagara .....	0	0	0	....	1366	5	4 $\frac{1}{2}$	206	16	10 $\frac{1}{2}$	0	0	0	
London .....	272761	18	0	1d.	1136	10	1 $\frac{3}{4}$	0	0	0	0	0	0	
Western .....	112850	14	0	....	470	4	2 $\frac{3}{4}$	0	0	0	0	0	0	
.....														
1829.														
Eastern .....	252399	2	0	1 $\frac{1}{2}$ d.	1018	6	7 $\frac{1}{4}$	0	0	0	559	3	3 $\frac{1}{2}$	
Ottawa .....	0	0	0	....	179	2	11 $\frac{1}{2}$	0	0	0	0	0	0	
Bathurst .....	144900	5	0	1d.	605	18	3	86	18	5 $\frac{3}{4}$	0	0	0	{ Levant, Darling, South Sherbrooke and Horton, not returned.
Johnstown .....	231573	10	0	1d.	964	17	9 $\frac{1}{2}$	0	0	0	0	0	0	
Midland .....	481176	0	0	1d.	2004	18	0	318	18	7	0	0	0	
Newcastle .....	181264	9	4	1d.	755	4	7 $\frac{1}{4}$	160	17	5 $\frac{1}{4}$	0	0	0	
Home .....	362839	13	6	1 $\frac{1}{2}$ d.	1048	2	6 $\frac{1}{2}$	524	1	3	0	0	0	
Gore .....	299923	4	0	1d.	1249	13	7	177	6	7	0	0	0	
Niagara .....	336249	0	0	....	0	0	0	0	0	0	0	0	0	
London .....	287132	4	0	1d.	1196	7	8 $\frac{1}{4}$	0	0	0	0	0	0	
Western .....	115209	13	0	....	480	0	9 $\frac{1}{4}$	0	0	0	0	0	0	

## ABSTRACT ACCOUNT of the Assessments raised in the several Districts of the Province—(CONTINUED.)

Districts.	Aggregate Valuation.			Rate per Pound.	Amount collected.			Additional Rate. for Members' Wages.			Additional Rate. for Court-House & Gaol.			Remarks.
	£	s.	d.		£	s.	d.	£	s.	d.	£	s.	d.	
1830.														
Eastern .....	260321	13	0	1½d.	1084	15	4	0	0	0	542	7	8	*South Sherbrooke, Darling, Levant, Horton and Torbolton, not assessed.
Ottawa .....	0	0	0	.....	0	0	0	0	0	0	0	0	0	
Bathurst .....	154352	13	0	1d.	*643	10	1½	0	0	0	0	0	0	
Johnstown .....	250963	16	0	1d.	1045	13	7½	0	0	0	0	0	0	
Midland .....	504691	0	0	1d.	2102	17	7	0	0	0	0	0	0	
Newcastle .....	193991	13	8	1d.	808	4	2¾	161	4	2¾	0	0	0	
Home .....	410397	1	2	.....	1802	2	7¼*	0	0	0	0	0	0	
Gore .....	316133	5	2	1d.	1317	1	4	108	3	9	0	0	0	
Niagara .....	354290	5	2	.....	1722	5	9*	0	0	0	0	0	0	
London .....	311284	8	0	1d.	1297	0	4¾	0	0	0	0	0	0	
Western .....	124577	4	0	1d.	519	1	5½	0	0	0	0	0	0	
.....														
1831.														
Eastern .....	268108	10	0	1½d.	1117	2	4	0	0	0	658	11	2½	Horton, Levant, Darling and South Sherbrooke, no returns.
Ottawa .....	0	0	0	1d.	215	0	5½	0	0	0	0	0	0	
Bathurst .....	169039	2	0	1d.	704	6	7	95	0	0	0	0	0	
Johnstown .....	260431	2	0	1d.	1085	2	7	0	0	0	0	0	0	
Midland .....	536748	0	0	1d.	2236	9	0	0	0	0	0	0	0	
Newcastle .....	216969	18	8	1d.	903	18	8	146	14	1¾	0	0	0	
Home .....	467413	19	10	1d.	1947	11	2	105	0	0	0	0	0	
Gore .....	345038	0	0	1d.	1437	17	4	207	5	9	0	0	0	
Niagara .....	361109	8	0	1d.	1848	2	6	0	0	0	0	0	0	
London .....	340351	4	0	1d.	1418	3	7½	292	15	3	469	19	5	
Western .....	134026	9	0	.....	0	0	0	0	0	0	0	0	0	
.....														
1832.														
Eastern .....	275285	15	0	1½d.	1147	0	5¾	0	0	0	573	10	2¾	Horton, Darling and Levant, not assessed.
Ottawa .....	0	0	0	1d.	239	3	0	0	0	0	0	0	0	
Bathurst .....	179259	14	0	1d.	746	18	4	0	0	0	0	0	0	
Johnstown .....	281090	14	0	1d.	1171	4	2	0	0	0	0	0	0	
Midland .....	574987	0	0	1d.	2395	15	7	0	0	0	0	0	0	
Newcastle .....	257959	3	0	1d.	1074	17	0	188	3	0¼	0	0	0	
Home .....	511664	8	7	1d.	2312	1	8	87	9	2½	0	0	0	
Gore .....	413623	0	0	1d.	1619	7	10	170	8	8	0	0	0	
Niagara .....	383679	0	0	1d.	1965	11	5½	0	0	0	0	0	0	
London .....	366863	4	0	1d.	1528	11	11	313	19	6	506	3	10	
Western .....	134674	7	6	1d.	560	18	7¼	0	0	0	0	0	0	
.....														
1833.														
Eastern .....	284980	11	0	1½d.	1187	8	4½	0	0	0	593	14	2½	Including allowance to Members of Assembly.
Ottawa .....	0	0	0	1d.	264	15	0	0	0	0	0	0	0	
Bathurst .....	204912	0	0	1d.	853	16	0	0	0	0	0	0	0	
Johnstown .....	303142	14	0	1d.	1263	1	10	0	0	0	0	0	0	
Midland .....	619542	0	0	1d.	2581	8	6	0	0	0	0	0	0	
Newcastle .....	295430	13	10	1d.	1231	5	4	189	12	6¾	0	0	0	
Home .....	609606	4	0	1d.	2539	14	6	105	17	8¾	0	0	0	
Gore .....	412166	0	0	1d.	1842	7	2	373	4	7	0	0	0	
Niagara .....	400295	1	0	.....	2052	4	11¾	0	0	0	0	0	0	
London .....	424566	12	4	1d.	1768	3	10	340	12	3	593	0	6	
Western .....	148058	8	0	1d.	616	18	2	0	0	0	0	0	0	
.....														
1834.														
Eastern .....	286381	16	0	1d.	1193	5	1½	0	0	0	0	0	0	*Assessment for Police purposes.
Ottawa .....	67983	6	0	1d.	283	5	4½	0	0	0	0	0	0	
Bathurst .....	210174	17	0	1d.	876	17	11½	260	14	10	0	0	0	
Johnstown .....	318219	2	0	1d.	1325	18	3	222	3	7¾	0	0	0	
Midland .....	459894	0	0	1d.	1916	4	6	405	14	9	*211	11	3	
Prince Edward .....	186784	0	0	1d.	778	5	4	133	3	3	0	0	0	

ABSTRACT ACCOUNT of the Assessments raised in the several Districts of the Province—(CONTINUED.)

Districts.	Aggregate Valuation.			Rate per Pound.	Amount collected.			Additional Rate, for Members' Wages.			Additional Rate, for Court-House & Gaol.			Remarks.
	£	s.	d.		£	s.	d.	£	s.	d.	£	s.	d.	
1834.														
Newcastle .....	328668	13	2	1d.	1369	7	10½	189	0	9½	0	0	0	
Home .....	526162	17	0	1d.	2190	15	0	110	1	10½	0	0	0	
City & Liberties of Toronto }	186946	0	0	3d.	2336	16	6	0	0	0	0	0	0	
Gore .....	484370	0	0	1d.	2018	4	3	306	11	10	0	0	0	
Niagara .....	419848	0	0	1d.	1730	17	4	391	16	7½	0	0	0	
London .....	477495	11	0	1d.	1989	11	8½	410	2	1	663	6	10	
Western .....	158749	12	0	1d.	661	8	9½	147	13	5½	0	0	0	
.....														
1835.														
Eastern .....	302136	1	0	1½d.	1258	18	1	629	8	11	0	0	0	Assessment on county of Prescott, being in the ratio of one half of the Assessed Tax.
Ottawa .....	74031	4	0	1d.	308	9	4½	114	6	0½	70	0	2	
Bathurst .....	216186	8	0	1d.	900	15	6	0	0	0	0	0	0	Leeds and Grenville. Brockville.
Johnstown .....	329352	18	8	1d.	1372	6	0	221	0	10	62	18	10	
Midland .....	478127	0	0	1d.	1992	3	11	0	0	0	0	0	0	
Prince Edward .....	201536	0	0	1d.	1259	11	11	207	18	8½	0	0	0	
Newcastle .....	356536	9	10	1d.	1484	13	6½	248	10	1½	0	0	0	
Home .....	592019	16	0	1d.	2460	2	11½	279	9	1	0	0	0	
City of Toronto & Liberties }	227051	11	6	1d.	2838	2	10½	0	0	0	0	0	0	Rate for Member's wages ½ of 1d. in the town of Hamilton at 1d. Exemption money for Quaker's, &c. at 10s. each, £86.
Gore .....	540399	0	0	1d.	2251	13	3	434	4	10	0	0	0	
Niagara .....	471686	16	0	1d.	1966	9	3½	489	19	7½	0	0	0	
London .....	534574	12	0	1d.	2227	7	10	456	12	9	742	9	3	
Western .....	184407	2	0	1d.	768	6	9½	256	2	3	0	0	0	
.....														
1836.														
Eastern .....	316839	11	0	1½d.	1320	3	9½	660	1	9½	0	0	0	* 50 per cent. county of Prescott, ⅔ county of Russell.
Ottawa .....	81713	16	6	1d.	340	11	3	*204	16	9	0	0	0	
Bathurst .....	236203	13	7	1d.	980	17	5½	0	0	0	0	0	0	* Assessment for Police purposes.
Johnstown .....	356723	16	10	1d.	1486	6	11	148	17	0½	0	0	0	
Midland .....	506428	0	0	1d.	2110	2	4	489	7	11½	*427	1	9	
Prince Edward .....	205644	13	0	1½d.	1784	17	11½	54	5	1	0	0	0	
Newcastle .....	343912	0	0	1d.	1642	3	7½	305	4	2½	0	0	0	
Home .....	648080	0	0	1d.	2700	9	3	315	7	5	0	0	0	
City of Toronto & Liberties }	218090	18	0	....	0	0	0	0	0	0	0	0	0	Valuation only stated in Return.
Gore .....	613309	0	0	1d.	2555	9	1	498	1	8	0	0	0	
Niagara .....	477897	12	0½	1d.	1993	1	8½	429	14	6½	0	0	0	
London .....	606563	16	2	1d.	2527	6	11½	547	9	1	0	0	0	
Western .....	211787	0	0	1d.	882	8	11	264	14	7½	0	0	0	
.....														
1837.														
Eastern .....	317802	17	0	1½d.	1326	10	6½	0	0	0	659	15	1½	* ⅔ on Assessed Tax for county of Prescott, ⅔ do. for county of Russell.
Ottawa .....	86067	5	0	1d.	358	12	4	247	15	1	0	0	0	
Bathurst .....	244370	5	0	1d.	1020	2	10½	0	0	0	0	0	0	
Johnstown .....	368529	16	0	1d.	1535	10	9½	211	5	4½	0	0	0	
Midland .....	0	0	0	1d.	0	0	0	0	0	0	0	0	0	
Prince Edward .....	217768	0	0	1d.	1133	10	2	188	5	11½	0	0	0	
Newcastle .....	396708	9	4	1d.	1633	6	4½	341	1	9	0	0	0	
Home .....	699266	3	0	1d.	2928	1	3½	458	11	5½	0	0	0	

ABSTRACT ACCOUNT of the Assessments raised in the several Districts of the Province—(CONTINUED.)

Districts.	Aggregate Valuation.	Rate per Pound.	Amount collected.	Additional Rate, for Members' Wages.	Additional Rate, for Court-House & Gaol.	Remarks.
	£ s. d.		£ s. d.	£ s. d.	£ s. d.	
1837.						
City of Toronto & Liberties	71081 10 0	.....	0 0 0	0 0 0	0 0 0	The rate imposed for 1837 was 1s. 1½d. in the pound upon ratable property in the City, and ¼ of that amount in the Liberties: total calculated to be received £3-429 4s. 6½d: statute labour by male inhabitants not otherwise assessed £351: dog tax imposed by an act of the Common Council £92 10s: total £3872 14s 6½d.
Gore	0 0 0	.....	0 0 0	0 0 0	0 0 0	
Niagara	0 0 0	.....	0 0 0	0 0 0	0 0 0	
London	0 0 0	.....	0 0 0	0 0 0	0 0 0	
Western	225419 7 0	1d.	929 3 1½	312 14 10	0 0 0	
1838.						
Eastern	322292 12 0	1½d.	1342 17 6½	0 0 0	671 8 6½	{ For Members for Leeds and Grenville. * County of Hastings, Assessment for Police at Belleville at 3d. per £294 8s. 3d. { Included in the Return for Newcastle District. { * Additional rate of 1d. to be levied in county of Simcoe. Including rate at 1s. 1½d. in the pound, and ¼ of that sum for the liberties, statute labour and dog tax. { * For Court House and Jail at Woodstock and London.
Ottawa	90470 13 0	1d.	377 2 0½	244 13 4½	0 0 0	
Bathurst	255234 12 0	1d.	1062 16 1	0 0 0	0 0 0	
Johnstown	384032 11 0	1d.	1600 4 4½	212 12 11½	0 0 0	
Midland	543463 0 0	1d.	2264 8 7	448 17 4½	*646 3 11	
Prince Edward	220606 0 0	1d.	917 3 10	131 6 1½	0 0 0	
Newcastle	458008 11 8	1d.	1908 5 4½	273 0 3½	0 0 0	
Colborne and Township of Haldimand.	0 0 0	.....	672 8 7½	0 0 0	0 0 0	
Home	749135 8 0	1d.	3121 8 1½	212 0 0½	*484 16 5½	
City of Toronto & Liberties	74865 0 0	.....	3782 11 4½	0 0 0	0 0 0	
Gore	717723 0 0	1d.	2990 10 3	0 0 0	0 0 0	
Niagara	488646 3 6	1d.	2036 0 3½	388 12 9½	0 0 0	
London	513337 6 7	1d.	2188 18 0	235 19 9	*868 15 8	
Western	0 0 0	.....	0 0 0	0 0 0	0 0 0	

RETURN OF FEES,

FROM

CLERK OF THE CROWN, AND OTHER PUBLIC OFFICERS.

RETURN of the Clerk of the Crown and Pleas, for the year 1838.

	No.		£ s. d.
Non-bailable Capiases issued	2140	Fees in respect thereof	321 0 0
Bailable do. do.	298	Do. do.	49 13 4
Judgments entered	2658	Do. do.	1063 4 0
Executions issued	2754	Do. do.	688 10 0
		Fees and Emoluments in respect of all other business	675 12 8

No. of Clerks in the Office, 5.

Salary to the first	£150
Do. second	100
Do. third	75
Do. fourth	50
Do. fifth	48

The amount of compensation paid the several Deputy Clerks of the Crown, as an allowance of one-half the Fees received by them, viz:

	£	s.	d.		£	s.	d.
Western District .....	12	10	0	Midland District.....	81	5	6
London District .....	26	10	6	Johnstown District.....	32	0	8
Talbot District .....	3	6	10	Bathurst District.....	12	10	0
Gore District .....	67	10	0	Eastern District .....	16	4	8
Niagara District .....	97	7	9	Ottawa District .....	3	8	0
Newcastle District .....	45	0	0	Prince Edward District.....	No return.		

Gross amount of Fees recovered for the year 1836 .....	£2,266
Do. do. do. do. 1837 .....	2,344

CHARLES C. SMALL,  
CLERK OF THE CROWN AND PLEAS.

PROVINCIAL SECRETARY'S OFFICE,  
Toronto, 12th March, 1839.

SIR,

In obedience to the commands of His Excellency, conveyed in your letter of the 11th instant, I have the honour to transmit a Return of the Fees received in this Office, during the years 1837 and 1838, for the information of the House of Assembly.

In rendering this Return, I would respectfully remark, that I cannot be answerable for the correctness of the amounts, as they refer to periods prior to my assumption of the duties of the office. An account of Commissions and Exemplifications appears to have been kept, because the fees upon them are distributed among different Departments, although in the first instance paid into this Office—which distribution I have shewn; but there is no account of small fees for searches, &c. and I can only give a general average, which I have reason to believe is rather over than under the real amount received.

I have the honour to be,

SIR,

Your most obedient,  
Humble Servant,

R. A. TUCKER,  
Provincial Secretary.

RETURN OF FEES, taken in the Office of the Secretary of the Province, during the years 1837 and 1838, prepared in compliance with an Address of the House of Assembly to His Excellency the Lieutenant Governor.

Description of Instrument.	Total Amount of Fees.	Distribution of the foregoing.										
		Receiver General.		Attorney General.		Provincial Secretary.						
	£	s.	d.	£	s.	d.	£	s.	d.			
1837.												
Commission to James Jessup, Judge, Johnstown District Court...	7	0	0	3	10	0	2	0	0	1	10	0
Patent for Invention—Lorenzo Wilson.....	7	0	0	3	10	0	2	0	0	1	10	0
Exemplification—Rev. Mr. Anderson .....	2	14	8	0	0	0	0	13	4	2	1	4
Do. do. ....	2	14	8	0	0	0	0	13	4	2	1	4
Special Lease to John Lee .....	7	0	0	3	10	0	2	0	0	1	10	0
Patent for Invention—William White.....	7	0	0	3	10	0	2	0	0	1	10	0
Commission to William H. Draper, Solicitor General.....	7	0	0	3	10	0	2	0	0	1	10	0
Do. Christopher A. Hagerman, Attorney General .....	7	0	0	3	10	0	2	0	0	1	10	0
Do. Robert S. Jameson, Vice Chancellor.....	7	0	0	3	10	0	2	0	0	1	10	0
Do. Thomas Taylor, Judge, Gore District Court .....	7	0	0	3	10	0	2	0	0	1	10	0
Exemplification to George Hickling .....	2	14	8	0	0	0	0	13	4	2	1	4
Commission to Richard Bullock, Sheriff, Midland District .....	7	0	0	3	10	0	2	0	0	1	10	0
Do. John G. Spragge, Master in Chancery .....	7	0	0	3	10	0	2	0	0	1	10	0
Exemplification—George Cunningham .....	2	14	8	0	0	0	0	13	4	2	1	4
Do. Johnson Butler.....	2	14	8	0	0	0	0	13	4	2	1	4
Commission to George S. Jarvis, Judge, Johnstown District Court,	7	0	0	3	10	0	2	0	0	1	10	0
Do. Allan Macdonell, Sheriff, Gore District.....	7	0	0	3	10	0	2	0	0	1	10	0
Exemplification of Provincial Act, 2nd William IV. chapter 11,	2	14	8	0	0	0	0	13	4	2	1	4
Commercial Bank, Midland District .....	2	14	8	0	0	0	0	13	4	2	1	4
Exemplification—Matthew Gibson .....	2	14	8	0	0	0	0	13	4	2	1	4
Do. Elizabeth Dean .....	2	14	8	0	0	0	0	13	4	2	1	4
Commission to Owen McMahon, Sheriff, Prince Edward District.	7	0	0	3	10	0	2	0	0	1	10	0
Do. James Hamilton, Sheriff, London District .....	7	0	0	3	10	0	2	0	0	1	10	0
Carried forward.....										37	10	8.

## RETURN OF FEES taken in the Provincial Secretary's Office, in 1837 and 1838—CONTINUED.

Description of Instrument.	Total Amount of Fee.	Distribution of the foregoing.					
		Receiver General.		Attorney General.		Provincial Secretary.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Brought forward.....						37 10 8	
1837.							
Exemplification to Donald Grant .....	2 14 8	0 0 0	0 13 4	2 1 4			
Commission to Robert Lachlan, Sheriff, Western District .....	7 0 0	3 10 0	2 0 0	1 10 0			
Exemplification to James Fitzgerald .....	2 14 8	0 0 0	0 13 4	2 1 4			
Do. do. ....	2 14 8	0 0 0	0 13 4	2 1 4			
Do. R. Bedell .....	2 14 8	0 0 0	0 13 4	2 1 4			
Do. D. McCarthy .....	2 14 8	0 0 0	0 13 4	2 1 4			
Do. W. Ross .....	2 14 8	0 0 0	0 13 4	2 1 4			
Do. F. Carle .....	2 14 8	0 0 0	0 13 4	2 1 4			
Commission to George Malloch, Judge, Bathurst District Court ..	7 0 0	3 10 0	2 0 0	1 10 0			
Exemplification to Jacob Nevills .....	2 14 8	0 0 0	0 13 4	2 1 4			
Affixing the Great Seal to a Power of Attorney for Charles Griffith,	4 13 4	3 10 0	0 0 0	1 3 4			
Exemplification to George Stuart.....	2 14 8	0 0 0	0 13 4	2 1 4			
Total for 1837 .....						60 6 0	
1838.							
Commission to Allan McDonell, Sheriff, Midland District .....	7 0 0	3 10 0	2 0 0	1 10 0			
Exemplification to Isaac Mattice .....	2 14 8	0 0 0	0 13 4	2 1 4			
Do. D. McDonald .....	2 14 8	0 0 0	0 13 4	2 1 4			
Commission to H. V. A. Rapelje, Sheriff, Talbot District .....	7 0 0	3 10 0	2 0 0	1 10 0			
Do. John P. Carey, Judge, District Court, Talbot District,	7 0 0	3 10 0	2 0 0	1 10 0			
Do. John Joseph, Clerk, Legislative Council.....	7 0 0	3 10 0	2 0 0	1 10 0			
Do. John Willson, Judge, Surrogate Court, Gore District,	7 0 0	3 10 0	2 0 0	1 10 0			
Do. William Hepburne, Registrar, Court of Chancery..	7 0 0	3 10 0	2 0 0	1 10 0			
Exemplification to John Pratt .....	2 14 8	0 0 0	0 13 4	2 1 4			
Do. G. Harris .....	2 14 8	0 0 0	0 13 4	2 1 4			
Do. D. Harris .....	2 14 8	0 0 0	0 13 4	2 1 4			
Do. William Harkness .....	2 14 8	0 0 0	0 13 0	2 1 4			
Total for 1838 .....						21 8 0	
Total amount of Fees received in 1837 .....						60 6 0	
Do. do. in 1838 .....						21 8 0	
						81 14 0	
The amount derived from searches, certificates, copies, &c. cannot be correctly ascertained, as no account has ever been kept of them. The late Secretary was never very strict in exacting them, and the <i>extreme average</i> is taken in giving them at £7 10s. per annum: they certainly did not amount to that sum in 1838 .....						15 0 0	
Total received in 1837 and 1838 .....						96 14 0	

R. A. TUCKER,  
Provincial Secretary.

PROVINCIAL SECRETARY'S OFFICE,  
Toronto, 12th March, 1839.

SURVEYOR GENERAL'S OFFICE,  
Toronto, 24th March, 1839.

Sir,

In obedience to the commands of His Excellency the Lieutenant Governor, conveyed in your letter of the 11th instant, I have the honour herewith to transmit for the information of the Honourable the House of Assembly a Return of the Fees received in this office, during the years 1837 and 1838.

I have the honour to be,

Sir,

Your most obedient

Humble Servant,

R. B. SULLIVAN,  
Surveyor General

Hon. JOHN MACAULAY,  
Civil Secretary.

RETURN OF FEES received in the Surveyor General's Office, during the years 1837 and 1838.

	£	s.	d.	£	s.	d.
Fees received in the year 1837.....	113	3	0			
Fees on Schedules of Granted and Leased Lands, furnished to the District Treasurers, for the year ending 30th June, 1837.....	38	12	6			
Total for the year 1837.....				151	15	6
Amount of Fees from 1st January to 9th June, 1838, received by the former Surveyor General.....	15	11	3	By Hon. J. Macaulay.		
Fees from June to December, 1838.....	20	10	6			
Fees on Schedules of Granted and Leased Lands, furnished to District Treasurers, for the year ending 30th June, 1838.....	28	0	0	By Hon. R. B. Sullivan.		
Total for the year 1838.....					64	1
						£ 215 17 3

Surveyor General's Office, Toronto,  
12th March, 1839.

R. B. SULLIVAN,  
Surveyor General.

Letter from John Stuart, Clerk of Assize.

LONDON, 18th March, 1839.

SIR,

I have the honour to acknowledge the receipt of your letter of the 11th instant, requesting me to forward to the Government Office, without delay, a return of the Fees receivable by me as Clerk of Assize, for the years 1836, 1837 and 1838, in pursuance of an Address of the House of Assembly.

In answer to which I beg to state, that I have acted as Clerk of Assize during the year of 1838 only, and that the Fees received by me during that period amount to about £400, including my Fees as Clerk of Arraigns to the Special Commission opened at Hamilton, in the month of March in the same year, for the trial of persons accused of Treason, Misprision of Treason, and Treasonable practices.

I would further beg to state, that had I expected to have been called upon for such a return I should have taken the necessary means to enable me to make a return of the precise amount.

I have the honour to be,

Sir,

Your most obedient, humble Servant,

JOHN STUART.

The Honourable JOHN MACAULAY,  
&c. &c. &c.

Letter and Return from J. F. Taylor, Clerk of Assize.

TORONTO, 13th March, 1839.

SIR,

Agreeably to the request contained in your letter of the 11th instant, I have the honour to transmit herewith the information required by the House of Assembly, in an Address to His Excellency the Lieutenant Governor, so far as the same appertains to my office, as one of the Clerks of Assize.

I have the honour to be,

Sir,

Your most obedient humble Servant,

J. F. TAYLOR.

To the Honourable JOHN MACAULAY,  
Private Secretary to His Excellency the Lieut. Governor,  
&c. &c. &c.

A RETURN OF FEES received by me as Clerk of Assize, for Criminal as well as Civil business, done and performed at the Courts of Oyer and Terminer and General Goal Delivery, prepared by order of His Excellency the Lieutenant Governor, for the purpose of being laid before the House of Assembly.

	£	s.	d.
1836. Newcastle, Prince Edward and Niagara Districts.....	183	1	6
1837. Nothing received in this year.			
1838. My Accounts for services rendered as Clerk to two Special Commissions, issued for the trial of State Prisoners in the Districts of London and Niagara, remain at present unpaid, but they are before the Honourable the Board of Audit for their decision.			

J. F. TAYLOR,  
Clerk of Assize.

Toronto, 13th March, 1839.

**Letter and Return from N. A. Geddes, Clerk of Assize.**

TORONTO, 13th March, 1839.

SIR :

In compliance with the request contained in your communication of the 11th instant, I beg to inclose, for the information of the House of Assembly, my accounts of fees receivable as Clerk of Assize, for the year 1838,—my appointment to the office dating from April in that year.

I have the honour to be,

Sir,

Your most obedient, humble Servant,

W. A. GEDDES.

The Honourable JOHN MACAULAY,  
*Private Secretary.*

RETURN OF FEES receivable by the Clerk of Assize for the Eastern Spring Circuit, and Western Fall Circuit,  
for the year 1838.

<i>Johnstown District</i> .....	Civil Account .....	£ 54 10 0	66 11 6
	Criminal do. ....	12 1 6	
<i>Eastern District</i> .....	Civil Account .....	10 14 6	12 7 0
	Criminal do. ....	1 12 6	
<i>Ottawa District</i> .....	Civil Account .....	2 10 0	3 10 0
	Criminal do. ....	1 0 0	
<i>Bathurst District</i> .....	Civil Account .....	17 10 0	20 10 0
	Criminal do. ....	3 0 0	
<i>Talbot District</i> .....	Civil Account .....	1 5 0	3 17 6
	Criminal do. ....	2 12 6	
<i>London District</i> .....	Civil Account .....	46 12 6	60 8 0
	Criminal do. ....	13 15 16	
<i>Western District</i> .....	Civil Account .....	16 0 0	22 10 0
	Criminal do. ....	6 10 0	
Total .....			189 14 0

W. A. GEDDES,

*Acting Clerk of Assize.*

TORONTO, 13th March, 1839.

**Letter and Return from James M. Cawdell, Clerk of Assize.**

TORONTO, 13th March, 1839.

SIR :

In pursuance of the request of His Excellency the Lieutenant-Governor, specified in your letter of the 11th instant, I have the honour to transmit to you the abstract of the Fees I received as Clerk of Assize, for the years 1836 and 1837.

In consequence of ill health, I resigned the appointment in 1838, and Mr. Geddes was appointed;—of course I do not know the amount of his Fees; I have, however written to him, informing him of your letter to me, in case you have not communicated to him yourself.

I have the honour to be,

Sir,

Your most obedient, humble Servant,

JAMES M. CAWDELL,

To the Honourable JOHN MACAULAY,  
*Secretary to His Excellency,*  
*&c. &c. &c.*

ABSTRACT of the Fees received by JAMES M. CAWDELL, as Clerk of Assize, for the years 1836 and 1837.

1836.		£	s.	d.
<i>Midland, Johnstown, Bathurst, and Eastern Districts.</i>				
Fees received by Clerk of Assize, at Nisi Prius, for the above Districts .....		167	4	6
Criminal Account for ditto .....		43	15	0
		210	19	6
Travelling expenses during the Circuit .....		£ 45	12	0
<i>Newcastle and Niagara Districts.</i>				
1837.				
Fees received by Clerk of Assize, at Nisi Prius, for these Districts .....		305	8	6
Criminal Account for ditto .....		31	5	6
		336	14	0
Travelling expenses during the Circuit .....		£ 33	10	0

TABLE OF FEES authorized by the Judges to be taken by the Clerks of Assize.

	£	s.	d.
<i>Civil side—</i>			
Entering Record .....	0	5	0
Impannelling and Swearing Jury, Swearing all the Witnesses, and Filing the Exhibits....	0	12	6
Entering Postea.....	0	5	0
Rule of Reference.....	0	5	0
Subpœna.....	0	2	6
<i>Criminal Side—</i>			
Precept to Sheriff, each District.....	0	10	0
Impannelling and Swearing Grand Jury, each District .....	0	10	0
Filing Presentment and Indictments, each .....	0	2	6
Bench Warrant.....	0	3	0
Subpœna.....	0	2	0
Arreigning each Prisoner .....	0	2	6
Impannelling and Swearing Jury, Swearing Witnesses.....	0	15	0
Recording each Sentence .....	0	2	6
Taking Recognizance .....	0	2	6
Estreating Recognizance.....	0	5	0
Discharging each Prisoner by Proclamation.....	0	2	6
Each Calender of Sentences and Convictions .....	0	2	6
Return of Criminal Proceedings of Circuit to Crown Office .....	0	10	0

13th March, 1838.

JAMES M. CAWDELL.

Letter and Return from Samuel Sherwood, Clerk of Assize.

SIR,

I have the honour to enclose a return of Fees received by me as Clerk of Assize, during the year 1838, the only year in which I acted in that capacity.

I have the honour to be,

Sir,

Your most obedient Servant,

SAMUEL SHERWOOD, C. A.

The Honourable J. MACAULAY,  
Government Office.

RETURN of the amount of Fees payable to me as Clerk of Assize, during the year 1838, being the only year in which I held that situation.

	£	s.	d.
District of Talbot, in Criminal cases.....	10	7	6
“ Niagara, in Civil cases.....	72	0	0
“ Bathurst, in Civil cases .....	22	10	0
“ Ottawa, in Civil cases .....	5	7	6
“ Do. in Criminal cases .....	2	10	0
“ Eastern, in Civil cases.....	23	12	6
“ Do. in Criminal cases .....	4	2	6
“ Johnstown, in Civil cases .....	86	0	0
“ Do. in Criminal cases .....	6	14	0
	£273	4	0

SAMUEL SHERWOOD, C. A.

## STATEMENT of Fees received by J. S. Macdonell, as Clerk of Assize for the years 1837 and 1838.

		£	s.	D.
1837.				
Amount of Civil fees, in three Districts .....	£210	7	6	
Amount of Criminal ditto .....	49	0	0	
				259 7 6
1838.				
Amount of Civil fees, in six Districts .....	£177	5	0	
Amount of Criminal ditto .....	51	0	0	
				228 5 0
				£487 12 6

TORONTO, 23rd March, 1839.

J. S. MACDONELL.

## AFFAIRS OF THE CANADA COMPANY.

CANADA COMPANY'S OFFICE,  
Toronto, 12th March, 1839.

SIR,

I have to acknowledge the receipt of your letter of yesterday's date, enclosing an Address of the House of Assembly, and informing us that it is the desire of His Excellency the Lieutenant Governor, we should prepare and forward to your office, the information therein required.

In compliance, therefore, with His Excellency's request, I have now the honour to submit the following:

The information desired by the House of Assembly from His Excellency, is a—

*Statement* of the several sums expended by the Canada Company, during the year 1838, in making roads, building bridges, and in other improvements under the 30th article of the agreement between Her Majesty's Government and the Canada Company; as also a—

*Statement* of the lands purchased by the Canada Company, from Her Majesty's Government; and a—

*Statement* of the names of all settlers placed upon the said lands during the year 1838.

The works for which the Canada Company have obtained credit, under the improvement clauses of their agreement with Her Majesty's Government, are the following erection of Bridges:—

Over the river Bayfield, on the road to—

The Tuckersmith Mills .....	£100	0	0
Avon, at Stratford .....	80	0	0
Black Creek, Ellice .....	64	15	0
Whirl Creek, Logan .....	70	0	0
Carron Brook, McKillop .....	75	0	0
Runsthaller's Creek, Ellice .....	15	0	0
Bayfield, on the London road, between the townships of Tuckersmith and Stanley .....	223	3	10
Opening roads from Stratford to Zorra, 7½ miles, and making the necessary crossways .....	621	10	0
London road to the new mills, and building a bridge thereon .....	24	7	6
Total .....	£1273	16	4

There are several other extensive works now in progress, on which a large amount has been expended, but they are not yet completed—or, if finished, could not be inspected, owing to the snow, so as to enable us to lay the proper vouchers for the due performance of the work, by the Canada Company, before His Excellency.

The lands for which patents have been applied are for the Crown Reserves, quarters ending—

1838.	Acres.
20th March .....	1178
20th June .....	1700
20th September .....	1912
20th December .....	1700
Total .....	6490

The lands located have been—

Crown Reserves .....	8398
Huron Tract .....	7066½
Guelph .....	254
Total .....	15,718½

Exclusive of settlement in the Towns.

The Returns already submitted to His Excellency the Lieutenant Governor, contain all the further information required, viz:

The names of the parties who have taken up lands, and the particulars of the lots so taken up; but a duplicate Return, containing those particulars shall be prepared next week, which I trust will be sufficiently early, as, for any useful purpose, all the information which can be required by the House of Assembly is here given.

I have the honour to be,

SIR,

Your very obedient servant,

THOMAS MERCER JONES,  
Commissioner.

The Honourable JOHN MACAULAY,  
&c. &c. &c.

EXECUTIVE COUNCIL OFFICE,  
Toronto, 12th March, 1839.

SIR,

I have the honour to acknowledge the receipt of your letter of the 11th instant, transmitting copy of an Address from the House of Assembly, relative to the Canada Company, and herewith enclose five documents.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

WILLIAM H. LEE.

The Honourable JOHN MACAULAY,  
&c. &c. &c.

RETURN OF SETTLEMENTS, made by the Canada Company, on the Crown Reserves, from the 20th December, 1837, to 20th June, 1838.

Date.	Name.	District.	Township.	Concession.	Lots.	Acres.	Acres in Townships.	Acres in District.
1838.								
Feb'y. 1	G. Patterson .....	Ottawa....	Osgoode .....	6	18 N $\frac{1}{2}$	100		
April 30	K. McKaskill.....	do	Hawkesbury, East,	5	24 S $\frac{1}{2}$	100	100	
	6 John Fraser .....	do	Hawkesbury, West,	2	3 S. $\frac{1}{2}$	100	100	
	30 Philip Downing .....	do	Caledonia .....	5	21 N. $\frac{1}{2}$	100	100	
Jan'y. 8	H. Graham.....	Johnstown.	Marlborough .....	2	12 S. $\frac{1}{2}$	100	100	400
1837.								
Dec'r. 23	Callaghan McCarthy..	Midland...	Pittsburgh .....	4	23 E $\frac{1}{2}$	100		
	23 Thomas Cogan .....	do	do	4	23 W $\frac{1}{2}$	100	200	
1838.								
March 9	David McConnell .....	do	Tyindenaga .....	4th N.R.	20	120	120	
May.. 23	Hamnet Pinhey.....	Bathurst ..	March .....	3	22 N. $\frac{1}{2}$	100	100	320
Feb'y. 20	James Wilson.....	do	Fitzroy.....	6	16 R. $\frac{1}{2}$	100	100	
June. 12	James Russel .....	do	Pukenham .....	10	16 R. $\frac{1}{2}$	100	100	
March 6	Andrew McKenzie ...	do	Ramsay .....	7	27	92	100	
June. 16	William Drummond ..	do	do	12	8 E. $\frac{1}{2}$	100	192	
March 8	John Donald .....	do	Dalhousie .....	9	14 E. $\frac{1}{2}$	100	100	
								592
			Carried forward.....					1412

RETURN OF SETTLEMENTS, made by the Canada Company, on the Crown Reserves—(CONTINUED.)

Date.	Name.	District.	Township.	Concession.	Lot.	Acres	Acres in Townships.	Acres in District.
1837.			Brought forward.....					
Dec'r. 28	Farquhan Campbell...	Western...	Oxford, R.N.M.R.	3	16	66		1412
Feb'y. 5	William Freeland ....	do	Zone .....	7	28 W $\frac{1}{2}$	100	66	
May.. 7	Robert Whitson .....	do	Dawn .....	9	11 E. $\frac{1}{2}$	100	100	
June.. 1	James Garrisforth ....	Newcastle	Murray .....	6	24 N. $\frac{1}{2}$	100	100	266
April 12	Terence O'Donell ...	do	Percy .....	5	21 S. $\frac{1}{2}$	100	100	
May.. 5	William Hreny.....	do	Cramahe .....	4	30 S. $\frac{1}{2}$	100	100	
June.. 8	J. A. Keeler .....	do	do	7	34 N. $\frac{1}{2}$	100		
June.. 1	Caleb Malloney.....	do	do	8	30 N. $\frac{1}{2}$	100		
March 30	Thomas Johnston.....	do	Belmont .....	11	3 E. $\frac{1}{2}$	100	300	
Feb'y. 8	James Millar .....	do	Clarke .....	7	5 W. $\frac{1}{2}$	100	100	
8	George Langstaff.....	do	do	7	5 E. $\frac{1}{2}$	100		
June. 14	Hugh Johnston.....	do	Manvers .....	11	23 S. $\frac{1}{2}$	100	200	
							100	
			Total Acres .....					900
								2578

LIST OF LANDS, for which the Canada Company are desirous of obtaining a Patent.

District.	Towuship.	Con.	Lot.	Acres.	Acres in Town.	Acres in District.	
Gore District.....	Flamboro' East.....	9	3 S. $\frac{1}{2}$	100	745		
	Do .....	11	2	200			
	Do .....	11	3	200			
	Do .....	11	9 S. $\frac{1}{2}$	100			
	Do .....	13	9 N.W. $\frac{1}{2}$	100			
	Do .....	14	5	45			
	Flamboro' West.....	5	13	200			
	Do .....	6	12	200			
	Beverley .....	7	23 S. $\frac{1}{2}$	100			400
	Do .....	7	25	200			
	Do .....	8	11	200			
	Do .....	8	13 N. $\frac{1}{2}$	100			
	Do .....	8	15	200			
	Do .....	8	22 S. $\frac{1}{2}$	100			
	Do .....	8	26 S. $\frac{1}{2}$	100			
	Do .....	8	28 S. $\frac{1}{2}$	100			
	Do .....	9	36	200			
	Do .....	10	20	100			
	Do .....	10	28	100			
	Wilmot, Block B.....	1	1 N. $\frac{1}{2}$	100	1500		
	Do .....	1	2 N. $\frac{1}{2}$	100			
	Do .....	1	3	200			
	Do .....	1	4	200			
	Do .....	1	5	200			
	Do .....	1	6	200			
	Do .....	1	7	200			
	Do .....	1	8 S. $\frac{1}{2}$	100			
	Do .....	1	9 S. $\frac{1}{2}$	100			
	Do .....	1	15	200			
	Do .....	1	16	200			
	Do .....	1	17	200			
	Do .....	1	18	200			
Do .....	1	19	200				
Do .....	1	20	200				
	Carried forward .....			2600	2645		

LIST OF LANDS, for which the Canada Company are desirous of obtaining a Patent—CONTINUED.

District.	Township.	Con.	Lot.	Acres.	Acres in Townships.	Acres in District.
	Brought forward .....			2600		
Gore District .....	Wilmot, Block B. ....	1	21	200	2645	
	Do .....	1	22	42		
	Do .....	2	1	200		
	Do .....	2	2	200		
	Do .....	2	3	200		
	Do .....	2	4	200		
	Do .....	2	5	200		
	Do .....	2	6	200		
	Do .....	2	7	200		
	Do .....	2	8 N $\frac{1}{2}$	100		
	Do .....	2	13	200		
	Do .....	2	15	200		
	Do .....	2	16	200		
	Do .....	2	17	200		
	Do .....	2	18	200		
	Do .....	2	19	200		
	Do .....	2	20	200		
	Do .....	2	21	200		
	Do .....	2	22	10		
	Do .....	3	1	114		
	Do .....	3	2	124		
	Do .....	3	3	134		
	Do .....	3	4	144		
	Do .....	3	5	155		
	Do .....	3	6	165		
	Do .....	3	7	176		
	Do .....	3	8	186		
	Do .....	3	9	196		
	Do .....	3	10	200		
	Do .....	3	11	200		
	Do .....	3	12	200		
	Do .....	3	13	200		
	Do .....	3	14	200		
	Do .....	3	15	200		
	Do .....	3	16	200		
	Do .....	3	17	200		
	Do .....	3	18	200		
	Do .....	3	19	200		
	Do .....	3	20	200		
	Do .....	3	21	177		
	Do .....	4	10	4		
	Do .....	4	11	14		
	Do .....	4	12	24		
	Do .....	4	13	35		
	Do .....	4	14	45		
	Do .....	4	15	55		
	Do .....	4	16	66		
	Do .....	4	17	76		
	Do .....	4	18	86		
	Do .....	4	19	97		
	Do .....	4	20	107		
	Do .....	4	21	89		
					10421	
Niagara District .....	Caistor .....	3	8	200		13066
	Do .....	3	16	200		
	Do .....	4	7	200		
	Do .....	4	13	200		
	Do .....	5	2	200		
	Do .....	5	8	200		
	Do .....	5	16	200		
	Do .....	5	21 S. $\frac{1}{2}$	100		
	Do .....	6	7	200		
	Do .....	6	13	200		
	Do .....	6	19 S. $\frac{1}{2}$	100		
	Rainham .....	4	12	200	2000	
	Do .....	4	15	135		
	Do .....	4	16	64		
	Carried forward .....			399	2000	13066

LIST OF LANDS, for which the Canada Company are desirous of obtaining a Patent—(CONTINUED.)

District.	Township.	Con.	Lot.	Acres.	Acres in Township.	Acres in District.	
Niagara District .....	Brought forward .....			399	2000	13066	
	Rainham .....	5	4	200			
	Do .....	5	5	200			
	Do .....	5	6	200			
	Do .....	5	11	198			
	Do .....	6	5	200			
	Do .....	7	4	200			
	Do .....	8	5	36			
	Walpole .....	3	11 N.	100			
	do .....	4	20 N.	100			
	do .....	5	11	200			
	do .....	5	23	200			
	do .....	6	5	200			
	do .....	6	15	200			
	do .....	6	20 S.	100			
	do .....	7	4 S.	100			
	do .....	9	4	200			
	do .....	9	11	200			
	do .....	9	12	200			
	do .....	9	23	200			
	do .....	10	5	200			
	do .....	10	7	200			
	do .....	10	14	200			
	do .....	11	4	200			
	do .....	11	6	200			
	do .....	11	11	200			
	do .....	12	5	200			
	do .....	12	14	200			
	do .....	12	16	200			
	do .....	13	4	200			
do .....	13	8	200				
do .....	13	13	200				
do .....	14	5	200				
do .....	16	4	200				
London District .....	Woodhouse .....	3	21	200	4800	8433	
	do .....	4	20	200			
	do .....	5	21	200			
	do .....	5	23	200			
	Townsend .....	1	4 S	100	800		
	do .....	2	20 S	100			
	do .....	3	4	200			
	do .....	4	5 S	100			
	do .....	5	4 N	100			
	do .....	6	15 N	100			
	do .....	7	23	200			
	do .....	9	23	200			
	do .....	10	15	200			
	do .....	11	17	200			
	do .....	12	15 N	100			
	do .....	12	20 E	100			
	do .....	13	21	200			
	do .....	13	23 S	100			
	Windham .....	1	21 N	100			2000
	do .....	1	23 S	100			
do .....	3	11	200				
do .....	3	23 N	100				
do .....	4	15	200				
do .....	5	4	200				
do .....	5	11	200				
do .....	5	21 S	100				
do .....	5	23 S	100				
do .....	6	15	200				
do .....	7	4 S	100				
do .....	7	11	200				
do .....	7	21	200				
Carried forward .....				2000	2300	21099	

LIST OF LANDS, for which the Canada Company are desirous of obtaining a Patent—(CONTINUED.)

District.	Township.	Con.	Lot.	Acres.	Acres in Townships.	Acres in District.
	Brought forward .....			2000	2800	21499
London District .....	Windham .....	7	23	200		
	do .....	8	15	200		
	do .....	8	20	200		
	do .....	9	11	200		
	do .....	9	21	200		
	do .....	9	23	200		
	do .....	10	15	200		
	do .....	11	11	200		
	do .....	12	15	200		
	do .....	13	21	200		
	Houghton, R. W. N. R. ....	1	4	200	4000	
	do .....	1	11 E ½	100		
	do .....	1	14	200		
	do R. E. do. ....	1	1 N ½	100		
	do .....	1	5	200		
	do .....	1	7	200		
	do .....	1	15	200		
	do .....	1	20	155		
	do .....	1	4	200		
	do .....	1	11	200		
	do .....	2	5	200		
	do .....	2	7	200		
	do .....	2	15	200		
	do .....	3	4	200		
	do .....	3	7	200		
	do .....	3	11	200		
	do .....	4	1	200		
	do .....	4	5	200		
	do .....	4	13	185		
	do .....	5	14	200		
	do .....	5	11	135		
	do .....	6	1 W ½	100		
	do .....	6	5	200		
	do .....	6	8	200		
	do .....	6	10	100		
	Zoria .....	1	21 E ½	100	4525	
	do .....	1	28	200		
	do .....	1	34	200		
	do .....	2	24	200		
	do .....	2	30 E ½	100		
	do .....	3	28	200		
	do .....	3	34	200		
	do .....	4	30 W ½	100		
	do .....	5	28	200		
	do .....	5	34	200		
	do .....	6	24	200		
	do .....	6	30	200		
	do .....	6	36	40		
	do .....	7	28	200		
	do .....	7	34	200		
	do .....	8	30	200		
	do .....	9	21 E ½	100		
	do .....	9	28	200		
	do .....	9	34	200		
	do .....	10	24 E ½	100		
	do .....	10	30	200		
	do .....	10	36	40		
	do .....	11	28	200		
	do .....	11	34	200		
	do .....	12	15 E ½	100		
	do .....	12	30	200		
	do .....	13	21	200		
	do .....	13	28	200		
	do .....	13	34	200		
	do .....	14	24	200		
	do .....	14	30	200		
	do .....	15	21	200		
	Carried forward .....			5480	11325	21498

LIST OF LANDS, for which the Canada Company are desirous of obtaining a Patent—CONTINUED.

District.	Township.	Con.	Lot.	Acres.	Acres in Townships.	Acres in District.	
	Brought forward .....			5480	11325	21499	
London District .....	Zorra .....	15	28	200			
	do .....	15	34	200			
	do .....	16	30	200			
	do .....	17	28	200			
	do .....	17	34	200			
	do .....	18	30	120			
	do .....	19	34	60			
		Blenheim .....			200	6660	
	do .....	3	21	200			
	do .....	3	23	200			
	do .....	4	20	200			
	do .....	5	21	200			
	do .....	5	23	200			
	do .....	6	15	130			
	do .....	6	20	200			
	do .....	7	4 S ½	100			
	do .....	7	11	200			
	do .....	7	21 N ½	100			
	do .....	7	23	200			
	do .....	8	15	200			
	do .....	8	20	200			
	do .....	9	11	200			
	do .....	9	21	200			
do .....	9	23	200				
do .....	10	15	200				
do .....	10	20	200				
do .....	11	21	200				
do .....	11	23	200				
do .....	12	15 S ½	100				
do .....	12	20	200				
do .....	14	23	200				
	Oxford, Northern District .....	2	4	209	4230		
do do do .....	4	4 N ½	100				
	Norwich .....	3	24	200	300		
do .....	8	6	200				
do .....	9	3 S ½	100				
do .....	9	24 S ½	100				
do .....	10	6 N ½	100				
do .....	10	20	200				
do .....	10	27	200				
do .....	11	3 S ½	100				
do .....	11	10	200				
do .....	11	17	200				
do .....	11	24	200				
do .....	12	6	200				
do .....	12	13	200				
do .....	12	20	184				
do .....	12	27	200				
	Yarmouth .....	13	6	140	2584		
do .....	13	18	48				
	Southwold .....	1	4	120	188		
do .....	1	11	99				
do .....	2	15	200				
do .....	3	4	200				
do .....	3	11	200				
do .....	4	5	200				
do .....	4	15	200				
	Dunwich .....	A.	4	90	1219		
do .....	A.	21	100				
do .....	A.	23	170				
do .....	1	4	200				
do .....	1	11	200				
do .....	1	21	200				
do .....	1	23	200				
do .....	2	5	200				
	Carried forward .....			1360	26506	21499	

LIST OF LANDS, for which the Canada Company are desirous of obtaining a Patent—(CONTINUED.)

District.	Township.	Con.	Lot.	Acres.	Acres in Townships.	Acres in District.			
London District	Brought forward			1360	26506	21499			
	Danwich	2	20	200					
	do	2	15	200					
	do	2	B.	60					
	do	3	4	200					
	do	3	11	200					
	do	3	21	200					
	do	3	23	200					
	do	4	5	200					
	do	4	15	200					
	do	4	20	200					
	do	North Concession A.	5	5			200		
	do	do	5	15			200		
	do	do	5	20			200		
	do	do	5	C.			200		
	do	do	A	4			200		
	do	do	A	5			200		
	do	do	A	13			200		
	do	do	A	15			200		
	do	do	A	20			200		
	do	do	A	B N $\frac{1}{2}$			100		
	do	South Con. A.	5	4			200		
	do	do	5	6			200		
	do	do	5	7			200		
	do	do	5	8			200		
	do	do	5	11			200		
	do	do	5	13			200		
	do	do	5	14			200		
	do	do	5	17			200		
	do	do	5	18			200		
	do	do	5	19			200		
	do	do	5	21			200		
	do	do	5	23			200		
	do	do	6	5			200		
	do	do	6	15 N $\frac{1}{2}$			100		
	do	do	6	20			200		
								8020	
		Aldborough	2	4 S $\frac{1}{2}$			100		
	do	do	2	5			200		
	do	do	2	12 S $\frac{1}{2}$			100		
	do	do	3	D			200		
	do	do	4	3			200		
	do	do	4	13			200		
	do	do	5	D			200		
	do	do	5	7			200		
	do	do	5	14			200		
	do	do	6	5			200		
	do	do	6	8			200		
	do	do	6	13			200		
	do	do		Gore between 6 & 7 } D			116		
do	do	do	5	116					
do	do	do	10	116					
do	do	7	C	200					
do	do	7	3	200					
do	do	7	6	200					
do	do	7	8	200					
do	do	7	13	200					
do	do	7	18	200					
do	do	7	23	200					
do	do	7	24	200					
do	do	8	D	200					
do	do	8	19	200					
do	do	9	C	200					
do	do	9	3	200					
do	do	9	13	200					
do	do	9	18	200					
do	do	9	23	200					
do	do	10	D NW $\frac{1}{2}$	100					
do	do	10	19	200					
	Carried forward			5848	34526	21499			

LIST OF LANDS, for which the Canada Company are desirous of obtaining a Patent—(CONTINUED.)

District.	Township.	Con.	Lot.	Acres.	Acres in Townships.	Acres in District.
	Brought forward .....			5848	34526	21499
London District .....	Aldborough .....	11	13	200		
	do .....	11	18	200		
	do .....	11	23	200		
	N. E. Division, or Gore B. ....	A	21	200		
	do do .....	A	23	200		
	do do .....	1	21	200		
	do do .....	2	24	200		
	do do .....	3	21	200		
	do do .....	3	23	200		
	do do .....	4	20	200		
	do do .....	4	24	200		
	Westminster, .....	3	4 N ½	100		
	do .....	3	5 N ½	100		
	do .....	3	8	200		
	do .....	4	8	200		
	do .....	5	8 S ½	100		
	do .....	5	11	200		
do .....	5	14	200			
do .....	5	21 N ½	100			
do .....	6	5	200			
do .....	6	8	200			
do .....	6	11	200			
do .....	6	14 N ½	100			
do .....	7	4	200			
do .....	7	5	200			
do .....	8	5	45			
do .....	8	11 S pt	80			
do .....	8	15 S ½	100			
					8048	
						2525
Dorchester, North .....	do .....	1	5 S ½	100		
	do .....	1	15	200		
	do .....	2	4 S ½	100		
	do .....	2	11	200		
	do .....	2	16	200		
	do .....	2	21	200		
	do .....	3	8	200		
	do .....	3	12	200		
	do .....	3	15	200		
	do .....	3	21 E ½	100		
						1700
Dorchester South .....	do .....	BF	6	160		
	do .....	do	7	120		
	do .....	1	11	200		
	do .....	2	5 S ½	100		
	do .....	2	15	200		
	do .....	2	20	200		
	do .....	3	4	200		
	do .....	3	11	200		
	do .....	3	21	200		
	do .....	3	23	200		
	do .....	4	5	200		
	do .....	4	15	200		
	do .....	4	20	200		
	do .....	5	4	200		
	do .....	5	11	200		
	do .....	5	21	200		
	do .....	5	23	200		
	do .....	6	5	200		
	do .....	6	15	200		
	do .....	6	20	200		
	do .....	7	4	200		
	do .....	7	11	200		
	do .....	7	21 S ½	100		
	do .....	8	5	200		
do .....	8	15	200			
do .....	8	20 S ½	100			
do .....	9	4	200			
do .....	9	11	200			
Carried forward .....				5180	46799	21499

LIST OF LANDS, for which the Canada Company are desirous of obtaining a Patent—(CONTINUED.)

District.	Township.	Con.	Lot.	Acres.	Acres in Townships.	Acres in District.
	Brought forward.....			5180	46799	21499
London District .....	Dorchester South .....	9	23 N $\frac{1}{2}$	100		
	do .....	10	5	200		
	do .....	10	15	200		
	do .....	11	4	200		
	do .....	11	11	200		
	do .....	12	5 N $\frac{1}{2}$	100		
	London .....	5	28 N $\frac{1}{2}$	100	6180	
	do .....	6	3	200		
	do .....	6	30 S $\frac{1}{2}$	100		
	do .....	8	3	200		
	do .....	8	9 S $\frac{1}{2}$	100		
	do .....	8	24	200		
	do .....	8	30 N $\frac{1}{2}$	100		
	do .....	9	5	200		
	do .....	10	3	200		
	do .....	10	9 N $\frac{1}{2}$	100		
	do .....	10	24	200		
	do .....	10	30	200		
	do .....	11	5	200		
	do .....	11	11	200		
	do .....	11	21 S $\frac{1}{2}$	100		
	do .....	11	28 S $\frac{1}{2}$	100		
	do .....	12	3	200		
	do .....	12	9	200		
	do .....	12	24	200		
	do .....	12	30 S $\frac{1}{2}$	100		
	do .....	13	5	200		
	do .....	13	11	200		
	do .....	13	28	200		
	do .....	14	3	200		
	do .....	14	9	200		
	do .....	14	24	200		
	do .....	15	5	200		
	do .....	15	11	200		
	do .....	15	21	200		
	do .....	16	3	129		
	do .....	16	9	138		
	do .....	16	24	165		
	Lobo .....	3	4 S $\frac{1}{2}$	100	5432	
	do .....	5	11 N $\frac{1}{2}$	100		
	do .....	7	11 S $\frac{1}{2}$	100		
	do .....	9	21	55		
	do .....	10	15 N $\frac{1}{2}$	100		
	do .....	11	11	200		
	do .....	11	21 S $\frac{1}{2}$	100		
	do .....	12	5	200		
	do .....	12	15	200		
	do .....	12	20	200		
	do .....	13	4	200		
	do .....	13	11	200		
	do .....	13	21	200		
	do .....	13	23	200		
	Carradoc, S. L. W. ....	2	20	200	2155	
	North do .....	1	4	200		
	do .....	1	11	200		
	do .....	2	1	200		
	do .....	2	5	200		
	do .....	2	15	200		
	do .....	3	4	200		
	do .....	3	11	200		
	do .....	3	21	200		
	do .....	3	23	200		
	do .....	4	2	200		
	do .....	4	4	200		
	do .....	4	5	200		
	do .....	4	15	200		
	Carried forward.....			2800	60566	21499

LIST OF LANDS, for which the Canada Company are desirous of obtaining a Patent—(CONTINUED.)

District	Township.	Con.	Lot.	Acres.	Acres in Township.	Acres in District.
	Brought forward.....			2800	60566	21499
London District .....	Carradoc, S. L. W. R. ....	4	20	200		
	do .....	5	4	200		
	do .....	5	11 S ½	100		
	do .....	5	21	200		
	do .....	6	5	200		
	do .....	6	20	200		
	do .....	6	15	200		
	do .....	7	4	200		
	do .....	7	11	200		
	do .....	7	21 N ½	100		
	do .....	8	5	200		
	do .....	8	15 N ½	100		
	do .....	8	20	200		
	do .....	9	1	200		
	do .....	9	21 S ½	100		
	do .....	9	23 S ½	100		
	do .....	10	15	200		
	do .....	10	20 N ½	100		
					5800	
Western District.....	Orford, Range N. M. Rd. ....		1 N ½	100		66856
	Do .....		5 "	100		
	Do .....		6 "	100		
	Do .....		7 "	100		
	Do .....		8 "	100		
	Do .....		9 "	100		
	Do .....	3	13	2		
	Do .....	3	14	8		
	Do .....	3	15	17		
	Do .....	3	17 S pt	80		
	Do .....	3	18	60		
	Do .....	4	9	112		
	Do .....	4	10	124		
	Do .....	4	11	120		
	Do .....	4	12	128		
	Do .....	4	13	181		
	Do .....	4	15	200		
	Do .....	4	16	200		
	Do .....	4	17	200		
	Do .....	4	18	50		
	Do .....	5	9	200		
	Do .....	5	10	200		
	Do .....	5	11	200		
	Do .....	5	12	200		
	Do .....	5	13	200		
	Do .....	5	14	200		
	Do .....	5	15	200		
	Do .....	5	16	200		
	Do .....	5	17	200		
	Do .....	5	18	63		
	Do Range S. M. R. ....		8 S ½	100		
	Do do .....	1	9	111		
	Do do .....	2	9	84		
					4240	
	Howard—range between Howard and Harwich .....		21 NE ½	100		
	do do do 2d & 3d con... ..		10	100		
	do do do do .....		11	100		
	do do do do .....		12	100		
	do do do do .....		13	100		
	do do do do .....		14	100		
	do do do do .....		15	100		
	do .....	3	10 SW ½	100		
	do .....	3	11	200		
	do .....	3	12	200		
	do .....	3	13	200		
	do .....	3	14	200		
	do .....	4	10	200		
	do .....	4	11	200		
	do .....	4	12	200		
	Carried forward.....			2200	4240	87865

LIST OF LANDS, for which the Canada Company are desirous of obtaining a Patent—(CONTINUED.)

District.	Township.	Con.	Lot.	Acres.	Acres in Townships.	Acres in District.
	Brought forward.....			2200	4240	87865
Western District.....	Howard .....	4	13	200		
	do .....	4	14	200		
	do .....	5	10	200		
	do .....	5	11	200		
	do .....	5	12	200		
	do .....	5	13	200		
	do .....	5	14	200		
	do .....	6	10	200		
	do .....	6	11	200		
	do .....	6	12	200		
	do .....	6	13	200		
	do .....	6	14	100		
	do .....	7	10	200		
	do .....	7	11	200		
	do .....	7	12	200		
	do .....	7	13	200		
	do .....	7	14 N ½	100		
	do .....	8	10	200		
	do .....	8	11	200		
	do .....	8	12	200		
	do .....	8	13	200		
	do .....	8	14 N ½	100		
	do .....	9	11 N ½	100		
	do .....	10	10 S ½	100		
	do .....	10	17 S ½	100		
	Harwich—Range west of Rd. between Howard and Harwich.....	8	W ½	100	6700	
	do do do .....	9	"	100		
	do do do .....	10	"	100		
	do do do .....	11	"	100		
	do do do .....	12	"	100		
	do do do .....	15	"	100		
	do do do .....	16	"	100		
	do do do .....	20	"	100		
	do do do .....	21	"	52		
	do .....	6	21	200		
	do .....	6	22 S ½	41		
	do .....	8	19	200		
	do .....	8	20	200		
	do .....	8	21	200		
	do .....	8	22	139		
	do .....	9	19	200		
	do .....	9	20	200		
	do .....	9	21	200		
	do .....	9	22	139		
	do .....	10	20 SE pt	100		
	do .....	10	21	200		
	do .....	11	19	200		
	do .....	11	20	200		
	do .....	11	21 NW ½	100		
	do .....	11	22	138		
	do W. Com. Road .....	2	27	200		
	do { Lot in rear of lot 27, } .....			185		
	do { 1st con. E. Com. Road, } .....					
	do from Thames .....	5	3	190	4084	
Chatham .....	do .....	5	13 S ½	100		
	do .....	5	14 N ½	100		
	do .....	6	14 "	100		
	do .....	6	15 "	100		
	do .....	7	13	200		
	do .....	7	14	200		
	do .....	7	15	200		
	do .....	7	16 S ½	100		
	do .....	8	13	200		
	do .....	8	14	200		
	do .....	8	15	200		
	do .....	8	16	200		
	Carried forward.....			1900	15024	87865

LIST OF LANDS, for which the Canada Company are desirous of obtaining a Patent—CONTINUED.

District.	Township.	Con.	Lot.	Acres.	Acres in Townships.	Acres in District.
				1900	15024	87865
Western District	Chatham	Brought forward.....				
	do	9	13	200		
	do	9	14	200		
	do	9	15	200		
	do	10	13	200		
	do	10	14	200		
	do	10	15	200		
	do	10	16	200		
	do	10	17	200		
	do	11	13	200		
	do	11	14	200		
	do	11	15	200		
	do	11	16	200		
	do	11	17	200		
	do	12	13	200		
	do	12	14	200		
	do	12	15	200		
	do	12	16	150		
					5250	
	Sandwich, S. T. Road West	292	S $\frac{1}{2}$	100		
	do	293	S $\frac{1}{2}$	100		
	do	295	S $\frac{1}{2}$	100		
	do	296	S $\frac{1}{2}$	100		
	do	298	S $\frac{1}{2}$	100		
	do	6	3 E $\frac{1}{2}$	100		
	do	6	7	111		
	do	7	1	200		
	do	7	2	200		
	do	7	3	200		
	do	7	6 E pt	92		
	do	8	1 W $\frac{1}{2}$	100		
	do	8	2 W $\frac{1}{2}$	100		
	do	8	3 E $\frac{1}{2}$	100		
	do	9	3	200		
	do	9	5 E pt	57		
	do	10	1	200		
	do	10	2	200		
	do	10	3	200		
	do	10	4	196		
	do	11	1	166		
	do	11	2	166		
	do	11	3	163		
	do	11	4	53		
	do	12	1	100		
	do	12	2	100		
	do	12	3	47		
					3551	
	Malden	8	88	200		
	do	8	89	200		
					400	
						24225
	Total					112090
<b>ERRATA.</b>						
	Deduct Niagara District, included in error					8433
						103657

CANADA COMPANY'S OFFICE,  
Toronto, 20th March. 1839.

SIR,

Agreeably with the request of His Excellency the Lieutenant Governor, communicated to us on the 11th inst. I have now the honour to inclose you the following Returns :

Of settlements made by the Canada Company, during the year, ending 1st January, 1839, upon the scattered Crown Reserves Lands in the County of Huron, Township of Guelph.

In which are specified, the names of the parties so located; numbers of the lots and concessions, and names of Townships.

I have the honour to be,

Sir,

Your very obedient Servant,

THOMAS MERCER JONES.

Commissioner.

The Honourable JOHN MACAULAY,

&c. &c. &c.

LIST OF LANDS, sold in the County of Huron, from 1st January, 1838, to 1st January, 1839.

Date.	Name.	Township.	Concession.	Lot.	Acres.
1838.					
Jan'y. 25	J. S. Thompson .....	Goderich .....	1	7	130
Feb'y. 19	John Barry .....	McGillivray .....	2	3	100
	Robert McLean .....	Tuckersmith, E. L. K. ....	6	29	121
	John Atkinson .....	Biddulph .....	4	36	100
	John Miller .....	Goderich .....	11	33	80
	William Jenkins .....	Do. ....	H. R.	18	117
March. 6	James Stuart .....	North Easthope .....	4	23	100
	Alexander Stuart .....	Do. ....	4	22, 24	200
9	M. Neilson .....	Gore of Downie .....	9	6	109
May.. 11	Henry Kirby .....	Hullett .....	1	2	100
	George Curter .....	Tuckersmith, H. R. ....	2	23	100
19	David Kinnear .....	Goderich .....	B.	11	38
26	John Hyde .....	North Easthope .....	2	18	100
	James McAleer .....	Gore of Downie .....	5	8	109
June.. 21	Robert Patterson .....	North Easthope .....	3	13	100
30	John Forbes .....	Williams, E. C. R. ....	5	11	100
	Duncan McFarlane .....	Do. ....	1	15	100
	William Halbert .....	Do. ....	17	16	100
	Hugh McIntosh .....	Do. ....	5	9, 10	189
	George Ross .....	Do. ....	6	11	132
	Charles Grant .....	Do. ....	18	29	103
July .. 2	Donald McIntosh .....	Do. ....	B. F. 5	11, 12, 13	274
	Do. ....	Do. ....	5	18	33
18	William Elliott .....	Goderich .....	4	15	80
	James Stanlack .....	Stephen .....	2	18	100
Aug't. 18	John Purdy .....	Biddulph .....	1	32	100
	Jacob Miller .....	Goderich .....	10	34	80
	John Stevens .....	Colborne, E. ....	5	1	100
Sept'r. 20	John Downey .....	McKillop .....	1	8	100
	James Scallan .....	Goderich .....	B.	1	15
21	W. Dunlop .....	Colborne, W. ....	pt. of	B	57
30	P. Grant .....	Stanley .....	1	29, 30	200
	J. Dickson .....	Tuckersmith, H. R. ....	3	15	100
	James Hodgins .....	Biddulph, S. I. R. ....	2	1	100
	Nathaniel Ryan .....	Do. ....	3	4	83
	Lachlan McIntosh .....	Goderich .....	7	27	80
	James Donaldson .....	Tuckersmith, L. R. ....	1	12	100
	Robert Nail McGillivray .....	McGillivray .....	3	22	100
	William MacIntosh .....	Goderich .....	6	32	80
	Thomas Simson .....	McGillivray .....	2	11, 12	200
	Prince Morris .....	Colborne, W. ....	11	9	100
	C. E. Hanson .....	Goderich .....	C	11	9 $\frac{3}{4}$
	M. Black .....	Do. ....	C	3	9 $\frac{3}{4}$
	C. McIntosh .....	Do. ....	5	32	80
	Henry Neill .....	McGillivray .....	3	21	100
	Carried forward .....				4611 $\frac{1}{2}$

## LIST OF LANDS, sold in the County of Huron—(CONTINUED.)

Date.	Name.	Township.	Concession.	Lot.	Acres.
1838.	Brought forward .....	.....	.....	.....	461 1/2
Sept'r. 30	Patrick Glavin .....	Biddulph .....	2	9	100
	Thomas Divine .....	Hay .....	1	27	100
	Michael Divine .....	Tuckersmith, L. R. ....	1	10	100
	M. Dugan .....	Goderich .....	3	33	80
	R. Landsborough .....	Tuckersmith, H. R. ....	3	27	100
	J. Broadfoot .....	Do. ....	3	26	100
	Isaac Erratt .....	Stanley, north of Bayfield Road..	0	7	156
Nov'r. 23	Gilbert Percy .....	Colborne, E. ....	7	6	100
30	Donald Ross .....	Tuckersmith, L. R. ....	1	22	100
	George Walker .....	Do. ....	5	30	100
	John Elliott .....	Goderich .....	5	29	80
	Alexander McGillawe .....	North Easthope .....	5	21	100
	David Murray .....	Do. ....	5	22	100
	George Capeling .....	Do. ....	2	13	100
Dec'r. 31	Joseph Kerr .....	Colborne, E. ....	8	2	100
	John Anderson .....	Goderich .....	5	28	80
	Michael Fox .....	Biddulph, N. L. R. ....	0	9	70
	Samuel Coler .....	Gore of Downie .....	7	3	109
	Thomas Nichol .....	Tuckersmith, L. R. ....	3	29	100
	Ludovick Wettlaffer .....	North Easthope .....	6	4	100
	James Niel .....	McGillivray .....	3	7	100
	James McGregor .....	Goderich .....	6	40	80
	John Quick .....	Stephen .....	2	15	100
	William Geary .....	Hay .....	1	1, 2	200
					7066 1/2

## LIST OF LANDS, sold in the Crown Reserves, from 1st January, 1838, to 1st January, 1839.

Date.	Name.	Township.	Concession.	Lot.	Acres.
1838.					
Jan'y. 8	H. Graham .....	Marlboro' .....	2	12 S 1/2	100
Feb'y. 1	George Patterson .....	Osgoode .....	6	18 N 1/2	100
	5 William Freeland .....	Zone .....	7	28 W 1/2	100
	8 James Millar .....	Clarke .....	7	5 W 1/2	100
	8 George Lanstaff .....	Do .....	7	5 E 1/2	100
	20 James Wilson .....	Fitzroy .....	6	16 R 1/2	100
March 6	A. McKenzie .....	Ramsay .....	7	27	92
	7 Major Browne .....	Wilmot, A. ....	1	22 N 1/2	100
	8 John Donald .....	Dalhousie .....	9	14 E 1/2	100
	9 David McConnell .....	Tyendinaga, N. of R. ....	4	20	120
	29 James White .....	Huntley .....	11	22 W 1/2	100
	30 Thomas Johnston .....	Belmont .....	11	3 E 1/2	100
April 9	B. F. Barfoot .....	Chatham .....	5	14 N 1/2	100
	" James Anderson .....	Do. ....	9	13 S 1/2	100
	12 Terence O'Donnell .....	Percy .....	5	21 "	100
	30 Kenneth McKaskill .....	East Hawkesbury .....	5	24 "	100
	" Philip Downing .....	Caledonia .....	5	21 N 1/2	100
May 3	Hiram Walker .....	Townsend .....	10	15	200
	5 William Henry .....	Cramahe .....	4	30 S 1/2	100
	7 Robert Whitson .....	Dawn .....	9	11 E 1/2	100
	18 Henry Massecar .....	Windham .....	5	11 S 1/2	100
	22 Thomas Brown .....	Torbolton .....	1	11 R 1/2	100
	23 H. Pinhey .....	March .....	3	22 N 1/2	100
June 1	James Gainsforth .....	Murray .....	6	24 "	100
	" Caleb Mallory .....	Cramahe .....	8	30 "	100
	8 Michael Karcher .....	Wilmot, A. ....	3	7 S 1/2	100
	" J. A. Keeler .....	Cramahe .....	7	34 N 1/2	100
	9 Henry Massecar .....	Windham .....	5	11 "	100
	12 James Russell .....	Pakenham .....	10	16 R 1/2	100
	14 Hugh Johnston .....	Manvers .....	11	23 S 1/2	100
	" G. W. Marsh .....	North Oxford .....	4	4 N 1/2	100
	16 William Drummond .....	Ramsay .....	12	8 F 1/2	100
	22 Walter Scott .....	Asphodel .....	8	9 W 1/2	100
July 9	George Ramsay .....	Sombra .....	14	22	200
	Carried forward .....	.....	.....	.....	3612

LIST OF LANDS sold in the Crown Reserves—(CONTINUED.)

Date.	Name.	Township.	Concession.	Lot.	Acres.
1838.	Brought forward.....				3612
July .. 9	Henry Laughlin .....	Mountain .....	9	4 N $\frac{1}{2}$	100
10	James Watson .....	Seymour .....	7	21 S $\frac{1}{2}$	100
26	Patrick Kernes .....	Emily .....	8	15 N $\frac{1}{2}$	100
30	John Cole .....	Cramahe .....	9	5 S $\frac{1}{2}$	100
"	John Cameron .....	Lobo .....	11	11	200
August 4	Peter O'Reilly .....	Hungerford .....	6	10	200
6	Samuel and John Molyneaux .....	Garrafraxa .....	5	11 W $\frac{1}{2}$	100
9	Nicholas Stuchy .....	Wilmot, B. .....	1	8 S $\frac{1}{2}$	100
10	Peter Gardner .....	Seymour .....	7	21 N $\frac{1}{2}$	100
13	William McCullagh .....	Osgoode .....	5	13 E $\frac{1}{2}$	100
15	Francis Freemayne .....	Yonge, (formerly Escott) .....	8	21	97
"	John Gartshore .....	Wolford .....	8	3	80
18	William Hetherington .....	Osgoode .....	5	33 E $\frac{1}{2}$	100
21	Hugh Fitzpatrick .....	Huntley .....	10	16 R $\frac{1}{2}$	100
27	James Sillers .....	Blenheim .....	14	23 S $\frac{1}{2}$	100
"	Daniel O'Neil .....	Albion .....	5	34	35
Sept'r. 3	Jos. Anderson .....	Emily .....	5	4 W $\frac{1}{2}$	100
8	R. Hyland .....	Reach .....	3	23 S $\frac{1}{2}$	100
11	A. Drader .....	Camden, East .....	3	33 S $\frac{1}{2}$	100
18	M. Horan .....	King .....	11	25 W $\frac{1}{2}$	100
Oct'r. 1	Samuel Ward .....	Huntingdon .....	6	15 S $\frac{1}{2}$	100
19	James Hird .....	Scott .....	4	3	200
"	Patrick Lynch .....	Osgoode .....	3	13 R $\frac{1}{2}$	100
20	James McClane .....	Windham .....	5	23 S $\frac{1}{2}$	100
22	Robert Jordan .....	Mariposa .....	13	21 "	100
"	Joseph Kce .....	Dorchester, South .....	11	4 N $\frac{1}{2}$	100
24	Benjamin Row .....	Darlington .....	3	28 "	100
27	William Bowes .....	Ramsay .....	5	22 F $\frac{1}{2}$	100
"	Patrick Barry .....	Cramahe .....	8	24 S $\frac{1}{2}$	100
29	James Montgomery .....	Darlington .....	4	24 "	100
30	John May .....	Mono, W. H. S. .....	2	3 E $\frac{1}{2}$	100
"	Edward Charlton .....	Lobo .....	11	21 S $\frac{1}{2}$	100
Nov'r. 9	Duncan Cameron .....	Yarmouth .....	11	4 N $\frac{1}{2}$	100
13	Job Massecar .....	Wyndham .....	7	11 S $\frac{1}{2}$	100
15	John Nix .....	Percy .....	3	4 "	100
20	James Brewster .....	Essa .....	2	9 W $\frac{1}{2}$	100
29	William Knox, and R. Leithead .....	Wilmot, A. .....	4	28	94
"	John Green, Jr. .....	Do. .....	3	25 S $\frac{1}{2}$	100
Dec'r. 3	Adam Dickson .....	Pakenham .....	9	14 F $\frac{1}{2}$	100
13	William McCandless .....	London .....	10	24 N $\frac{1}{2}$	100
"	James Nicklin .....	Garrafraxa .....	1	21 W $\frac{1}{2}$	100
17	L. McKinnon .....	Mariposa .....	12	15 N $\frac{1}{2}$	100
18	Abram Contryman .....	Wulsingham .....	4	12 "	100
26	James Trigger .....	Westminster .....	8	11 S pt	80
27	Alexander MacDonald .....	London .....	8	24 S $\frac{1}{2}$	100
31	David Baine .....	Winchester .....	7	4 E $\frac{1}{2}$	100
					8398

LIST OF LANDS sold in the Township of Guelph, from 1st January, 1898, to 1st January, 1899.

Date.	Name.	Township.	Concession.	Lot.	Acres.
1898.					
July .. 26	John Hands .....	Guelph, C. .....	5	8	100
Sept'r. 7	Robert Cleghorn .....	Do B. .....	4	11	104
Nov'r. 15	William Cleghorn .....	Do D. .....	6	20	50
					254

# RETURN OF COMMISSIONS,

ISSUED SINCE 6TH MARCH, 1838, &c.

GEO. ARTHUR.

THE LIEUTENANT GOVERNOR transmits to the House of Assembly, in compliance with the Address of the House, dated the 13th instant, a Return from the Adjutant General of Militia, of the number of Commissions issued through his Office, and for whom, since the 6th March, 1838: also a statement of the amount paid into the hands of the Receiver General, on account thereof.

*Government House,  
30th March, 1839.*

NOMINAL RETURN of Officers of the Militia, to whom Commissions have been issued from the Adjutant General's Department, from the 6th day of March, 1838, to the present date.

ADJUTANT GENERAL'S OFFICE,  
Toronto, 25th March, 1839.

REGIMENT.	RANK.	NAME.	Fd. Officers.							Assist. Surgeon and Qr. Master.		
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.			
1st Glengarry	Major	Donald Fraser	0	0	1	0	0	0	0	0	0	
do	Captain	James McDonald	0	0	0	1	0	0	0	0	0	
do	do	William Urquhart	0	0	0	1	0	0	0	0	0	
do	do	John McLennan	0	0	0	1	0	0	0	0	0	
do	do	Alexander McDougall	0	0	0	1	0	0	0	0	0	
do	do	Donald McPherson	0	0	0	1	0	0	0	0	0	
do	do	Alexander Fraser	0	0	0	1	0	0	0	0	0	
do	do	Finan McDonald	0	0	0	1	0	0	0	0	0	
do	Lieutenant	William McKenzie	0	0	0	0	1	0	0	0	0	
do	do	John McDonell	0	0	0	0	1	0	0	0	0	
do	do	Peter Grant	0	0	0	0	1	0	0	0	0	
do	do	Alexander McDonell	0	0	0	0	1	0	0	0	0	
do	do	Donald Fraser	0	0	0	0	1	0	0	0	0	
do	do	James Dingwall	0	0	0	0	1	0	0	0	0	
do	do & Adjutant	James Cumming	0	0	0	0	1	0	0	0	0	
do	do	John McBean	0	0	0	0	1	0	0	0	0	
do	do	John Hay	0	0	0	0	1	0	0	0	0	
do	do	Kenneth Murchison	0	0	0	0	1	0	0	0	0	
do	Ensign	John McPherson	0	0	0	0	0	1	0	0	0	
do	do	Angus McPherson	0	0	0	0	0	1	0	0	0	
do	do	Angus McDonell	0	0	0	0	0	1	0	0	0	
do	do	Robert McLennan	0	0	0	0	0	1	0	0	0	
do	do	John Rose	0	0	0	0	0	1	0	0	0	
do	do	James Grant	0	0	0	0	0	1	0	0	0	
do	do	Donald McPherson	0	0	0	0	0	1	0	0	0	
do	do	Malcolm McGruer	0	0	0	0	0	1	0	0	0	
do	do	James Curry	0	0	0	0	0	1	0	0	0	
do	do	Donald Cameron	0	0	0	0	0	1	0	0	0	
do	Quarter-Master	Arthur Campbell	0	0	0	0	0	0	0	0	1	
do	Surgeon	Donald E. McIntyre	0	0	0	0	0	0	0	0	1	
Total			0	0	1	7	10	10	0	0	1	1

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.						Staff.			
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
3rd Glengarry	Major	Donald McDonell	0	0	1	0	0	0	0	0	0	0
do	Captain	Donald McDonell	0	0	0	1	0	0	0	0	0	0
do	do	Alexander Cameron	0	0	0	1	0	0	0	0	0	0
do	do	John Stewart	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Roderick McGillivray	0	0	0	0	1	0	0	0	0	0
do	do	Duncan McMillan	0	0	0	0	1	0	0	0	0	0
do	do	William McDonald	0	0	0	0	1	0	0	0	0	0
do	do	Duncan McPherson	0	0	0	0	1	0	0	0	0	0
do	do	John McMillan	0	0	0	0	1	0	0	0	0	0
do	Ensign	Theodore Chisholm	0	0	0	0	0	1	0	0	0	0
do	do	John McMillan	0	0	0	0	0	1	0	0	0	0
do	do	Alexander Campbell	0	0	0	0	0	1	0	0	0	0
do	do	Donald McDonell	0	0	0	0	0	1	0	0	0	0
do	do	Roderick McLeod	0	0	0	0	0	1	0	0	0	0
do	Lieutenant	Donald McDonell	0	0	0	0	1	0	0	0	0	0
do	Ensign	Alexander McGillis	0	0	0	0	0	1	0	0	0	0
do	do	William McKay	0	0	0	0	0	1	0	0	0	0
do	do	Malcolm McGillivray	0	0	0	0	0	1	0	0	0	0
		Total	0	0	1	3	6	8	0	0	0	0
1st Stormont	Captain	Alexander McDonell	0	0	0	1	0	0	0	0	0	0
do	do	Ronald McDonell	0	0	0	1	0	0	0	0	0	0
do	do	John Cameron	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Gordon French	0	0	0	0	1	0	0	0	0	0
do	do	Daniel Campbell	0	0	0	0	1	0	0	0	0	0
do	do	Angus McDonell	0	0	0	0	1	0	0	0	0	0
do	Ensign	Isaac B. Anderson	0	0	0	0	0	1	0	0	0	0
do	do	Donald McMillan	0	0	0	0	0	1	0	0	0	0
do	do	Angus McDonell	0	0	0	0	0	1	0	0	0	0
do	Captain	George S. Jarvis	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	John Chesley	0	0	0	0	1	0	0	0	0	0
do	Cornet	Martin Carman	0	0	0	0	0	1	0	0	0	0
do	Ensign	John F. Poapst	0	0	0	0	0	1	0	0	0	0
do	do	Joel Eastman	0	0	0	0	0	1	0	0	0	0
do	Quarter-Master	James Groves	0	0	0	0	0	0	0	0	0	1
do	Surgeon	John Finlayson	0	0	0	0	0	0	0	0	1	0
		Total	0	0	0	4	4	6	0	0	1	1
2d Stormont	Captain	George Robertson	0	0	0	1	0	0	0	0	0	0
do	do	William Cline	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Gilbert Morgan	0	0	0	0	1	0	0	0	0	0
do	do	Thomas H. Maxwell	0	0	0	0	1	0	0	0	0	0
do	Ensign	P. M. M. S. VanKoughnett	0	0	0	0	0	1	0	0	0	0
do	do	Alexander McNarin	0	0	0	0	0	1	0	0	0	0
do	do	George Grant	0	0	0	0	0	1	0	0	0	0
do	do	Charles Crysler	0	0	0	0	0	1	0	0	0	0
do	Lieut. Colonel	George Anderson	0	1	0	0	0	0	0	0	0	0
do	Major	Joseph Bockus	0	0	1	0	0	0	0	0	0	0
do	Captain	Austin Shearer	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	John R. Wood	0	0	0	0	1	0	0	0	0	0
do	Ensign	Nelson Empey	0	0	0	0	0	1	0	0	0	0
		Total	0	1	1	3	3	5	0	0	0	0
1st Grenville	Captain	Donald Murray	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Erastus Denaut	0	0	0	0	1	0	0	0	0	0
do	Ensign	John Blakey	0	0	0	0	0	1	0	0	0	0
		Total	0	0	0	1	1	1	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.						Sgt.				
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Sergeant.	Ass't. Surg'n. and Qr.-M'r.	
1st Leeds	Captain	George Sherwood	0	0	0	1	0	0	0	0	0	0	0
do	First Lieutenant	George Easton	0	0	0	0	1	0	0	0	0	0	0
do	Second do	William Stewart	0	0	0	0	1	0	0	0	0	0	0
do	Major	John McLean	0	0	1	0	0	0	0	0	0	0	0
do	Captain	Charles Booth	0	0	0	1	0	0	0	0	0	0	0
do	do	Fordyce L. Lottrop	0	0	0	1	0	0	0	0	0	0	0
do	do & Adjutant	Wm. F. Muddell	0	0	0	1	0	0	0	0	0	0	0
do	Lieutenant	John Gardiner	0	0	0	0	1	0	0	0	0	0	0
do	do	James B. Powell	0	0	0	0	1	0	0	0	0	0	0
do	do	David Muir	0	0	0	0	1	0	0	0	0	0	0
do	do	David Fairbairn	0	0	0	0	1	0	0	0	0	0	0
do	do	Peter Cole	0	0	0	0	1	0	0	0	0	0	0
do	do	James E. Sabine	0	0	0	0	1	0	0	0	0	0	0
do	do	Thomas Caulfield	0	0	0	0	1	0	0	0	0	0	0
do	Ensign	James Ross	0	0	0	0	0	1	0	0	0	0	0
do	do	William Cowan	0	0	0	0	0	1	0	0	0	0	0
do	do	Henry Freeland	0	0	0	0	0	1	0	0	0	0	0
do	do	Joseph Stewart	0	0	0	0	0	1	0	0	0	0	0
do	do	Nelson Landon	0	0	0	0	0	1	0	0	0	0	0
do	Captain	John Bogart	0	0	0	1	0	0	0	0	0	0	0
do	Lieutenant	Samuel Reynolds	0	0	0	0	1	0	0	0	0	0	0
do	Cornet	John C. Potter	0	0	0	0	0	1	0	0	0	0	0
		Total	0	0	1	5	10	6	0	0	0	0	0
2d Leeds	Captain	Ogle R. Gowen	0	0	0	1	0	0	0	0	0	0	0
3d Leeds	Ensign	Duncan McKay	0	0	0	0	0	1	0	0	0	0	0
do	Lieutenant	John Bland	0	0	0	0	1	0	0	0	0	0	0
do	Lieut. Colonel	James Morris	0	1	0	0	0	0	0	0	0	0	0
do	Major	James Shaw	0	0	1	0	0	0	0	0	0	0	0
do	Captain	John Cox	0	0	0	1	0	0	0	0	0	0	0
do	do	David Donaldson	0	0	0	1	0	0	0	0	0	0	0
do	do	William Brooke	0	0	0	1	0	0	0	0	0	0	0
do	do	William S. McDonald	0	0	0	1	0	0	0	0	0	0	0
do	do	William Weatherhead	0	0	0	1	0	0	0	0	0	0	0
do	do	Abel R. Ward	0	0	0	1	0	0	0	0	0	0	0
do	do	Geo. C. Mittleberger	0	0	0	1	0	0	0	0	0	0	0
do	do	William Bell	0	0	0	1	0	0	0	0	0	0	0
do	do	John Bell	0	0	0	1	0	0	0	0	0	0	0
do	Lieutenant	Alexander McFarlane	0	0	0	0	1	0	0	0	0	0	0
do	do	Alexander Cameron	0	0	0	0	1	0	0	0	0	0	0
do	do	William Watson	0	0	0	0	1	0	0	0	0	0	0
do	do	John Becket	0	0	0	0	1	0	0	0	0	0	0
do	do	William Spalding	0	0	0	0	1	0	0	0	0	0	0
do	do	Ephraim Harper	0	0	0	0	1	0	0	0	0	0	0
do	do	Geo. W. Bailey	0	0	0	0	1	0	0	0	0	0	0
do	do	James Weatherhead	0	0	0	0	1	0	0	0	0	0	0
do	do	William McPherson	0	0	0	0	1	0	0	0	0	0	0
do	do	Duncan McTavish	0	0	0	0	1	0	0	0	0	0	0
do	Ensign	Thomas Waskins	0	0	0	0	0	1	0	0	0	0	0
do	do	James Waddle	0	0	0	0	0	1	0	0	0	0	0
do	do	John Elliott	0	0	0	0	0	1	0	0	0	0	0
do	do	John McCormack	0	0	0	0	0	1	0	0	0	0	0
do	do	William Suche	0	0	0	0	0	1	0	0	0	0	0
do	do	John Fregie	0	0	0	0	0	1	0	0	0	0	0
do	do	Thomas Barber	0	0	0	0	0	1	0	0	0	0	0
do	do	Geo. Olliver	0	0	0	0	0	1	0	0	0	0	0
do	do	Duncan Campbell	0	0	0	0	0	1	0	0	0	0	0
do	do	Alexander Cameron, Jr.	0	0	0	0	0	1	0	0	0	0	0
do	Surgeon	John McLean	0	0	0	0	0	0	0	1	0	0	0
		Total	0	1	1	9	11	11	0	0	1	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	F. & O. Officers.							Staff.		
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
4th Leeds	Captain	James Jessup	0	0	0	1	0	0	0	0	0	0
do	Surgeon	James Campbell	0	0	0	0	0	0	0	0	1	0
do	Captain	William Bryant	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Nicholas Horton	0	0	0	0	1	0	0	0	0	0
do	do	Richard Dyer	0	0	0	0	1	0	0	0	0	0
do	do	Benjamin Chapman	0	0	0	0	1	0	0	0	0	0
do	do	Thomas Hill	0	0	0	0	1	0	0	0	0	0
do	Ensign	Thomas Foley	0	0	0	0	0	1	0	0	0	0
do	do	William Woods	0	0	0	0	0	1	0	0	0	0
do	do	James Bryant	0	0	0	0	0	1	0	0	0	0
do	do	Richard Davis	0	0	0	0	0	1	0	0	0	0
do	do	John Moore	0	0	0	0	0	1	0	0	0	0
Total			0	0	0	2	4	5	0	0	1	0
5th Leeds	Captain	Ephraim J. Hubble	0	0	0	1	0	0	0	0	0	0
do	do	John Brennan	0	0	0	1	0	0	0	0	0	0
do	do	Samuel Reid	0	0	0	1	0	0	0	0	0	0
do	do	Joseph Guff	0	0	0	1	0	0	0	0	0	0
do	do	Edward Harrison	0	0	0	1	0	0	0	0	0	0
do	do	Ira P. Scofield	0	0	0	1	0	0	0	0	0	0
do	do	John Blakely	0	0	0	1	0	0	0	0	0	0
do	do	Peter Bresee	0	0	0	1	0	0	0	0	0	0
do	do	Joseph Polke	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Erastus G. Holden	0	0	0	0	1	0	0	0	0	0
do	do	George Glasford	0	0	0	0	1	0	0	0	0	0
do	do	William J. Johnson	0	0	0	0	1	0	0	0	0	0
do	do	Henry Arnold	0	0	0	0	1	0	0	0	0	0
do	do	Christopher Guinness	0	0	0	0	1	0	0	0	0	0
do	do	William Young	0	0	0	0	1	0	0	0	0	0
do	do	John Morris	0	0	0	0	1	0	0	0	0	0
do	do	Robert Goodfellow	0	0	0	0	1	0	0	0	0	0
do	do	Asher Chamberlain	0	0	0	0	1	0	0	0	0	0
do	do	William Wall	0	0	0	0	1	0	0	0	0	0
do	Ensign	David Woods	0	0	0	0	0	1	0	0	0	0
do	do	William Peterson	0	0	0	0	0	1	0	0	0	0
do	do	Myles Young	0	0	0	0	0	1	0	0	0	0
do	do	Leonard Cailey	0	0	0	0	0	1	0	0	0	0
do	do	William Brown	0	0	0	0	0	1	0	0	0	0
do	do	Terence Smith, Jr.	0	0	0	0	0	1	0	0	0	0
do	do	Lorenzo Frayme	0	0	0	0	0	1	0	0	0	0
do	do	James Kilbourne	0	0	0	0	0	1	0	0	0	0
do	do	Henry McKee	0	0	0	0	0	1	0	0	0	0
do	do	Horatio N. Reade	0	0	0	0	0	1	0	0	0	0
do	Capt'n & Adjutant	William P. Loucks	0	0	0	0	0	0	1	0	0	0
do	Surgeon	Robert Edmondson	0	0	0	0	0	0	0	1	0	0
Total			0	0	0	9	10	10	1	0	1	0
6th Leeds	Captain	John Bacon	0	0	0	1	0	0	0	0	0	0
do	do	Thomas Kidd	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	B. Chapman	0	0	0	0	1	0	0	0	0	0
do	do	William Birmingham	0	0	0	0	1	0	0	0	0	0
do	do	John Kidd	0	0	0	0	1	0	0	0	0	0
do	Surgeon	Robert Edmondstone	0	0	0	0	0	0	0	1	0	0
Total			0	0	0	2	3	0	0	0	1	0
7th Leeds	Lieut. Colonel	George Crawford	0	1	0	0	0	0	0	0	0	0
do	Major	James Sabie	0	0	1	0	0	0	0	0	0	0
do	Captain	David B. O. Ford	0	0	0	1	0	0	0	0	0	0
do	do	Patrick Anderson	0	0	0	1	0	0	0	0	0	0
do	do	Joshua A. McLean	0	0	0	1	0	0	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.						Staff.			
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
7th Leeds.....	Captain .....	Thomas Purvis .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	William Horton .....	0	0	0	1	0	0	0	0	0	0
do .....	Lieutenant.....	Henry Easton .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Alpheus Munsell .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Alexander McLean .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	William McLean .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	William Judd .....	0	0	0	0	1	0	0	0	0	0
do .....	Ensign .....	William Weatherhead .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Isaiah Griffin .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	O'Kill Jones .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Joseph Dowsley .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	William Macready .....	0	0	0	0	0	1	0	0	0	0
do .....	Capt'n & Adjutant.....	James Crawford .....	0	0	0	0	0	0	1	0	0	0
do .....	Surgeon.....	John Watt .....	0	0	0	0	0	0	0	1	0	0
		Total .....	0	1	1	5	5	5	1	0	1	0
1st Lanark .....	Captain .....	Alexander Frazer .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	Alexander Cameron .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	Benjamin Radwell .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	John Tatlock .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	Peter Campbell .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	James Quail .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	William Tully .....	0	0	0	1	0	0	0	0	0	0
do .....	Lieutenant .....	S. T. Robertson .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Ebenezer Wilson .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	John McIntyre .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Francis Allen .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Alexander W. Powell .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Henry Montgomery .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Henry W. Sache .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	G. B. Lyon .....	0	0	0	0	1	0	0	0	0	0
do .....	Ensign .....	Stephen Ferguson .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Donald Fraser .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Thomas Brooke .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Thomas Thomson .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Charles P. Fraser .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Patrick Dowdall .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Peter McNee .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	John Livingston .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	John Carroll .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Robert Lee .....	0	0	0	0	0	1	0	0	0	0
		Total .....	0	0	0	7	8	10	0	0	0	0
2d Lanark .....	Lieutenant.....	John Richardson .....	0	0	0	0	1	0	0	0	0	0
do .....	Ensign .....	Thomas Bright .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Andrew Angus .....	0	0	0	0	0	1	0	0	0	0
		Total .....	0	0	0	0	1	2	0	0	0	0
1st Russell .....	Colonel .....	Thomas McKay .....	1	0	0	0	0	0	0	0	0	0
do .....	Lieutenant Colonel.....	Archibald McDonell .....	0	1	0	0	0	0	0	0	0	0
do .....	Major .....	Braddish Billings .....	0	0	1	0	0	0	0	0	0	0
do .....	Captain .....	James Symes .....	0	0	0	1	0	0	0	0	0	0
do .....	Lieutenant .....	Duncan McDonell .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Charles J. Fox .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Henry Symes .....	0	0	0	0	1	0	0	0	0	0
do .....	Ensign .....	James Stephenson .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	William Lang .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Alexander Scott .....	0	0	0	0	0	1	0	0	0	0
do .....	Adjutant .....	Lt. Henry Hannah .....	0	0	0	0	0	0	1	0	0	0
do .....	Surgeon .....	James D. Gellie .....	0	0	0	0	0	0	0	1	0	0
do .....	Lieutenant .....	James Campbell .....	0	0	0	0	1	0	0	0	0	0
do .....	Ensign .....	Braddish Billings .....	0	0	0	0	0	1	0	0	0	0
		Total .....	1	1	1	1	4	4	1	0	1	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.						Staff.			
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
1st Frontenac	Lieutenant	Robert B. Armstrong	0	0	0	0	1	0	0	0	0	0
do	do	Francis M. Hill	0	0	0	0	1	0	0	0	0	0
do	do	Samuel Muckleston	0	0	0	0	1	0	0	0	0	0
do	do	William G. Cassidy	0	0	0	0	1	0	0	0	0	0
do	Captain	John R. Forsyth	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Alexander H. Dobbs	0	0	0	0	1	0	0	0	0	0
do	Cornet	Allan A. McLean	0	0	0	0	0	1	0	0	0	0
do	Major	David John Smith	0	0	1	0	0	0	0	0	0	0
do	Captain	Thomas Grier	0	0	0	1	0	0	0	0	0	0
do	do	Douglas Prentiss	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Thomas McNider	0	0	0	0	1	0	0	0	0	0
do	Ensign	Thomas Thirkill	0	0	0	0	0	1	0	0	0	0
do	do	Charles Hale	0	0	0	0	0	1	0	0	0	0
do	do	Henry McKinstry	0	0	0	0	0	1	0	0	0	0
do	do	John Meagher	0	0	0	0	0	1	0	0	0	0
do	do	Thomas Glassop	0	0	0	0	0	1	0	0	0	0
do	Lieut. & Adjutant	Nathaniel Bates	0	0	0	0	0	0	1	0	0	0
		Total	0	0	1	3	6	6	1	0	0	0
2d Frontenac	Major	Richard Ellerbeck	0	0	1	0	0	0	0	0	0	0
do	Captain	Henry Oliver	0	0	0	1	0	0	0	0	0	0
do	do	Henry Cassidy	0	0	0	1	0	0	0	0	0	0
do	do	Nathaniel Caverley	0	0	0	1	0	0	0	0	0	0
do	do	George W. Yarker	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Lawrence Herchimer	0	0	0	0	1	0	0	0	0	0
do	do	Barnabas Wartman	0	0	0	0	1	0	0	0	0	0
do	do	John Everitt	0	0	0	0	1	0	0	0	0	0
do	do	John Herchimer	0	0	0	0	1	0	0	0	0	0
do	do	William Holditch	0	0	0	0	1	0	0	0	0	0
do	do	Charles Oliver	0	0	0	0	1	0	0	0	0	0
do	do	John Campbell	0	0	0	0	1	0	0	0	0	0
do	do	George Smith Sparham	0	0	0	0	1	0	0	0	0	0
do	do	George Webster	0	0	0	0	1	0	0	0	0	0
do	Lieut. & Adjutant	Arthur Beattie	0	0	0	0	0	0	1	0	0	0
do	Ensign	Israel Blake	0	0	0	0	0	1	0	0	0	0
do	do	George Dennison, Jr.	0	0	0	0	0	1	0	0	0	0
do	do	John Grass, Jr.	0	0	0	0	0	1	0	0	0	0
do	do	George T. Beamish	0	0	0	0	0	1	0	0	0	0
do	do	John Purdy	0	0	0	0	0	1	0	0	0	0
do	do	Donald Everitt	0	0	0	0	0	1	0	0	0	0
do	do	Richard Smith	0	0	0	0	0	1	0	0	0	0
do	do	Arthur Raynes	0	0	0	0	0	1	0	0	0	0
do	do	Isaac Shaw	0	0	0	0	0	1	0	0	0	0
do	Quarter Master	Lewis Daly	0	0	0	0	0	0	0	0	1	0
do	Assistant Surgeon	James Campbell	0	0	0	0	0	0	0	0	0	1
		Total	0	0	1	4	9	9	1	0	0	2
3rd Frontenac	Colonel	John B. Marks	1	0	0	0	0	0	0	0	0	0
do	Lieut. Colonel	William Logie	0	1	0	0	0	0	0	0	0	0
do	Major	James Sampson	0	0	1	0	0	0	0	0	0	0
do	Captain	John P. Bowers	0	0	0	1	0	0	0	0	0	0
do	do	Francis A. Harper	0	0	0	1	0	0	0	0	0	0
do	do	James Mathewson	0	0	0	1	0	0	0	0	0	0
do	do	Alexander Cowan	0	0	0	1	0	0	0	0	0	0
do	do	William R. Sanders	0	0	0	1	0	0	0	0	0	0
do	do	Daniel Ansie	0	0	0	1	0	0	0	0	0	0
do	do	John R. Forsyth	0	0	0	1	0	0	0	0	0	0
do	do	Angus Cameron	0	0	0	1	0	0	0	0	0	0
do	do	Duncan Berth	0	0	0	1	0	0	0	0	0	0
do	do	John Roy	0	0	0	1	0	0	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.					Staff.				
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
3d Frontenac.....	Lieutenant .....	George Baillie.....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	George Strachan .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	David Cowan, Jun'r.....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Emanuel Waggoner .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Edmund Matthewson .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Thomas Burrows .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Alexander Starke .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	George Hill.....	0	0	0	0	1	0	0	0	0	0
do .....	Lieut. & Adjutant .....	Nathaniel Bates .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Alexander H. Dobbs .....	0	0	0	0	1	0	0	0	0	0
do .....	Ensign .....	Charles Stuart .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Alexander McLean.....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	John Waldron .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Ronald McDonald .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	John Stewart Smith .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Bernard O'Connor .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	James Henderson .....	0	0	0	0	0	1	0	0	0	0
do .....	Ens. & Q'r.-M'r.....	Michael Harrington.....	0	0	0	0	0	1	0	0	0	0
do .....	Surgeon .....	Thomas Robison .....	0	0	0	0	0	0	0	1	0	0
do .....	Assistant Surgeon.....	James Meagher .....	0	0	0	0	0	0	0	0	1	0
do .....	Captain .....	Harry W. Benson .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	George Strachan .....	0	0	0	1	0	0	0	0	0	0
do .....	Lieutenant .....	Alexander McIntyre.....	0	0	0	0	1	0	0	0	0	0
Total .....			1	1	1	12	11	8	0	0	1	1
1st Addington .....	Major .....	Orton Hancox .....	0	0	1	0	0	0	0	0	0	0
do .....	Captain .....	John Howard .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	John Parratt .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	Colman Bristol.....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	Peter Davy .....	0	0	0	1	0	0	0	0	0	0
do .....	Lieutenant .....	Charles A. Booth .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	John Hitchins .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Charles Fraser .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	George McLeod .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Thomas Howard .....	0	0	0	0	1	0	0	0	0	0
do .....	Ensign .....	George S. Gordon .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Weedon Walker .....	0	0	0	0	0	1	0	0	0	0
do .....	Qr.-Master & Ens.....	William Balt .....	0	0	0	0	0	0	0	0	0	1
do .....	Ensign .....	Howard Richards .....	0	0	0	0	0	1	0	0	0	0
do .....	Surgeon .....	James Tolekein .....	0	0	0	0	0	0	0	1	0	0
Total .....			0	0	1	4	5	3	0	0	1	1
2d Addington .....	Major .....	John Asselstine .....	0	0	1	0	0	0	0	0	0	0
do .....	Captain .....	Calvin Wheeler .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	Lewis Stover .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	Henry Comer .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	Samuel Clarke .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	Isaac Briscoe .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	John Miller .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	Miles Shorey .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	John G. Switzer .....	0	0	0	1	0	0	0	0	0	0
do .....	Lieutenant .....	George Carscallan .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Peter Empey .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Jacob Rombough.....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Martin Stover .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Henry McLean .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	James Bell .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Edmond Sisson .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Horatio Spafford .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	William Bell, Jun'r.....	0	0	0	0	1	0	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.					Staff.				
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
2nd Addington	Lieutenant	Edward Hinch	0	0	0	0	1	0	0	0	0	0
do	Lieut. & Adjutant	George Clark	0	0	0	0	1	0	0	0	0	0
do	Ensign	Absalom Daly	0	0	0	0	0	1	0	0	0	0
do	do	Neil Stewart	0	0	0	0	0	1	0	0	0	0
do	do	George Amey	0	0	0	0	0	1	0	0	0	0
do	do	Allen Miller	0	0	0	0	0	1	0	0	0	0
do	do	Richard D. Finlay	0	0	0	0	0	1	0	0	0	0
do	do	James Wheeler	0	0	0	0	0	1	0	0	0	0
do	do	Christopher Bush	0	0	0	0	0	1	0	0	0	0
do	do	Thomas Price	0	0	0	0	0	1	0	0	0	0
do	do	Cephas H. Miller	0	0	0	0	0	1	0	0	0	0
do	do	William Close	0	0	0	0	0	1	0	0	0	0
do	Ens. & Qr. Master	Calvin Milier	0	0	0	0	0	0	0	0	0	0
do	Surgeon	Robert Stewart	0	0	0	0	0	0	0	0	1	0
		Total	0	0	1	8	11	10	0	0	1	1
1st Lennox	Adjutant	George Scriver	0	0	0	0	0	1	0	0	0	0
do	Ensign	James Chamberlain	0	0	0	0	0	1	0	0	0	0
do	do	Thomas Dorland	0	0	0	0	0	1	0	0	0	0
do	do	William Crawford, Jun'r.	0	0	0	0	0	1	0	0	0	0
do	Surgeon	James Allan	0	0	0	0	0	0	0	0	1	0
do	Lieutenant	Jacob Deltor	0	0	0	0	1	0	0	0	0	0
do	Cornet	Thomas Casy	0	0	0	0	0	1	0	0	0	0
do	Colonel	Samuel Dorland	1	0	0	0	0	0	0	0	0	0
do	Lieutenant Colonel	T. Kirkpatrick	0	1	0	0	0	0	0	0	0	0
do	Captain	Henry Davis	0	0	0	1	0	0	0	0	0	0
do	do	Archibald Campbell	0	0	0	1	0	0	0	0	0	0
do	do	Burger Huyck	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Matthew Ruttan	0	0	0	0	1	0	0	0	0	0
do	do	William M. Roblin	0	0	0	0	1	0	0	0	0	0
do	do	John Bogest	0	0	0	0	1	0	0	0	0	0
do	do	Jacob Ruttan	0	0	0	0	1	0	0	0	0	0
do	do	Thomas Dorland	0	0	0	0	1	0	0	0	0	0
do	do	James Chamberlain	0	0	0	0	1	0	0	0	0	0
do	Ensign	Richard Ham	0	0	0	0	0	1	0	0	0	0
do	do	William Low	0	0	0	0	0	1	0	0	0	0
do	do	William Dimond	0	0	0	0	0	1	0	0	0	0
do	do	John Defoe	0	0	0	0	0	1	0	0	0	0
do	do	James Vauvalstine	0	0	0	0	0	1	0	0	0	0
do	do	Martin Hough, Jun'r.	0	0	0	0	0	1	0	0	0	0
do	do	Andrew D. Cameron	0	0	0	0	0	1	0	0	0	0
do	do	Willet W. Casey	0	0	0	0	0	1	0	0	0	0
do	do	John Huffman	0	0	0	0	0	1	0	0	0	0
do	Quarter-Master	Thomas Douglas	0	0	0	0	0	0	0	0	0	1
		Total	1	1	0	3	7	13	1	0	1	1
2nd Lennox	Captain	Isaac Carscallan	0	0	0	1	0	0	0	0	0	0
do	do	Archibald Caton	0	0	0	1	0	0	0	0	0	0
do	do	Archibald McNeil	0	0	0	1	0	0	0	0	0	0
do	do	John Kimmerley	0	0	0	1	0	0	0	0	0	0
do	do	William Bowen	0	0	0	1	0	0	0	0	0	0
do	do	Angus Cameron	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Fletcher Empey	0	0	0	0	1	0	0	0	0	0
do	do	Simon Pringle	0	0	0	0	1	0	0	0	0	0
do	do	William Sagar	0	0	0	0	1	0	0	0	0	0
do	do	Chamberlain	0	0	0	0	1	0	0	0	0	0
do	do	Paul Wright	0	0	0	0	1	0	0	0	0	0
do	do	John McGill Deltor	0	0	0	0	1	0	0	0	0	0
do	Ensign	Donald McPherson	0	0	0	0	0	1	0	0	0	0
do	do	William Grange	0	0	0	0	0	1	0	0	0	0
do	do	John Hawley	0	0	0	0	0	1	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.					Staff.				
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Q'r-M'r.	
2d Lennox	Ensign	Frederick A. Oliver	0	0	0	0	0	1	0	0	0	0
do	do	Thomas Ramsay	0	0	0	0	0	1	0	0	0	0
do	do	Donald Stewart	0	0	0	0	0	1	0	0	0	0
do	do	Charles Chamberlain	0	0	0	0	0	1	0	0	0	0
do	do	Daniel McBride	0	0	0	0	0	1	0	0	0	0
do	do	Charles McGreer	0	0	0	0	0	1	0	0	0	0
do	do	Enoch F. Dunham	0	0	0	0	0	1	0	0	0	0
do	Quarter-Master	D. Pringle	0	0	0	0	0	0	0	0	0	1
do	Surgeon	Robert McLean	0	0	0	0	0	0	0	0	1	0
do	Assistant Surgeon	David Allen	0	0	0	0	0	0	0	0	0	1
do	Captain	John Benson	0	0	0	1	0	0	0	0	0	0
do	Lieut. & Adjutant	Thomas Ramsay	0	0	0	0	0	0	1	0	0	0
		Total	0	0	0	7	0	10	1	0	1	2
1st Hastings	Lieut. Colonel	John Turnbull	0	1	0	0	0	0	0	0	0	0
do	Major	Edmund Murney	0	0	1	0	0	0	0	0	0	0
do	Lieutenant	Robert Grass	0	0	0	0	1	0	0	0	0	0
do	do	Robert Everitt	0	0	0	0	1	0	0	0	0	0
do	do	Henry Grass	0	0	0	0	1	0	0	0	0	0
do	do	John Purdy	0	0	0	0	1	0	0	0	0	0
do	Ensign	David Purdy	0	0	0	0	0	1	0	0	0	0
do	do	Lewis Walbridge	0	0	0	0	0	1	0	0	0	0
do	do	George Fillater	0	0	0	0	0	1	0	0	0	0
do	Lieutenant	Jacob Fralick	0	0	0	0	1	0	0	0	0	0
do	Cornet	Hector Leavens	0	0	0	0	0	1	0	0	0	0
do	Captain	Wellington Murney	0	0	0	1	0	0	0	0	0	0
do	First Lieutenant	Smith Bartlett	0	0	0	0	1	0	0	0	0	0
do	Second do	Samuel Bull	0	0	0	0	0	1	0	0	0	0
do	Captain	Tobias Bleeker	0	0	0	1	0	0	0	0	0	0
do	do	Philip Zywick	0	0	0	1	0	0	0	0	0	0
do	do	Benjamin Dougall	0	0	0	1	0	0	0	0	0	0
do	do	John Reid	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Thomas Slicer	0	0	0	0	1	0	0	0	0	0
do	do	Thomas Hagerman	0	0	0	0	1	0	0	0	0	0
do	do	Thomas Farley	0	0	0	0	1	0	0	0	0	0
do	do	Edmund Chandler	0	0	0	0	1	0	0	0	0	0
do	do	William Wardrop	0	0	0	0	1	0	0	0	0	0
do	Ensign	John O. Petrie	0	0	0	0	0	1	0	0	0	0
do	do	Charles Levisconte	0	0	0	0	0	1	0	0	0	0
do	do	Gilbert C. Bogert	0	0	0	0	0	1	0	0	0	0
do	do	Royal Munro	0	0	0	0	0	1	0	0	0	0
do	do	Harvey Fowler	0	0	0	0	0	1	0	0	0	0
		Total	0	1	1	5	11	10	0	0	0	0
2d Hastings	Captain	William Bowen	0	0	0	1	0	0	0	0	0	0
do	do	John Low	0	0	0	1	0	0	0	0	0	0
do	do	Bartholomew Johns	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Martin Ryan	0	0	0	0	1	0	0	0	0	0
do	do	William Davis	0	0	0	0	1	0	0	0	0	0
do	do	William Hilton	0	0	0	0	1	0	0	0	0	0
do	do	Benjamin Dougall	0	0	0	0	1	0	0	0	0	0
do	do	Simon McKenzie	0	0	0	0	1	0	0	0	0	0
do	do	Noble Barry	0	0	0	0	1	0	0	0	0	0
do	do	John Stewart	0	0	0	0	1	0	0	0	0	0
do	Ensign	Philip Ketcheson	0	0	0	0	0	1	0	0	0	0
do	do	James Spence	0	0	0	0	0	1	0	0	0	0
do	do	James Curran	0	0	0	0	0	1	0	0	0	0
do	do	Stephen Young	0	0	0	0	0	1	0	0	0	0
do	do	Henry Ketcheson	0	0	0	0	0	1	0	0	0	0
do	do	Patrick Hughes	0	0	0	0	0	1	0	0	0	0
do	do	Thomas R. Gamble	0	0	0	0	0	1	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.					Staff.				
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
2d Hastings	Ensign	John Breakenridge	0	0	0	0	0	1	0	0	0	0
do	do	George Gray	0	0	0	0	0	1	0	0	0	0
do	do	Samuel M. Benson	0	0	0	0	0	1	0	0	0	0
do	Captain	Charles O. Benson	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Robert Potts	0	0	0	0	1	0	0	0	0	0
do	Cornet	Charles L. Herchimer	0	0	0	0	0	1	0	0	0	0
		Total	0	0	0	4	8	11	0	0	0	0
4th Hastings	Colonel	William Ketcheson	1	0	0	0	0	0	0	0	0	0
do	Lieut. Colonel	Archibald Chisholm	0	1	0	0	0	0	0	0	0	0
do	Major	Henry Hagerman	0	0	1	0	0	0	0	0	0	0
do	Captain	Elijah Ketcheson	0	0	0	1	0	0	0	0	0	0
do	do	William Bowan	0	0	0	1	0	0	0	0	0	0
do	do	John Purdy	0	0	0	1	0	0	0	0	0	0
do	do	George Benjamin	0	0	0	1	0	0	0	0	0	0
do	do	Daniell Canniff	0	0	0	1	0	0	0	0	0	0
do	do	Jonathan Phillips	0	0	0	1	0	0	0	0	0	0
do	do	Richard Davis	0	0	0	1	0	0	0	0	0	0
do	do	Simeon Ostrum	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	William Hutton	0	0	0	0	1	0	0	0	0	0
do	do	William Irvin	0	0	0	0	1	0	0	0	0	0
do	do	Andrew G. Hamilton	0	0	0	0	1	0	0	0	0	0
do	do	Donald G. Bowen	0	0	0	0	1	0	0	0	0	0
do	do	John Fritz	0	0	0	0	1	0	0	0	0	0
do	do	Duncan Irvin	0	0	0	0	1	0	0	0	0	0
do	do	Gilbert Blecker	0	0	0	0	1	0	0	0	0	0
do	do	Philip Embury	0	0	0	0	1	0	0	0	0	0
do	Ensign	William C. Shorey	0	0	0	0	0	1	0	0	0	0
do	do	Gilbert Ketcheson	0	0	0	0	0	1	0	0	0	0
do	do	Henry Hagerman, Jr.	0	0	0	0	0	1	0	0	0	0
do	do	John McIntosh Ostrom	0	0	0	0	0	1	0	0	0	0
do	do	Benjamin Fralick	0	0	0	0	0	1	0	0	0	0
do	do	Stephen B. Gilbert	0	0	0	0	0	1	0	0	0	0
do	do	Jacob McMullen	0	0	0	0	0	1	0	0	0	0
do	do	James Gilbert	0	0	0	0	0	1	0	0	0	0
do	Surgeon	Thomas Chamberlain	0	0	0	0	0	0	0	1	0	0
do	Capt. & Adjutant	Thomas A. Corbett	0	0	0	0	0	0	1	0	0	0
		Total	1	1	1	8	8	8	1	0	1	0
2nd Prince Edward	Major	Thomas Pearsons	0	0	1	0	0	0	0	0	0	0
do	Captain	Thomas Flagler	0	0	0	1	0	0	0	0	0	0
do	do	Benjamin Richards	0	0	0	1	0	0	0	0	0	0
do	do	John Sagar	0	0	0	1	0	0	0	0	0	0
do	do	Elias D. Wilkins	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Reuben Young	0	0	0	0	1	0	0	0	0	0
do	do	R. J. S. Wilkins	0	0	0	0	1	0	0	0	0	0
do	do	James T. Laue	0	0	0	0	1	0	0	0	0	0
do	do	S. Peterson	0	0	0	0	1	0	0	0	0	0
do	do	William Dempsey	0	0	0	0	1	0	0	0	0	0
do	do	John Stapleton	0	0	0	0	1	0	0	0	0	0
do	do	William Richards	0	0	0	0	1	0	0	0	0	0
do	Ensign	Paul Clapp	0	0	0	0	0	1	0	0	0	0
do	do	C. Vanhorn	0	0	0	0	0	1	0	0	0	0
do	do	Charles Wilkins	0	0	0	0	0	1	0	0	0	0
do	do	Wm. Tabcock	0	0	0	0	0	1	0	0	0	0
do	do	Benjamin Stapleton	0	0	0	0	0	1	0	0	0	0
do	do	Joseph Cryderman	0	0	0	0	0	1	0	0	0	0
do	do	James Peck	0	0	0	0	0	1	0	0	0	0
do	do	Thomas McMahon	0	0	0	0	0	1	0	0	0	0
do	do	Paul Finlay McQuaig	0	0	0	0	0	1	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.						Staff.			
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
2nd Prince Edward	Colonel	Robert C. Wilkins	1	0	0	0	0	0	0	0	0	0
do	Lieutenant Colonel	John McQuaig	0	1	0	0	0	0	0	0	0	0
do	Lieutenant	Charles Wilkins	0	0	0	0	1	0	0	0	0	0
do	Lieut. Colonel	James Pearsons	0	1	0	0	0	0	0	0	0	0
do	Major	John Babcock	0	0	1	0	0	0	0	0	0	0
do	Captain	Wm. Stapleton	0	0	0	1	0	0	0	0	0	0
do	do	Neil McArthur	0	0	0	1	0	0	0	0	0	0
do	do	Thomas Young	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Paul Clapp	0	0	0	0	1	0	0	0	1	0
do	do	Cornelius Vanhorn	0	0	0	0	1	0	0	0	0	0
do	Ensign	Henry W. Shuter	0	0	0	0	0	1	0	0	0	0
do	do	Richard C. H. Cotter	0	0	0	0	0	1	0	0	0	0
do	do	Reuben R. Young	0	0	0	0	0	1	0	0	0	0
do	do	Joshua M. Cadman	0	0	0	0	0	1	0	0	0	0
do	Cornet	George Cunningham	0	0	0	0	0	1	0	0	0	0
do	Capt. & Adjutant	John Sellock	0	0	0	0	0	1	0	0	0	0
		Total	1	2	2	7	10	14	1	0	0	0
3rd Prince Edward	Lieut. Colonel	Peter W. Ruttan	0	1	0	0	0	0	0	0	0	0
do	Major	David L. Fairfield	0	0	1	0	0	0	0	0	0	0
do	Captain	Henry W. Bonycastle	0	0	0	1	0	0	0	0	0	0
do	do	Aaron Dougall	0	0	0	1	0	0	0	0	0	0
do	do	Parmenius Spragg	0	0	0	1	0	0	0	0	0	0
do	do	John Howell	0	0	0	1	0	0	0	0	0	0
do	do	Charles Bockus	0	0	0	1	0	0	0	0	0	0
do	do	Philip Low	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	James R. Morden	0	0	0	0	1	0	0	0	0	0
do	do	Benjamin Simpson	0	0	0	0	1	0	0	0	0	0
do	do	John Gerow	0	0	0	0	1	0	0	0	0	0
do	do	David Barker	0	0	0	0	1	0	0	0	0	0
do	Ensign	John Dougall	0	0	0	0	0	1	0	0	0	0
do	do	John A. McPherson	0	0	0	0	0	1	0	0	0	0
do	do	William H. Cotter	0	0	0	0	0	1	0	0	0	0
do	do	Thomas H. Bentley	0	0	0	0	0	1	0	0	0	0
do	do	Thomas Bowerman	0	0	0	0	0	1	0	0	0	0
do	do	Elias Beadall	0	0	0	0	0	1	0	0	0	0
do	do	Elijah Y. Cunningham	0	0	0	0	0	1	0	0	0	0
do	Major	John Allison	0	0	1	0	0	0	0	0	0	0
do	Captain	James Morden	0	0	0	1	0	0	0	0	0	0
do	do	John P. Downes	0	0	0	1	0	0	0	0	0	0
do	do	Peter Valeau	0	0	0	1	0	0	0	0	0	0
do	do	John Gerow	0	0	0	1	0	0	0	0	0	0
do	do	George Boulter	0	0	0	1	0	0	0	0	0	0
do	Capt. & Adjutant	Thomas H. Bentley	0	0	0	0	0	1	0	0	0	0
do	Lieutenant	James R. Howell	0	0	0	0	1	0	0	0	0	0
do	do	Levi Roblin	0	0	0	0	1	0	0	0	0	0
do	do	William Henry Cotter	0	0	0	0	1	0	0	0	0	0
do	do	Thomas Bowerman	0	0	0	0	1	0	0	0	0	0
do	do	David Burdett	0	0	0	0	1	0	0	0	0	0
do	do	John Lazier	0	0	0	0	1	0	0	0	0	0
do	do	David McTaggart	0	0	0	0	1	0	0	0	0	0
do	Ensign	Thomas Archer	0	0	0	0	0	1	0	0	0	0
do	do	Isaac Demill	0	0	0	0	0	1	0	0	0	0
do	do	Cornelius Benson	0	0	0	0	0	1	0	0	0	0
do	do	James J. Howell	0	0	0	0	0	1	0	0	0	0
do	do	Andrew Patterson	0	0	0	0	0	1	0	0	0	0
do	do	Samuel Smith	0	0	0	0	0	1	0	0	0	0
do	do	John Demill	0	0	0	0	0	1	0	0	0	0
do	do	James Hart	0	0	0	0	0	1	0	0	0	0
do	Qr.-Master	James Cumming	0	0	0	0	0	0	0	0	0	1
do	Surgeon	James Fairfield	0	0	0	0	0	0	0	1	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.							Staff.				
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pny-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.		
3rd Prince Edward	Captain	Isaac Morden	0	0	0	1	0	0	0	0	0	0	0	0
do	Cornet	Samuel Munro	0	0	0	0	0	1	0	0	0	0	0	0
		Total	0	1	2	12	11	16	1	0	1	1	0	0
4th Prince Edward	Lieutenant	John A. McPherson	0	0	0	0	1	0	0	0	0	0	0	0
do	Cornet	Roderick Ross	0	0	0	0	0	1	0	0	0	0	0	0
		Total	0	0	0	0	1	1	0	0	0	0	0	0
1st Northumberland	Captain	Richard Chatterton	0	0	0	1	0	0	0	0	0	0	0	0
do	First Lieutenant	Henry Covert	0	0	0	0	1	0	0	0	0	0	0	0
do	Second do	Henry H. Merideth	0	0	0	0	1	0	0	0	0	0	0	0
do	Surgeon	George Goldstone	0	0	0	0	0	0	0	0	1	0	0	0
		Total	0	0	0	1	2	0	0	0	1	0	0	0
2nd Northumberland	Colonel	Alexander McDonell	1	0	0	0	0	0	0	0	0	0	0	0
do	Lieut. Colonel	J. C. Cowell	0	1	0	0	0	0	0	0	0	0	0	0
do	Major	William Sowden	0	0	1	0	0	0	0	0	0	0	0	0
do	Captain	Stafford C. Kirkpatrick	0	0	0	1	0	0	0	0	0	0	0	0
do	do	J. W. D. Moodie	0	0	0	1	0	0	0	0	0	0	0	0
do	do	John C. Boswell	0	0	0	1	0	0	0	0	0	0	0	0
do	do	Thomas Trail	0	0	0	1	0	0	0	0	0	0	0	0
do	do	George Hall	0	0	0	1	0	0	0	0	0	0	0	0
do	Lieutenant	Henry B. Holland	0	0	0	0	1	0	0	0	0	0	0	0
do	do	Thomas Fortyer	0	0	0	0	1	0	0	0	0	0	0	0
do	do	John B. Fortune	0	0	0	0	1	0	0	0	0	0	0	0
do	Ensign	William Dixon	0	0	0	0	0	1	0	0	0	0	0	0
do	do	John Harvey	0	0	0	0	0	1	0	0	0	0	0	0
do	do	William Wood	0	0	0	0	0	1	0	0	0	0	0	0
do	Capt. & Adjutant	John R. Benson	0	0	0	0	0	0	1	0	0	0	0	0
		Total	1	1	1	5	3	3	1	0	0	0	0	0
5th Northumberland	Lieut. Colonel	D. Campbell	0	1	0	0	0	0	0	0	0	0	0	0
do	Major	Adam H. Meyers	0	0	1	0	0	0	0	0	0	0	0	0
do	Captain	Thomas McIntosh	0	0	0	1	0	0	0	0	0	0	0	0
do	do	Robert Cleugh	0	0	0	1	0	0	0	0	0	0	0	0
do	do	Joseph V. Geary	0	0	0	1	0	0	0	0	0	0	0	0
do	do	John Tyce	0	0	0	1	0	0	0	0	0	0	0	0
do	do	James Platt	0	0	0	1	0	0	0	0	0	0	0	0
do	do	Israel Humphries	0	0	0	1	0	0	0	0	0	0	0	0
do	do	Thomas A. Corbett	0	0	0	1	0	0	0	0	0	0	0	0
do	do	Benjamin Ramsey	0	0	0	1	0	0	0	0	0	0	0	0
do	Lieutenant	A. W. Denmark	0	0	0	0	1	0	0	0	0	0	0	0
do	do	James T. Carlow	0	0	0	0	1	0	0	0	0	0	0	0
do	do	Joseph Young	0	0	0	0	1	0	0	0	0	0	0	0
do	do	Franklin Ewing	0	0	0	0	1	0	0	0	0	0	0	0
do	do	John H. Meyers	0	0	0	0	1	0	0	0	0	0	0	0
do	do	John Platt, Jr.	0	0	0	0	1	0	0	0	0	0	0	0
do	Qr.-Mr. & Lieut.	William Kay	0	0	0	0	1	0	0	0	0	0	0	0
do	Adjutant & Lieut.	Matthew S. Cassan	0	0	0	0	1	0	0	0	0	0	0	0
do	Ensign	Henry Rowed	0	0	0	0	0	1	0	0	0	0	0	0
do	do	St. John Curtis Keyse	0	0	0	0	0	1	0	0	0	0	0	0
do	do	John Bean	0	0	0	0	0	1	0	0	0	0	0	0
do	do	John Mitchell	0	0	0	0	0	1	0	0	0	0	0	0
do	do	Joseph Errington	0	0	0	0	0	1	0	0	0	0	0	0
do	do	John Curtis	0	0	0	0	0	1	0	0	0	0	0	0
do	do	Samuel Stone	0	0	0	0	0	1	0	0	0	0	0	0
do	do	Isaac Blair	0	0	0	0	0	1	0	0	0	0	0	0
do	Surgeon	Thomas Eade	0	0	0	0	0	0	0	1	0	0	0	0
do	Lieutenant	Henry Rowed	0	0	0	0	1	0	0	0	0	0	0	0
do	Ensign	William Ponton	0	0	0	0	1	0	0	0	0	0	0	0
		Total	0	1	1	8	9	9	0	1	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.						Staff.			
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
1st Durham	Colonel	William Kingsmill	1	0	0	0	0	0	0	0	0	0
do	Lieut. Colonel	David Smart	0	1	0	0	0	0	0	0	0	0
do	Captain	Lewis Wilmott	0	0	0	1	0	0	0	0	0	0
do	do	Levi Bigelow	0	0	0	1	0	0	0	0	0	0
do	do	William Wallace	0	0	0	1	0	0	0	0	0	0
do	do	William Kirkpatrick	0	0	0	1	0	0	0	0	0	0
do	do	David Smith	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Ezra C. Smith	0	0	0	0	1	0	0	0	0	0
do	do	W. S. Marsh	0	0	0	0	1	0	0	0	0	0
do	do	W. H. Kingsmill	0	0	0	0	1	0	0	0	0	0
do	do	William H. Thompson	0	0	0	0	1	0	0	0	0	0
do	do	Edward Clarke	0	0	0	0	1	0	0	0	0	0
do	do	Richard J. C. Cubitt	0	0	0	0	1	0	0	0	0	0
do	do	Joseph Greer	0	0	0	0	1	0	0	0	0	0
do	do	Nesbett Kirkhoffer	0	0	0	0	1	0	0	0	0	0
do	do	William Henderson	0	0	0	0	1	0	0	0	0	0
do	do	Edward Drury	0	0	0	0	0	1	0	0	0	0
do	do	James Benson	0	0	0	0	0	1	0	0	0	0
do	do	Morgan Gullett, Jr.	0	0	0	0	0	1	0	0	0	0
do	do	Edward Lunn	0	0	0	0	0	1	0	0	0	0
do	do	Eli W. Ward	0	0	0	0	0	1	0	0	0	0
do	do	Samuel Hutton	0	0	0	0	0	1	0	0	0	0
do	Adjutant	R. H. Catherwood	0	0	0	0	0	0	1	0	0	0
do	Assistant Surgeon	Charles Brent	0	0	0	0	0	0	0	0	0	1
do	Captain	William Sisson	0	0	0	1	0	0	0	0	0	0
do	Major	H. S. Reid	0	0	1	0	0	0	0	0	0	0
		Total	1	1	1	6	8	7	1	0	0	1
2nd Durham	Surgeon	Arthur Paterson	0	0	0	0	0	0	0	0	1	0
do	Ensign	Henry Jones Ruttan	0	0	0	0	0	1	0	0	0	0
		Total	0	0	0	0	0	1	0	0	1	0
1st East York	Colonel	George Duggan	1	0	0	0	0	0	0	0	0	0
do	Lieut. Colonel	John W. Gamble	0	1	0	0	0	0	0	0	0	0
do	Major	James Nation	0	0	1	0	0	0	0	0	0	0
do	Captain	John Playter	0	0	0	1	0	0	0	0	0	0
do	do	Alexander Murray	0	0	0	1	0	0	0	0	0	0
do	do	George Duggan	0	0	0	1	0	0	0	0	0	0
do	do	James Brown	0	0	0	1	0	0	0	0	0	0
do	do	James Beatty	0	0	0	1	0	0	0	0	0	0
do	do	John Sproule	0	0	0	1	0	0	0	0	0	0
do	do	Thomas D. Harris	0	0	0	1	0	0	0	0	0	0
do	do	Richard O. Duggan	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Edward Hitchens	0	0	0	0	1	0	0	0	0	0
do	do	Thomas Bell	0	0	0	0	1	0	0	0	0	0
do	do	Joseph C. Morrison	0	0	0	0	1	0	0	0	0	0
do	do	Joseph Workman	0	0	0	0	1	0	0	0	0	0
do	do	William Cawthra	0	0	0	0	1	0	0	0	0	0
do	do	Thomas Milburn	0	0	0	0	1	0	0	0	0	0
do	do	Nicholas Crawford	0	0	0	0	1	0	0	0	0	0
do	do	John Duggan	0	0	0	0	1	0	0	0	0	0
do	do	William C. Loring	0	0	0	0	1	0	0	0	0	0
do	do	George Bond	0	0	0	0	1	0	0	0	0	0
do	do	William Geddes	0	0	0	0	0	1	0	0	0	0
do	do	Thomas Galt	0	0	0	0	0	1	0	0	0	0
do	do	Peter Heward	0	0	0	0	0	1	0	0	0	0
do	do	John H. Hagerty	0	0	0	0	0	1	0	0	0	0
do	do	Alexander McDonald	0	0	0	0	0	1	0	0	0	0
do	do	David Paterson	0	0	0	0	0	1	0	0	0	0
do	do	B. W. Roberts	0	0	0	0	0	1	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers					Staff				
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
1st East York	Ensign	Edward Nation	0	0	0	0	0	1	0	0	0	0
do	do	Alexander Hamilton	0	0	0	0	0	1	0	0	0	0
do	do	John Moore	0	0	0	0	0	1	0	0	0	0
		Total	1	1	1	8	10	10	0	0	0	0
2nd East York	Colonel	John Radenhurst	1	0	0	0	0	0	0	0	0	0
do	Lieut. Colonel	Francis Leys	0	1	0	0	0	0	0	0	0	0
do	Major	John B. Warren	0	0	1	0	0	0	0	0	0	0
do	Captain	James Stanton	0	0	0	1	0	0	0	0	0	0
do	do	John Scadding	0	0	0	1	0	0	0	0	0	0
do	do	Edward Skae	0	0	0	1	0	0	0	0	0	0
do	do	William Coxwell	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Peter Nichol	0	0	0	0	1	0	0	0	0	0
do	do	William McGill	0	0	0	0	1	0	0	0	0	0
do	do	Paul Whitney	0	0	0	0	1	0	0	0	0	0
do	do	William Daw	0	0	0	0	1	0	0	0	0	0
do	do	Peter Leys	0	0	0	0	1	0	0	0	0	0
do	do	Asa Post	0	0	0	0	1	0	0	0	0	0
do	Ensign	Anthony H. Hagerty	0	0	0	0	0	1	0	0	0	0
do	do	John Hartrick	0	0	0	0	0	1	0	0	0	0
do	do	Henry R. A. Boys	0	0	0	0	0	1	0	0	0	0
do	do	William Jeffrey	0	0	0	0	0	1	0	0	0	0
do	do	John Richardson	0	0	0	0	0	1	0	0	0	0
do	do	Abner Hurd	0	0	0	0	0	1	0	0	0	0
do	do	Robert Fewell	0	0	0	0	0	1	0	0	0	0
do	do	George Williamson	0	0	0	0	0	1	0	0	0	0
do	do	James Bivins	0	0	0	0	0	1	0	0	0	0
do	Lieut. & Adjutant	Alexander McPherson	0	0	0	0	0	0	1	0	0	0
do	Surgeon	George Low	0	0	0	0	0	0	0	1	0	0
		Total	1	1	1	4	6	9	1	0	1	0
1st West York	Major	B. Turquand	0	0	1	0	0	0	0	0	0	0
do	Captain	Andrew Tod	0	0	0	1	0	0	0	0	0	0
do	do	Thomas Baines	0	0	0	1	0	0	0	0	0	0
do	do	Edmund Ridout	0	0	0	1	0	0	0	0	0	0
do	do	Anthony B. Hawke	0	0	0	1	0	0	0	0	0	0
do	do	James Saxon	0	0	0	1	0	0	0	0	0	0
do	do	James McKnight	0	0	0	1	0	0	0	0	0	0
do	do	William Boulton	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	George T. Demison	0	0	0	0	1	0	0	0	0	0
do	do	Alexander Shaw	0	0	0	0	1	0	0	0	0	0
do	do	William J. Coates	0	0	0	0	1	0	0	0	0	0
do	do	William J. FitzGibbon	0	0	0	0	1	0	0	0	0	0
do	do	John Somerville	0	0	0	0	1	0	0	0	0	0
do	do	William Dalton	0	0	0	0	1	0	0	0	0	0
do	do	John Armstrong	0	0	0	0	1	0	0	0	0	0
do	do	John G. Howard	0	0	0	0	1	0	0	0	0	0
do	do	William Wakefield	0	0	0	0	1	0	0	0	0	0
do	do	John F. Maddock	0	0	0	0	1	0	0	0	0	0
do	Ensign	Duncan Cameron	0	0	0	0	0	1	0	0	0	0
do	do	William Hawkins	0	0	0	0	0	1	0	0	0	0
do	do	Henry J. Castles	0	0	0	0	0	1	0	0	0	0
do	do	Henry Lizars	0	0	0	0	0	1	0	0	0	0
do	do	William Powell	0	0	0	0	0	1	0	0	0	0
do	do	Edward Kent	0	0	0	0	0	1	0	0	0	0
do	do	John F. Taylor	0	0	0	0	0	1	0	0	0	0
do	do	William Fitz Gibbon	0	0	0	0	0	1	0	0	0	0
do	do	Augustus Sawyers	0	0	0	0	0	1	0	0	0	0
do	do	John McLean	0	0	0	0	0	1	0	0	0	0
do	do	George Sinclair	0	0	0	0	0	1	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.					Staff.				
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Q'r.-M'r.
1st West York	Ensign	William Rowsell	0	0	0	0	0	1	0	0	0	0
do	Quarter-Master	John Ritchie	0	0	0	0	0	0	0	0	0	0
do	Pay-Master	William H. Lee	0	0	0	0	0	0	0	1	0	0
do	Captain	Richard L. Dennison	0	0	0	1	0	0	0	0	0	0
do	Surgeon	William Rees	0	0	0	0	0	0	0	0	1	0
do	Cornet	Edward C. Fisher	0	0	0	0	0	1	0	0	0	0
		Total	0	0	1	8	10	13	0	1	1	1
2nd West York	Captain	Ebenezer Austin	0	0	0	1	0	0	0	0	0	0
do	do	Duncan Merigold	0	0	0	1	0	0	0	0	0	0
do	do	John Embleton	0	0	0	1	0	0	0	0	0	0
do	do	William H. Paterson	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	William A. Thompson	0	0	0	0	1	0	0	0	0	0
do	do	James Chambers	0	0	0	0	1	0	0	0	0	0
do	do	Robert Young	0	0	0	0	1	0	0	0	0	0
do	do	Duncan M. Campbell	0	0	0	0	1	0	0	0	0	0
do	do	John Hawkins	0	0	0	0	1	0	0	0	0	0
do	do	Frederick W. Jarvis	0	0	0	0	1	0	0	0	0	0
do	Lieut. & Adjutant	Archibald C. Paterson	0	0	0	0	0	0	1	0	0	0
do	Lieutenant	George Thompson	0	0	0	0	1	0	0	0	0	0
do	do	Alexander Price	0	0	0	0	1	0	0	0	0	0
do	do	William Magrath	0	0	0	0	1	0	0	0	0	0
do	do	Joseph Chambers	0	0	0	0	1	0	0	0	0	0
do	Ensign	Neil McKinnon	0	0	0	0	0	1	0	0	0	0
do	do	John Street	0	0	0	0	0	1	0	0	0	0
do	do	William Bradley	0	0	0	0	0	1	0	0	0	0
do	do	William Henry Savigney	0	0	0	0	0	1	0	0	0	0
do	do	James Polly	0	0	0	0	0	1	0	0	0	0
do	do	Benjamin Switzer	0	0	0	0	0	1	0	0	0	0
do	do	Robert Cotten	0	0	0	0	0	1	0	0	0	0
do	do	William Cox	0	0	0	0	0	1	0	0	0	0
do	do	Alfred Gissing	0	0	0	0	0	1	0	0	0	0
do	do	Gordon Silverthorn	0	0	0	0	0	1	0	0	0	0
		Total	0	0	4	10	10	1	0	0	0	0
1st North York	Colonel	Duncan Cameron	1	0	0	0	0	0	0	0	0	0
do	Lieutenant Colonel	William C. Rochfort	0	1	0	0	0	0	0	0	0	0
do	Major	Peter Lawrence	0	0	1	0	0	0	0	0	0	0
do	Captain	James Hogg	0	0	0	1	0	0	0	0	0	0
do	do	Cornelius Van Ostrand	0	0	0	1	0	0	0	0	0	0
do	do	Henry Daly	0	0	0	1	0	0	0	0	0	0
do	do	Samuel Hewson	0	0	0	1	0	0	0	0	0	0
do	do	John Blake	0	0	0	1	0	0	0	0	0	0
do	do	Joseph Price	0	0	0	1	0	0	1	0	0	0
do	do	Joseph Bloor	0	0	0	1	0	0	0	0	0	0
do	do	George Bond	0	0	0	1	0	0	0	0	0	0
do	do	William Helliwell	0	0	0	1	0	0	0	0	0	0
do	do	Alexander Hamilton	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	John Lawrence	0	0	0	0	1	0	0	0	0	0
do	do	John Wilson	0	0	0	0	1	0	0	0	0	0
do	do	Henry Fife	0	0	0	0	1	0	0	0	0	0
do	do	John Van Ostrand	0	0	0	0	1	0	0	0	0	0
do	do	John McCormick	0	0	0	0	1	0	0	0	0	0
do	do	Thomas Mercer	0	0	0	0	1	0	0	0	0	0
do	do	Hugh Scott	0	0	0	0	1	0	0	0	0	0
do	Lieut. & Adjutant	John Anderson	0	0	0	0	0	0	1	0	0	0
do	Lieutenant	Christopher Harrison	0	0	0	0	1	0	0	0	0	0
do	Lieut. & Q'r.-M'r.	William March	0	0	0	0	0	0	0	0	1	0
do	Ensign	William Evans	0	0	0	0	0	1	0	0	0	0
do	do	Charles Cull	0	0	0	0	0	1	0	0	0	0
do	do	John Burke	0	0	0	0	0	1	0	0	0	0
do	do	James Harrison, Jun'r.	0	0	0	0	0	1	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.						Staff.			
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
1st North York	Ensign	Richard Playter	0	0	0	0	0	1	0	0	0	0
do	do	Alexander McCormick	0	0	0	0	0	1	0	0	0	0
do	do	Andrew McGlashen	0	0	0	0	0	1	0	0	0	0
do	do	Thomas Price	0	0	0	0	0	1	0	0	0	0
do	Captain	Davidson Murray	0	0	0	1	0	0	0	0	0	0
do	do	Edward Burke	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Charles Moore	0	0	0	0	1	0	0	0	0	0
do	do	John H. Hagerty	0	0	0	0	1	0	0	0	0	0
do	do	John Taylor	0	0	0	0	1	0	0	0	0	0
		Total	1	1	1	12	11	8	1	0	0	1
2nd North York	Colonel	Honourable William Henry Draper	1	0	0	0	0	0	0	0	0	0
do	Lieut. Colonel	Henry Sherwood	0	1	0	0	0	0	0	0	0	0
do	Captain	Thomas Fisher	0	0	0	1	0	0	0	0	0	0
do	do	Philip DeGrassi	0	0	0	1	0	0	0	0	0	0
do	do	Thomas J. Dennison	0	0	0	1	0	0	0	0	0	0
do	do	Robert Harding	0	0	0	1	0	0	0	0	0	0
do	do	Alexander Dixon	0	0	0	1	0	0	0	0	0	0
do	do	John Gillespie	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Edwin Fisher	0	0	0	0	1	0	0	0	0	0
do	do	Thomas Champion	0	0	0	0	1	0	0	0	0	0
do	do	Richard Watson	0	0	0	0	1	0	0	0	0	0
do	do	Edward C. Scarlett	0	0	0	0	1	0	0	0	0	0
do	do	Frederick C. Barron	0	0	0	0	1	0	0	0	0	0
do	do	Alexander Gibb	0	0	0	0	1	0	0	0	0	0
do	do	Thomas Galt	0	0	0	0	1	0	0	0	0	0
do	do	George Thompson	0	0	0	0	1	0	0	0	0	0
do	do	William Allan Harvey	0	0	0	0	1	0	0	0	0	0
do	Lieut. & Adjutant	Thomas Garlick	0	0	0	0	1	0	0	0	0	0
do	Ensign	Stoughton Dennis	0	0	0	0	0	1	0	0	0	0
do	do	George William Allan	0	0	0	0	0	1	0	0	0	0
do	do	John Crawford	0	0	0	0	0	1	0	0	0	0
do	do	Samuel P. Jarvis, Junior	0	0	0	0	0	1	0	0	0	0
do	do	James G. FitzGibbon	0	0	0	0	0	1	0	0	0	0
do	do	Hugh Thompson	0	0	0	0	0	1	0	0	0	0
do	do	Charles Gibb	0	0	0	0	0	1	0	0	0	0
do	do	William George Hinds	0	0	0	0	0	1	0	0	0	0
do	do	George Dyett	0	0	0	0	0	1	0	0	0	0
		Total	1	1	0	6	10	9	0	0	0	0
4th North York	Captain	Hugh Stewart	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Thomas Kinnear	0	0	0	0	1	0	0	0	0	0
do	Cornet	Richard C. Gapper	0	0	0	0	0	1	0	0	0	0
do	Lieut. Colonel	John Arnold	0	0	0	0	0	0	1	0	0	0
do	Major	James Miles	0	1	0	0	0	0	0	0	0	0
do	Captain	D. Bridgford	0	0	1	0	0	0	0	0	0	0
do	do	Francis Boyd	0	0	0	1	0	0	0	0	0	0
do	do	Robert Baldwin	0	0	0	1	0	0	0	0	0	0
do	do	Benjamin Thorne	0	0	0	1	0	0	0	0	0	0
do	do	James Farr	0	0	0	1	0	0	0	0	0	0
do	Capt. & Adjutant	James Bell	0	0	0	1	0	0	0	0	0	0
do	do	Alexander Lawrence	0	0	0	1	0	0	0	0	0	0
do	do	Edward Goldsmith	0	0	0	1	0	0	0	0	0	0
do	do	George Stegman	0	0	0	1	0	0	0	0	0	0
do	do	Charles E. Lawrence	0	0	0	1	0	0	0	0	0	0
do	do	Larrett Smith, Sen'r.	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	James Sinclair	0	0	0	0	1	0	0	0	0	0
do	do	Roland Burr	0	0	0	0	1	0	0	0	0	0
do	do	Larrett Smith, Jun'r.	0	0	0	0	1	0	0	0	0	0
do	do	John Barwick	0	0	0	0	1	0	0	0	0	0
do	do	Donald Cameron	0	0	0	0	1	0	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers					Sgt.			
			Colonel	Lieutenant Colonel	Major	Captain	Lieutenant	Ensign	Adjutant	Pay-Master	Surgeon
4th North York	Lieutenant	R. B. Bridgford	0	0	0	0	1	0	0	0	0
do	do	John Boyd	0	0	0	0	1	0	0	0	0
do	do	Miles Langstaff	0	0	0	0	1	0	0	0	0
do	do	Richard Hutchinson	0	0	0	0	1	0	0	0	0
do	do	Thomas Cook	0	0	0	0	1	0	0	0	0
do	Ensign	John Arnold	0	0	0	0	0	1	0	0	0
do	do	John Dempsey	0	0	0	0	0	1	0	0	0
do	do	David Smillie	0	0	0	0	0	1	0	0	0
do	do	John McBride	0	0	0	0	0	1	0	0	0
do	do	Washington Peck	0	0	0	0	0	1	0	0	0
do	do	George Bierlman	0	0	0	0	0	1	0	0	0
do	do	Peter Vanderburg	0	0	0	0	0	1	0	0	0
do	do	Horace Wilcox	0	0	0	0	0	1	0	0	0
do	do	J. R. Gowan	0	0	0	0	0	1	0	0	0
do	do	John S. Bridgford	0	0	0	0	0	1	0	0	0
do	Surgeon	James McCague	0	0	0	1	0	0	0	1	0
do	Captain	R. C. Gapper	0	0	0	1	1	0	0	0	0
do	Lieutenant	John Barwick	0	0	0	0	0	1	0	0	0
do	Cornet	George W. Girdlestone	0	0	0	0	0	0	0	1	0
		Total	0	1	1	13	12	12	0	1	0
5th North York	Lieut. Colonel	George S. Cotter	0	1	0	0	0	0	0	0	0
do	Major	Thomas A. Jebb	0	0	1	0	0	0	0	0	0
do	Captain	John Dawson	0	0	0	1	0	0	0	0	0
do	do	Charles Scadding	0	0	0	1	0	0	0	0	0
do	do	Henry Blackstone	0	0	0	1	0	0	0	0	0
do	do	James Case	0	0	0	1	0	0	0	0	0
do	do	James Hasty	0	0	0	1	0	0	0	0	0
do	do	William Stevens	0	0	0	1	0	0	0	0	0
do	do	William N. Richardson	0	0	0	1	0	0	0	0	0
do	Lieutenant	Robert Arnold	0	0	0	0	1	0	0	0	0
do	do	Jacob Wells	0	0	0	0	1	0	0	0	0
do	do	Athenius King	0	0	0	0	1	0	0	0	0
do	do	John Walsh	0	0	0	0	1	0	0	0	0
do	do	James Mosley	0	0	0	0	1	0	0	0	0
do	do	Thomas Atkinson	0	0	0	0	1	0	0	0	0
do	Ensign	William Case	0	0	0	0	0	1	0	0	0
do	do	Richard Whaling	0	0	0	0	0	1	0	0	0
do	do	James Adams	0	0	0	0	0	1	0	0	0
do	do	Henry Mosley	0	0	0	0	0	1	0	0	0
do	do	William Wallace	0	0	0	0	0	1	0	0	0
do	Adjutant	Joseph Hewitt	0	0	0	0	0	0	1	0	0
do	Qr.-Master	John Sharpe	0	0	0	0	0	0	0	1	0
do	Surgeon	Francis Primrose	0	0	0	0	0	0	0	0	1
		Total	0	1	1	7	6	5	1	6	1
6th North York	Lieut. Colonel	Arad Smalley	0	1	0	0	0	0	0	0	0
do	Major	Thomas Henderson	0	0	1	0	0	0	0	0	0
do	Captain	Arad Smalley	0	0	0	1	0	0	0	0	0
do	do	John H. Wilson	0	0	0	1	0	0	0	0	0
do	do	Silas Emes	0	0	0	1	0	0	0	0	0
do	do	Cephas Goode	0	0	0	1	0	0	0	0	0
do	do	Charles J. Eaton	0	0	0	1	0	0	0	0	0
do	do	Richard T. Wilson	0	0	0	1	0	0	0	0	0
do	do	William Selby	0	0	0	1	0	0	0	0	0
do	do	Samuel Herold	0	0	0	1	0	0	0	0	0
do	do	Ephraim Payson	0	0	0	1	0	0	0	0	0
do	Lieutenant	Joseph King	0	0	0	0	1	0	0	0	0
do	do	Hiram R. Wilson	0	0	0	0	0	1	0	0	0
do	do	George Hill	0	0	0	0	0	1	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers						Staff		
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.
6th North York	Lieutenant	Edward Fry	0	0	0	0	1	0	0	0	0
do	do	George Emes	0	0	0	0	1	0	0	0	0
do	do	Thomas Missington Jun'r	0	0	0	0	1	0	0	0	0
do	do	David Wilson, Jun'r	0	0	0	0	1	0	0	0	0
do	do	James Evans	0	0	0	0	1	0	0	0	0
do	do	Alfred Wilson	0	0	0	0	1	0	0	0	0
do	Ensign	Calvin Emes	0	0	0	0	0	1	0	0	0
do	do	Mark Mossington	0	0	0	0	0	1	0	0	0
do	do	Hiram Moore	0	0	0	0	0	1	0	0	0
do	do	Elias Doan	0	0	0	0	0	1	0	0	0
do	do	John Silby	0	0	0	0	0	1	0	0	0
do	do	Hugh Wilson	0	0	0	0	0	1	0	0	0
do	do	Burscal Roe	0	0	0	0	0	1	0	0	0
do	do	Daniel Sprague	0	0	0	0	0	1	0	0	0
		Total	0	1	1	9	9	8	0	0	0
7th North York	Captain	John Lynch	0	0	0	1	0	0	0	0	0
do	do	Francis Campbell	0	0	0	1	0	0	0	0	0
do	do	John Wiggins	0	0	0	1	0	0	0	0	0
do	do	Peter Campbell	0	0	0	1	0	0	0	0	0
do	do	Joseph Wright	0	0	0	1	0	0	0	0	0
do	Lieutenant	William Johnson	0	0	0	0	1	0	0	0	0
do	do	Duncan Gilchrist	0	0	0	0	1	0	0	0	0
do	do	Seth Campbell	0	0	0	0	1	0	0	0	0
do	do	Alexander Davidson	0	0	0	0	1	0	0	0	0
do	do	John Scott, Jun'r	0	0	0	0	1	0	0	0	0
do	do	Robert McCollum	0	0	0	0	1	0	0	0	0
do	do	Peter McCollum	0	0	0	0	1	0	0	0	0
do	do	George Monger	0	0	0	0	1	0	0	0	0
do	Ensign	Gilbert VanWyck	0	0	0	0	0	1	0	0	0
do	do	Thomas Archdeacon	0	0	0	0	0	1	0	0	0
do	do	Matthew Smith	0	0	0	0	0	1	0	0	0
do	do	Michael Perdu	0	0	0	0	0	1	0	0	0
do	do	Benjamin Monger	0	0	0	0	0	1	0	0	0
do	do	St. George Scarlett	0	0	0	0	0	1	0	0	0
		Total	0	0	0	5	8	6	0	0	0
8th North York	Major	Charles Mitchell	0	0	1	0	0	0	0	0	0
do	Captain	Samuel M. Sterne	0	0	0	1	0	0	0	0	0
do	do	Edward Wallace	0	0	0	1	0	0	0	0	0
do	do	William Willoby	0	0	0	1	0	0	0	0	0
do	Lieutenant	Robert Finch	0	0	0	0	1	0	0	0	0
do	do	John Gilmore	0	0	0	0	1	0	0	0	0
do	do	Wm. E. Nesbit	0	0	0	0	0	1	0	0	0
do	Ensign	Wm. Cotten	0	0	0	0	0	0	1	0	0
do	do	Joseph Robinson	0	0	0	0	0	0	1	0	0
do	do	William Alchison	0	0	0	0	0	0	1	0	0
do	do	Wm. Beatty	0	0	0	0	0	0	1	0	0
		Total	0	0	1	3	3	4	0	0	0
9th North York	Lieut. Colonel	Francis Osborne	0	1	0	0	0	0	0	0	0
do	Major	Lachlan Cameron	0	0	1	0	0	0	0	0	0
do	Colonel	Kenneth Cameron	1	0	0	0	0	0	0	0	0
do	Captain	Wm. Gibbs	0	0	0	1	0	0	0	0	0
do	do	George A. Jack	0	0	0	1	0	0	0	0	0
do	do	Robert Anderson	0	0	0	1	0	0	0	0	0
do	do	Peter Cameron	0	0	0	1	0	0	0	0	0
do	do	James Vrooman	0	0	0	1	0	0	0	0	0
do	do	John Shire	0	0	0	1	0	0	0	0	0
do	do	Joseph R. Thompson	0	0	0	1	0	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.						Staff.			
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
9th North York	Captain	Michael McDonagh	0	0	0	1	0	0	0	0	0	0
do	do	Kenneth McCaskill	0	0	0	1	0	0	0	0	0	0
do	do	Wm. R. Osborne	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Charles Henry Howard	0	0	0	0	1	0	0	0	0	0
do	do	Clifton Jackson	0	0	0	0	1	0	0	0	0	0
do	do	Wm. Sibbald	0	0	0	0	1	0	0	0	0	0
do	do	John H. Thompson	0	0	0	0	1	0	0	0	0	0
do	do	Alexander McMullan	0	0	0	0	1	0	0	0	0	0
do	do	Samuel Shier	0	0	0	0	1	0	0	0	0	0
do	do	Frederick J. Preston	0	0	0	0	1	0	0	0	0	0
do	do	John Breathowr	0	0	0	0	1	0	0	0	0	0
do	do	John McKea	0	0	0	0	1	0	0	0	0	0
do	do	John Gibbs	0	0	0	0	1	0	0	0	0	0
do	Ensign	Charles Sibbald	0	0	0	0	0	1	0	0	0	0
do	do	Charles Gibbs	0	0	0	0	0	1	0	0	0	0
do	do	Wm. Bouchier	0	0	0	0	0	1	0	0	0	0
do	do	Wm. McCaskill	0	0	0	0	0	1	0	0	0	0
do	do	Alex. McCaskill	0	0	0	0	0	1	0	0	0	0
do	do	George Anderson	0	0	0	0	0	1	0	0	0	0
do	do	Ronald McDonald	0	0	0	0	0	1	0	0	0	0
do	do	Thomas Ennes	0	0	0	0	0	1	0	0	0	0
do	do	Philip Shier	0	0	0	0	0	1	0	0	0	0
do	do	William Cowan	0	0	0	0	0	1	0	0	0	0
do	Qr.-Master	John Connor	0	0	0	0	0	0	0	0	0	1
do	Surgeon	Oliver Burton	0	0	0	0	0	0	0	0	1	0
		Total	1	1	1	10	10	10	0	0	1	1
2nd Simcoe	Colonel	Wm. B. Robinson	1	0	0	0	0	0	0	0	0	0
do	Major	John Rose	0	0	1	0	0	0	0	0	0	0
do	Lieutenant Colonel	Henry Fry	0	1	0	0	0	0	0	0	0	0
do	Captain	Wm. Hammill	0	0	0	1	0	0	0	0	0	0
do	do	Edward Jeff.	0	0	0	1	0	0	0	0	0	0
do	do	Joshua Walker	0	0	0	1	0	0	0	0	0	0
do	do	Thomas Parker	0	0	0	1	0	0	0	0	0	0
do	do	Gilbert Coffy	0	0	0	1	0	0	0	0	0	0
do	do	Wm. Sutherland	0	0	0	1	0	0	0	0	0	0
do	do	George Thorpe	0	0	0	1	0	0	0	0	0	0
do	do	John McMahon	0	0	0	1	0	0	0	0	0	0
do	do	Archibald Trevin	0	0	0	1	0	0	0	0	0	0
do	do	Hugh Gilmour	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	James Studders	0	0	0	0	1	0	0	0	0	0
do	do	James Mannering	0	0	0	0	1	0	0	0	0	0
do	do	Simon Armstrong	0	0	0	0	1	0	0	0	0	0
do	do	Edward Bell	0	0	0	0	1	0	0	0	0	0
do	do	William Fraser	0	0	0	0	1	0	0	0	0	0
do	do	William Gardiner	0	0	0	0	1	0	0	0	0	0
do	do	George Jackson	0	0	0	0	1	0	0	0	0	0
do	do	Robert Keenan	0	0	0	0	1	0	0	0	0	0
do	do	David Allen	0	0	0	0	1	0	0	0	0	0
do	do	John Little	0	0	0	0	1	0	0	0	0	0
do	Ensign	Thomas Hays	0	0	0	0	0	1	0	0	0	0
do	do	James Evans	0	0	0	0	0	1	0	0	0	0
do	do	James B. Lee	0	0	0	0	0	1	0	0	0	0
do	do	James Long	0	0	0	0	0	1	0	0	0	0
do	do	Daniel McKay	0	0	0	0	0	1	0	0	0	0
do	do	William Stephenson	0	0	0	0	0	1	0	0	0	1
do	do	John Brazil	0	0	0	0	0	1	0	0	0	0
do	do	Alexander Cobean	0	0	0	0	0	1	0	0	0	0
do	do	George McManus	0	0	0	0	0	1	0	0	0	0
do	do	James Colman	0	0	0	0	0	1	0	0	0	0
do	Adjutant	John Peacock	0	0	0	0	0	0	0	1	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers					Staff.				
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
2nd Simcoe .....	Quarter-Master...	Thomas Drury .....	0	0	0	10	10	10	1	0	0	1
		Total .....	1	1	1	10	10	10	1	0	0	1
3rd Simcoe .....	Colonel .....	E. J. O'Brien .....	1	0	0	0	0	0	0	0	0	
do .....	Lieut. Colonel...	E. Lally .....	0	1	0	0	0	0	0	0	0	
do .....	Major .....	Lewis Algeo .....	0	0	1	0	0	0	0	0	0	
do .....	Captain .....	Edward A. Walker .....	0	0	0	1	0	0	0	0	0	
do .....	do .....	Edward K. Kyneston .....	0	0	0	1	0	0	0	0	0	
do .....	do .....	William Lawrence .....	0	0	0	1	0	0	0	0	0	
do .....	do .....	Thomas Duff .....	0	0	0	1	0	0	0	0	0	
do .....	do .....	Matthew Coates .....	0	0	0	1	0	0	0	0	0	
do .....	do .....	Isaac H. Thompson .....	0	0	0	1	0	0	0	0	0	
do .....	do .....	Sydney M. Sanford .....	0	0	0	1	0	0	0	0	0	
do .....	Lieutenant .....	William Leach .....	0	0	0	0	1	0	0	0	0	
do .....	do .....	William McColluch .....	0	0	0	0	1	0	0	0	0	
do .....	do .....	Archibald Robinson .....	0	0	0	0	1	0	0	0	0	
do .....	do .....	John McWatt .....	0	0	0	0	1	0	0	0	0	
do .....	do .....	Benjamin Ross .....	0	0	0	0	1	0	0	1	0	
do .....	do .....	George Dunwoodie .....	0	0	0	0	1	0	0	0	0	
do .....	do .....	Francis Hewson .....	0	0	0	0	1	0	0	0	0	
do .....	Ensign .....	Thomas J. Thompson .....	0	0	0	0	1	0	0	0	0	
do .....	do .....	Robert Gilroy .....	0	0	0	0	1	0	0	0	0	
do .....	do .....	Charles Baldwin .....	0	0	0	0	1	0	0	0	0	
do .....	do .....	William Hewson .....	0	0	0	0	1	0	0	0	0	
do .....	do .....	Lewis Algeo .....	0	0	0	0	1	0	0	0	0	
do .....	do .....	George Cathay .....	0	0	0	0	1	0	0	0	0	
do .....	Adjutant .....	Archibald Robinson .....	0	0	0	0	0	1	0	0	0	
do .....	Quarter-Master .....	Archibald Pass .....	0	0	0	0	0	0	0	0	1	
		Total .....	1	1	1	7	7	6	1	0	1	
4th Simcoe .....	Colonel .....	J. Moberly .....	1	0	0	0	0	0	0	0	0	
do .....	Lieut. Colonel...	Elms Steele .....	0	1	0	0	0	0	0	0	0	
do .....	Major .....	John Carthew .....	0	0	1	0	0	0	0	0	0	
		Total .....	1	1	1	0	0	0	0	0	0	
1st Gore .....	Surgeon .....	Thomas Rolph .....	0	0	0	0	0	0	0	1	0	
do .....	Lieut. Colonel...	Matthew Crooks .....	0	1	0	0	0	0	0	0	0	
		Total .....	0	1	0	0	0	0	0	1	0	
3rd Gore .....	Colonel .....	A. N. Macnab .....	1	0	0	0	0	0	0	0	0	
4th Gore .....	Lieut. Colonel...	Allan McDonell .....	0	1	0	0	0	0	0	0	0	
do .....	Colonel .....	William Dickson .....	1	0	0	0	0	0	0	0	0	
		Total .....	1	1	0	0	0	0	0	0	0	
5th Gore .....	Ensign .....	Alexander Campbell .....	0	0	0	0	1	0	0	0	0	
do .....	Colonel .....	George Chalmers .....	1	0	0	0	0	0	0	0	0	
		Total .....	1	0	0	0	1	0	0	0	0	
6th Gore .....	Colonel .....	George Lanprey .....	1	0	0	0	0	0	0	0	0	
do .....	Lieut. Colonel...	Brooke Young .....	0	1	0	0	0	0	0	0	0	
do .....	Captain .....	John Smith .....	0	0	0	1	0	0	0	0	0	
do .....	Lieutenant .....	Edward F. Heming .....	0	0	0	0	1	0	0	0	0	
do .....	do .....	William Davis .....	0	0	0	0	1	0	0	0	0	
do .....	do .....	George Roods .....	0	0	0	0	1	0	0	0	0	
do .....	Ensign .....	George Harvey .....	0	0	0	0	1	0	0	0	0	
do .....	do .....	Joseph Weatherall .....	0	0	0	0	1	0	0	0	0	
do .....	do .....	Frank Smith .....	0	0	0	0	1	0	0	0	0	
do .....	Adjutant .....	Edward Thompson .....	0	0	0	0	0	1	0	0	0	

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.							Staff.		
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
6th Gore .....	Quarter-Master .....	James Corbett .....	0	0	0	0	0	0	0	0	0	1
	Total .....		1	1	0	1	3	3	1	0	0	1
7th Gore .....	Colonel .....	John Chisholm .....	1	0	0	0	0	0	0	0	0	0
do .....	Lieut. Colonel .....	Alexander Brown .....	0	1	0	0	0	0	0	0	0	0
do .....	Major .....	Andrew Stephen .....	0	0	1	0	0	0	0	0	0	0
do .....	Captain .....	James Crooks .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	Frederick Field .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	John O. Hart .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	William M. Shaw .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	Henry Young .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	Benjamin Overfield .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	Alexander Brown .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	Robert McNaught .....	0	0	0	1	0	0	0	0	0	0
do .....	Lieutenant .....	Joseph Paterson .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	William Millar .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	John Weir .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Ebenezer C. Griffin .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	John Millar .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Thomas Smith .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Robert Lottridge .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	James G. Chisholm .....	0	0	0	0	1	0	0	0	0	0
do .....	Ensign .....	James Ferguson .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	William Brown .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	David Parsons .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Robert Dickies .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Robert Kirkpatrick .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Kenneth Wishart .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Alexander M. Chisholm .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	Absalom Griffin .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	John Ferguson .....	0	0	0	0	0	1	0	0	0	0
do .....	Quarter-Master .....	Reuben M. Wheeler .....	0	0	0	0	0	0	0	0	0	1
do .....	Capt. & Adjutant .....	Joseph Davis .....	0	0	0	0	0	0	1	0	0	0
		Total .....	1	1	1	8	9	1	0	0	1	
8th Gore .....	Colonel .....	George Chisholm .....	1	0	0	0	0	0	0	0	0	0
do .....	Lieut. Colonel .....	William McKay .....	0	1	0	0	0	0	0	0	0	0
do .....	Major .....	Hiram Smith .....	0	0	1	0	0	0	0	0	0	0
do .....	Captain .....	Andrew M. Chisholm .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	Timothy Cooper .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	James Willson .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	Walter O'Reilly .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	John Wentenhall .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	Joseph Ireland .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	John Lucas .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	John McGregor .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	John F. Bastedo .....	0	0	0	1	0	0	0	0	0	0
do .....	do .....	John A. Chisholm .....	0	0	0	1	0	0	0	0	0	0
do .....	Lieutenant .....	Andrew Petit .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	David Bastedo .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	John McCollum .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	William O'Reilly .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	A. G. McKay .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	William Earls .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	William Spence .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	James Langtry .....	0	0	0	0	1	0	0	0	0	0
do .....	do .....	Jacob Bastedo .....	0	0	0	0	1	0	0	0	0	0
do .....	Ensign .....	Donald McGregor .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	John Atkinson .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	George Crooks .....	0	0	0	0	0	1	0	0	0	0
do .....	do .....	William Pantou .....	0	0	0	0	0	1	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.						Staff.			
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
8th Gore	Ensign	Robert Miller	0	0	0	0	0	1	0	0	0	0
do	Adjutant	James Pantou	0	0	0	0	0	0	1	0	0	0
do	Qr.-Mr. & Lieut.	William D. Chisholm	0	0	0	0	0	0	0	0	0	1
do	Surgeon	Nathaniel Bell	0	0	0	0	0	0	0	0	1	0
do	Ensign	William McKerlie, Jun'r.	0	0	0	0	0	1	0	0	0	0
do	do	Thomas Atkinson	0	0	0	0	0	1	0	0	0	0
		Total	1	1	1	10	9	7	1	0	1	1
10th Gore	Colonel	Arnold Burrowes	1	0	0	0	0	0	0	0	0	0
do	Lieut. Colonel	William Richardson	0	1	0	0	0	0	0	0	0	0
do	Major	Thomas E. Welby	0	0	1	0	0	0	0	0	0	0
do	Captain	Joseph Thomas	0	0	0	1	0	0	0	0	0	0
do	do	William Muirhead	0	0	0	1	0	0	0	0	0	0
do	do	Robert Battersby	0	0	0	1	0	0	0	0	0	0
do	do	James K. Buchanan	0	0	0	1	0	0	0	0	0	0
do	do	James Wilde	0	0	0	1	0	0	0	0	0	0
do	do	Richard Culton	0	0	0	1	0	0	0	0	0	0
do	do	Francis Gore Swaze	0	0	0	1	0	0	0	0	0	0
do	do	James Wilkes	0	0	0	1	0	0	0	0	0	0
do	do	Alexander Bunnell	0	0	0	1	0	0	0	0	0	0
do	do	Thomas B. Burrowes	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Benjamin Clench	0	0	0	0	1	0	0	0	0	0
do	do	Francis Gordon	0	0	0	0	1	0	0	0	0	0
do	do	Charles Dixon	0	0	0	0	1	0	0	0	0	0
do	do	John Cole	0	0	0	0	1	0	0	0	0	0
do	do	Richard Wm. Burrowes	0	0	0	0	1	0	0	0	0	0
do	do	Angus Bethune	0	0	0	0	1	0	0	0	0	0
do	do	Joseph Smith	0	0	0	0	1	0	0	0	0	0
do	do	George Richardson	0	0	0	0	1	0	0	0	0	0
do	do	Francis Hunter	0	0	0	0	1	0	0	0	0	0
do	do	Samuel McKnight	0	0	0	0	1	0	0	0	0	0
do	Ensign	Thomas Racey	0	0	0	0	0	1	0	0	0	0
do	do	Arnald Burrowes	0	0	0	0	0	1	0	0	0	0
do	do	William Henry Yoward	0	0	0	0	0	1	0	0	0	0
do	do	William Robertson	0	0	0	0	0	1	0	0	0	0
do	do	John Files	0	0	0	0	0	1	0	0	0	0
do	Quarter-Master	Joseph Gardiner	0	0	0	0	0	0	0	0	0	1
do	Surgeon	James Dixon	0	0	0	0	0	0	0	0	1	0
do	Captain	Matthias Wilson	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Alexander Westbrooke	0	0	0	0	1	0	0	0	0	0
do	Cornet	Russell Odell	0	0	0	0	0	1	0	0	0	0
		Total	1	1	1	11	11	6	0	0	1	1
11th Gore	Colonel	Andrew T. Kirby	1	0	0	0	0	0	0	0	0	0
do	Major	Edmond Heath	0	0	1	0	0	0	0	0	0	0
do	Captain	William Anslie	0	0	0	1	0	0	0	0	0	0
do	do	Robert Hammill	0	0	0	1	0	0	0	0	0	0
do	do	Aaron D. Vrooman	0	0	0	1	0	0	0	0	0	0
do	do	Aaron Cornell	0	0	0	1	0	0	0	0	0	0
do	Ensign	James Jones	0	0	0	0	0	1	0	0	0	0
do	do	Adam Robertson	0	0	0	0	0	1	0	0	0	0
do	do	John Hammersby	0	0	0	0	0	1	0	0	0	0
do	do	Hugh Fairgrave	0	0	0	0	0	1	0	0	0	0
do	do	Aaron Cornell, Jun'r.	0	0	0	0	0	1	0	0	0	0
do	do	Samuel Conger	0	0	0	0	0	1	0	0	0	0
do	do	William Leslie	0	0	0	0	0	1	0	0	0	0
do	Lieut. & Adjutant	Benjamin Babbington	0	0	0	0	0	0	1	0	0	0
do	Lieutenant Colonel	James Hamilton	0	1	0	0	0	0	0	0	0	0
		Total	1	1	1	4	0	7	1	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.						Staff.			
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
13th Gore	Colonel	Adam Ferguson	1	0	0	0	0	0	0	0	0	0
do	Lieut. Colonel	William Hewet	0	1	0	0	0	0	0	0	0	0
do	Major	James Webster	0	0	1	0	0	0	0	0	0	0
do	Captain	Henry Trout	0	0	0	1	0	0	0	0	0	0
do	do	Thomas W. Valentine	0	0	0	1	0	0	0	0	0	0
do	do	Thomas Webster	0	0	0	1	0	0	0	0	0	0
do	do	Osmund C. Huntley	0	0	0	1	0	0	0	0	0	0
do	do	Alexander D. Ferrier	0	0	0	1	0	0	0	0	0	0
do	do	Josiah Mackelcan	0	0	0	1	0	0	0	0	0	0
do	do	William Renney	0	0	0	1	0	0	0	0	0	0
do	do	David Anderson	0	0	0	1	0	0	0	0	0	0
do	do	John McKee	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	David B. Ferguson	0	0	0	0	1	0	0	0	0	0
do	do	Alexander Drisdale	0	0	0	0	1	0	0	0	0	0
do	do	John Valentine	0	0	0	0	1	0	0	0	0	0
do	do	Hugh McDonell	0	0	0	0	1	0	0	0	0	0
do	do	Alexander Campbell	0	0	0	0	1	0	0	0	0	0
do	do	James Dunwoodie	0	0	0	0	1	0	0	0	0	0
do	do	David Bernard	0	0	0	0	1	0	0	0	0	0
do	do	John Kennedy	0	0	0	0	1	0	0	0	0	0
do	do	John Smith	0	0	0	0	1	0	0	0	0	0
do	do	James O'Reilly	0	0	0	0	1	0	0	0	0	0
do	do	George C. Hamilton	0	0	0	0	0	1	0	0	0	0
do	do	Thomas R. Brock	0	0	0	0	0	1	0	0	0	0
do	do	Thomas C. Allendice	0	0	0	0	0	1	0	0	0	0
do	do	Matthew Smith	0	0	0	0	0	1	0	0	0	0
do	do	James Ross	0	0	0	0	0	1	0	0	0	0
do	do	Samuel Broadfoot	0	0	0	0	0	1	0	0	0	0
do	do	Alexander Harvey	0	0	0	0	0	1	0	0	0	0
do	do	James Mair	0	0	0	0	0	1	0	0	0	0
do	do	John Graham	0	0	0	0	0	1	0	0	0	0
do	Quarter-Master	Hugh Black	0	0	0	0	0	0	0	0	0	1
do	Capt. & Adjutant	William Boist	0	0	0	0	0	0	1	0	0	0
		Total	1	1	1	9	10	9	1	0	0	1
1st Lincoln	Surgeon	Truman Raymond	0	0	0	0	0	0	0	0	0	1
do	First Lieutenant	Alexander Stewart	0	0	0	0	1	0	0	0	0	0
do	Second do	John Upper	0	0	0	1	0	0	0	0	0	0
		Total	0	0	0	1	1	0	0	0	0	1
4th Lincoln	Lieut. Colonel	Henry Nelles	0	1	0	0	0	0	0	0	0	0
do	Major	Adam Zimmerman	0	0	1	0	0	0	0	0	0	0
do	Captain	Charles Anderson	0	0	0	1	0	0	0	0	0	0
do	do	William Taylor	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	James Durham	0	0	0	0	1	0	0	0	0	0
do	do	Timothy Hixon	0	0	0	0	1	0	0	0	0	0
do	do	Conrod Book	0	0	0	0	1	0	0	0	0	0
do	do	Leonard Haeslip	0	0	0	0	0	1	0	0	0	0
do	do	Philip Gregory	0	0	0	0	0	1	0	0	0	0
do	do	Andrew Muir	0	0	0	0	0	1	0	0	0	0
do	do	John B. Pettit	0	0	0	0	0	1	0	0	0	0
do	do	William Forsyth	0	0	0	0	0	1	0	0	0	0
		Total	0	1	1	2	3	5	0	0	0	0
5th Lincoln	Major	Elias S. Adams	0	0	1	0	0	0	0	0	0	0
do	Captain	William Adams	0	0	0	1	0	0	0	0	0	0
do	do	Elias Durham	0	0	0	1	0	0	0	0	0	0
do	do	Thomas Adams	0	0	0	1	0	0	0	0	0	0
do	do	Daniel Gregory	0	0	0	1	0	0	0	0	0	0
do	do	Henry Mittleberger	0	0	0	1	0	0	0	0	0	0
do	do	John Gibson	0	0	0	1	0	0	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.					Staff.				
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
5th Lincoln	Captain	James W. Clarke	0	0	0	1	0	0	0	0	0	0
do	do	Richard Secord	0	0	0	1	0	0	0	0	0	0
do	do	Jabez Johnson	0	0	0	1	0	0	0	0	0	0
do	do	Francis Hall	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Edward Wood	0	0	0	0	1	0	0	0	0	0
do	do	John VanEvery	0	0	0	0	1	0	0	0	0	0
do	do	James Robertson	0	0	0	0	1	0	0	0	0	0
do	do	William Parnell	0	0	0	0	1	0	0	0	0	0
do	do	Andrew Cavers	0	0	0	0	1	0	0	0	0	0
do	do	John Flamerfelt	0	0	0	0	1	0	0	0	0	0
do	do	Thomas Gilliland	0	0	0	0	1	0	0	0	0	0
do	do	James Hare	0	0	0	0	1	0	0	0	0	0
do	do	Samuel Hill	0	0	0	0	1	0	0	0	0	0
do	do	Lorenzo D. Raymond	0	0	0	0	1	0	0	0	0	0
do	Ensign	John Ronchey	0	0	0	0	0	1	0	0	0	0
do	do	Thomas Burns	0	0	0	0	0	1	0	0	0	0
do	do	Lewis Traver	0	0	0	0	0	1	0	0	0	0
do	do	Solomon Bebec	0	0	0	0	0	1	0	0	0	0
do	do	William Murray	0	0	0	0	0	1	0	0	0	0
do	do	Charles Donaldson	0	0	0	0	0	1	0	0	0	0
do	do	Peter Hostrasser	0	0	0	0	0	1	0	0	0	0
do	do	Solomon Secord	0	0	0	0	0	1	0	0	0	0
do	do	Peter H. Ball	0	0	0	0	0	1	0	0	0	0
do	do	James Stole	0	0	0	0	0	1	0	0	0	0
do	Qr.-Master	John McCarthy	0	0	0	0	0	0	0	0	0	1
do	Surgeon	William Ferris	0	0	0	0	0	0	0	0	1	0
Total			0	0	1	10	10	10	0	0	1	1
1st Haldimand	Captain	Marcus Blair	0	0	0	1	0	0	0	0	0	0
2nd Norfolk	Lieutenant	James Fraser	0	0	0	0	1	0	0	0	0	0
do	Adjutant	William Finlay	0	0	0	0	0	0	1	0	0	0
do	Captain	Joseph Culver	0	0	0	1	0	0	0	0	0	0
do	do	R. Ryeseo	0	0	0	1	0	0	0	0	0	0
do	do	John M. Parke	0	0	0	1	0	0	0	0	0	0
do	do	Israel W. Powell	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Alexander Bowlby	0	0	0	0	1	0	0	0	0	0
do	do	Benjamin Haviland	0	0	0	0	1	0	0	0	0	0
do	do	Caleb Wood	0	0	0	0	1	0	0	0	0	0
do	do	Samuel Oxford	0	0	0	0	1	0	0	0	0	0
do	do	Hugh Ross	0	0	0	0	1	0	0	0	0	0
do	do	John McGill	0	0	0	0	1	0	0	0	0	0
do	do	Abraham Nelles	0	0	0	0	1	0	0	0	0	0
do	do	John W. Gilbert	0	0	0	0	1	0	0	0	0	0
do	do	Duncan McPherson	0	0	0	0	1	0	0	0	0	0
do	do	Joseph Parke	0	0	0	0	1	0	0	0	0	0
do	Ensign	Joseph Decon	0	0	0	0	0	1	0	0	0	0
do	do	John Bannister	0	0	0	0	0	1	0	0	0	0
do	do	Joseph Johnson	0	0	0	0	0	1	0	0	0	0
do	do	Amos King	0	0	0	0	0	1	0	0	0	0
do	do	Philip Beamer	0	0	0	0	0	1	0	0	0	0
do	do	Solomon Walker	0	0	0	0	0	1	0	0	0	0
do	do	Hiram Boughner	0	0	0	0	0	1	0	0	0	0
do	do	William Ryeseo	0	0	0	0	0	1	0	0	0	0
do	do	John Boughner	0	0	0	0	0	1	0	0	0	0
do	do	Israel A. Haviland	0	0	0	0	0	1	0	0	0	0
do	Quarter-Master	Nicholas Reid	0	0	0	0	0	0	0	0	0	1
do	Assistant Surgeon	John Mackelcan	0	0	0	0	0	0	0	0	0	1
Total			0	0	0	4	11	10	1	0	0	2



NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.						Staff.			
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
3rd Oxford	Major	Robert Riddle	0	0	1	0	0	0	0	0	0	0
do	Captain	R. Rollo Hunter	0	0	0	1	0	0	0	0	0	0
do	do	Edward Buller	0	0	0	1	0	0	0	0	0	0
do	do	John Fraser	0	0	0	1	0	0	0	0	0	0
do	do	Henry Van Sittart	0	0	0	1	0	0	0	0	0	0
do	do	Robert Cameron	0	0	0	1	0	0	0	0	0	0
do	do	David Bolt	0	0	0	1	0	0	0	0	0	0
do	do	John Dobson Dent	0	0	0	1	0	0	0	0	0	0
do	do	William McKay	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Donald McDonald	0	0	0	0	1	0	0	0	0	0
do	do	Hugh C. Barwick	0	0	0	0	1	0	0	0	0	0
do	do	Clarke	0	0	0	0	1	0	0	0	0	0
do	do	Alexander Murray	0	0	0	0	1	0	0	0	0	0
do	do	William McAulay	0	0	0	0	1	0	0	0	0	0
do	do	John Sutherland	0	0	0	0	1	0	0	0	0	0
do	do	James Watson	0	0	0	0	1	0	0	0	0	0
do	do	John Barwick	0	0	0	0	1	0	0	0	0	0
do	do	Henry DeBlaquiere	0	0	0	0	1	0	0	0	0	0
do	Ensign	William Murray	0	0	0	0	0	1	0	0	0	0
do	do	William Withers	0	0	0	0	0	0	1	0	0	0
do	do	John Griffith	0	0	0	0	0	0	1	0	0	0
do	do	James Lewis	0	0	0	0	0	0	1	0	0	0
do	do	Robert Campbell	0	0	0	0	0	0	1	0	0	0
do	do	James McDonald	0	0	0	0	0	0	1	0	0	0
do	do	Alexander Gordon	0	0	0	0	0	0	1	0	0	0
do	Lieut. Colonel	Honourable P. B. DeBlaquiere	0	1	0	0	0	0	0	0	0	0
do	Major	Edward Buller	0	0	1	0	0	0	0	0	0	0
do	Captain	Donald McDonell	0	0	0	1	0	0	0	0	0	0
do	do	James Austin	0	0	0	1	0	0	0	0	0	0
do	do	Hugh C. Barwick	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	William Murray	0	0	0	0	1	0	0	0	0	0
do	do	James Lewis	0	0	0	0	1	0	0	0	0	0
do	do	William Fraser, Junior	0	0	0	0	1	0	0	0	0	0
do	Quarter-Master	William Lapenotiere	0	0	0	0	0	0	0	0	0	1
do	Surgeon	J. S. Stratford	0	0	0	0	0	0	0	0	1	0
		Total	1	2	2	11	12	7	0	0	1	1
4th Oxford	Lieut. Colonel	George W. Whitehead	0	1	0	0	0	0	0	0	0	0
do	Major	John Weir	0	0	1	0	0	0	0	0	0	0
do	Colonel	James Winneatt	1	0	0	0	0	0	0	0	0	0
do	Captain	Charles Purley	0	0	0	1	0	0	0	0	0	0
do	do	Z. Bailey	0	0	0	1	0	0	0	0	0	0
do	do	James Brown	0	0	0	1	0	0	0	0	0	0
do	do	John Moore	0	0	0	1	0	0	0	0	0	0
do	do	Augustus Halston	0	0	0	1	0	0	0	0	0	0
do	do	Caleb Recuit	0	0	0	1	0	0	0	0	0	0
do	do	George McDougall	0	0	0	1	0	0	0	0	0	0
do	do	William D. Taylor	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	William D. Danbigny	0	0	0	0	1	0	0	0	0	0
do	do	Willard Whitehead	0	0	0	0	1	0	0	0	0	0
do	do	Charles Patrick	0	0	0	0	1	0	0	0	0	0
do	do	J. W. Longbourne	0	0	0	0	1	0	0	0	0	0
do	do	Jacob Smith	0	0	0	0	1	0	0	0	0	0
do	do	Allen Cameron	0	0	0	0	1	0	0	0	0	0
do	do	Robert Weir	0	0	0	0	1	0	0	0	0	0
do	do	William Utton	0	0	0	0	1	0	0	0	0	0
do	Ensign	J. R. McDonell	0	0	0	0	0	1	0	0	0	0
do	do	Abraham Greeney	0	0	0	0	0	1	0	0	0	0
do	do	William Kerley	0	0	0	0	0	1	0	0	0	0
do	do	Jeremiah Canning	0	0	0	0	0	1	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.					Staff.				
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
4th Oxford	Ensign	B. G. Tisdall	0	0	0	0	0	1	0	0	0	0
do	do	C. M. Ives	0	1	0	0	0	1	0	0	0	0
do	do	William Smiley	0	0	1	0	0	1	0	0	0	0
do	do	William D. Bowen	0	0	0	0	0	1	0	0	0	0
do	Surgeon	Peter Master	0	0	0	0	0	0	0	0	1	0
do	Assistant Surgeon	James Dixon	0	0	0	0	0	0	0	0	0	1
do	Quarter-Master	William Abbott	0	0	0	0	0	0	0	0	0	1
		Total	1	1	1	8	8	8	0	0	1	2
5th Oxford	Colonel	William Holcroft	1	0	0	0	0	0	0	0	0	0
do	Lieut. Colonel	R. Rollo Hunter	0	1	0	0	0	0	0	0	0	0
do	Major	James Ingersoll	0	0	1	0	0	0	0	0	0	0
do	Captain	William Rothwell	0	0	0	1	0	0	0	0	0	0
do	do	George Chambers	0	0	0	1	0	0	0	0	0	0
do	do	Thomas Ingersoll	0	0	0	1	0	0	0	0	0	0
do	do	George W. Marsh	0	0	0	1	0	0	0	0	0	0
do	do	Edmond Bufton	0	0	0	1	0	0	0	0	0	0
do	do	Robert Cameron	0	0	0	1	0	0	0	0	0	0
do	do	Welcome Yale	0	0	0	1	0	0	0	0	0	0
do	do	Charles M. Thomas	0	0	0	1	0	0	0	0	0	0
do	do	— Daley	0	0	0	1	0	0	0	0	0	0
do	Capt. & Adjutant	James Barker	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Thomas Peacock	0	0	0	0	1	0	0	0	0	0
do	do	Rothwell Garnett	0	0	0	0	1	0	0	0	0	0
do	do	Thomas Holcroft	0	0	0	0	1	0	0	0	0	0
do	do	Joseph Piers	0	0	0	0	1	0	0	0	0	0
do	do	Charles Merrigold	0	0	0	0	1	0	0	0	0	0
do	do	David Canfield, Jun'r.	0	0	0	0	1	0	0	0	0	0
do	do	Edward Haycock	0	0	0	0	1	0	0	0	0	0
do	do	John W. Marsh	0	0	0	0	1	0	0	0	0	0
do	do	John Stuart	0	0	0	0	1	0	0	0	0	0
do	do	David Cronk	0	0	0	0	1	0	0	0	0	0
do	do	Charles de Blaquiere	0	0	0	0	1	0	0	0	0	0
do	Qr.-Mr. & Lieut.	Boyle Travers	0	0	0	0	0	0	0	0	0	1
do	Ensign	William Withers	0	0	0	0	0	1	0	0	0	0
do	do	John Phelan	0	0	0	0	0	1	0	0	0	0
do	do	Henry Crotty	0	0	0	0	0	1	0	0	0	0
do	do	John Dundas	0	0	0	0	0	1	0	0	0	0
do	do	Edward Merrigold	0	0	0	0	0	1	0	0	0	0
do	do	Ezekiel McIntyre	0	0	0	0	0	1	0	0	0	0
do	do	John Nichol	0	0	0	0	0	1	0	0	0	0
do	do	Abraham Carrol	0	0	0	0	0	1	0	0	0	0
do	do	George W. Burton	0	0	0	0	0	1	0	0	0	0
do	do	Henry Reynell	0	0	0	0	0	1	0	0	0	0
do	Surgeon	Henry Osborne	0	0	0	0	0	0	0	1	0	0
		Total	1	1	1	10	11	10	0	0	1	1
1st Middlesex	Surgeon	James A. Rolls	0	0	0	0	0	0	0	0	1	0
do	Lieut. Colonel	Leslie Patterson	0	1	0	0	0	0	0	0	0	0
do	Major	James McQueen	0	0	1	0	0	0	0	0	0	0
do	Captain	William Shore	0	0	0	1	0	0	0	0	0	0
do	do	James Innes	0	0	0	1	0	0	0	0	0	0
do	do	Joseph Patterson	0	0	0	1	0	0	0	0	0	0
do	do	Joshua Bobier	0	0	0	1	0	0	0	0	0	0
do	do	Richard D. Drake	0	0	0	1	0	0	0	0	0	0
do	do	Julius Talbot Airey	0	0	0	1	0	0	0	0	0	0
do	do	George Munro	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Phineas Drake	0	0	0	0	1	0	0	0	0	0
do	do	Richard Nichols	0	0	0	0	1	0	0	0	0	0
do	do	John Bobier	0	0	0	0	1	0	0	0	0	0
do	do	Richard Evans	0	0	0	0	1	0	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.					Staff.				
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
1st Middlesex	Lieutenant	Samuel Harris	0	0	0	0	1	0	0	0	0	0
do	do	Hercules Burwell	0	0	0	0	1	0	0	0	0	0
do	do	James Blackwood	0	0	0	0	1	0	0	0	0	0
do	do	Ewen McKinley	0	0	0	0	1	0	0	0	0	0
do	Ensign	Henry Berdau	0	0	0	0	0	1	0	0	0	0
do	do	Thomas Bobier	0	0	0	0	0	1	0	0	0	0
do	do	Andrew Bachus	0	0	0	0	0	1	0	0	0	0
do	do	John Thayer	0	0	0	0	0	1	0	0	0	0
do	do	Richard Howart	0	0	0	0	0	1	0	0	0	0
do	do	Isaac B. Burwell	0	0	0	0	0	1	0	0	0	0
do	do	William Shore	0	0	0	0	0	1	0	0	0	0
do	do	McGregor	0	0	0	0	0	1	0	0	0	0
do	do	John Sinclair	0	0	0	0	0	1	0	0	0	0
		Total	0	1	1	7	8	9	0	0	1	0
2nd Middlesex	Lieut. Colonel	John Burwell	0	1	0	0	0	0	0	0	0	0
do	Major	Henry Medcalf	0	0	1	0	0	0	0	0	0	0
do	Captain	Gilbert Wrong	0	0	0	1	0	0	0	0	0	0
do	do	James Hutchinson	0	0	0	1	0	0	0	0	0	0
do	do	Alexander Saxton	0	0	0	1	0	0	0	0	0	0
do	do	Doyle McKenny	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	John Benner	0	0	0	0	1	0	0	0	0	0
do	do	Thomas Higginson	0	0	0	0	1	0	0	0	0	0
do	do	John Crowley	0	0	0	0	1	0	0	0	0	0
do	Ensign	Benjamin Plowman	0	0	0	0	0	1	0	0	0	0
do	do	George W. Hollowood	0	0	0	0	0	1	0	0	0	0
do	do	Peter McDonell	0	0	0	0	0	1	0	0	0	0
do	do	Thomas Jenkins, Jun'r.	0	0	0	0	0	1	0	0	0	0
do	do	Samuel Livingston	0	0	0	0	0	1	0	0	0	0
do	Captain	Hiram U. Gilbert	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	John M. Crawford	0	0	0	0	1	0	0	0	0	0
do	Cornet	John Wright	0	0	0	0	0	1	0	0	0	0
		Total	0	1	1	3	4	6	0	6	0	0
3rd Middlesex	Captain	James Ermatinger	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	John K. Woodward	0	0	0	0	1	0	0	0	0	0
do	Cornet	John Bostwick	0	0	0	0	0	1	0	0	0	0
		Total	0	0	0	1	1	1	0	0	0	0
4th Middlesex	Lieut. Colonel	Thomas H. Ball	0	1	0	0	0	0	0	0	0	0
do	Captain	Lawrence Lawrison	0	0	0	1	0	0	0	0	0	0
do	do	Hamilton H. Killaly	0	0	0	1	0	0	0	0	0	0
do	do	Alexander Sinclair	0	0	0	1	0	0	0	0	0	0
do	do	John Wilson	0	0	0	1	0	0	0	0	0	0
do	do	William Robertson	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	William Burgiss	0	0	0	0	1	0	0	0	0	0
do	do	William Bullen	0	0	0	0	1	0	0	0	0	0
do	do	George Robison	0	0	0	0	1	0	0	0	0	0
do	do	John O'Neill	0	0	0	0	1	0	0	0	0	0
do	do	William McMullan	0	0	0	0	1	0	0	0	0	0
do	do	William Geary, Jun'r.	0	0	0	0	1	0	0	0	0	0
do	do	James McFadden	0	0	0	0	1	0	0	0	0	0
do	do	John Jennings	0	0	0	0	1	0	0	0	0	0
do	Ensign	Thomas Howard	0	0	0	0	0	1	0	0	0	0
do	do	Edward Matthews	0	0	0	0	0	1	0	0	0	0
do	do	William R. Mittleberger	0	0	0	0	0	1	0	0	0	0
do	do	Charles Madden	0	0	0	0	0	1	0	0	0	0
do	do	William J. Handy	0	0	0	0	0	1	0	0	0	0
do	do	William Crofton	0	0	0	0	0	1	0	0	0	0
do	do	Thomas Harding	0	0	0	0	0	1	0	0	0	0
do	Capt. & Adjutant	James Black	0	0	0	0	0	0	1	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.							Staff.		
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
4th Middlesex	Qr.-Master	Freeman Talbot	0	0	0	0	0	0	0	0	0	1
do	Capt. & Adjutant	Ross Robertson	0	0	0	0	0	0	1	0	0	0
do	Captain	James B. O'Connor	0	0	0	1	0	0	0	0	0	0
do	do	William J. Bullen	0	0	0	1	0	0	0	0	0	0
do	do	George Robinson	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Philip Harding	0	0	0	0	1	0	0	0	0	0
do	do	James Parkison	0	0	0	0	1	0	0	0	0	0
do	do	Thomas Howard	0	0	0	0	1	0	0	0	0	0
do	do	Robert Matthews	0	0	0	0	1	0	0	0	0	0
do	do	Charles Madden	0	0	0	0	1	0	0	0	0	0
do	do	William Crofton	0	0	0	0	1	0	0	0	0	0
do	Ensign	Stern S. Ball	0	0	0	0	0	1	0	0	0	0
do	do	Thomas H. Ball	0	0	0	0	0	1	0	0	0	0
do	do	Henry Beecher	0	0	0	0	0	1	0	0	0	0
do	do	John Hawkins	0	0	0	0	0	1	0	0	0	0
do	do	William Warren	0	0	0	0	0	1	0	0	0	0
do	do	Alexander D. McLean	0	0	0	0	0	1	0	0	0	0
do	do	Thomas Parkison	0	0	0	0	0	1	0	0	0	0
do	do	David Kent	0	0	0	0	0	1	0	0	0	0
do	Lieutenant	Francis Warren	0	0	0	0	1	0	0	0	0	0
do	Cornet	Archibald Kier	0	0	0	0	0	1	0	0	0	0
		Total	0	1	0	8	15	16	2	0	0	1
5th Middlesex	Colonel	James Craig	1	0	0	0	0	0	0	0	0	0
do	Lieut. Colonel	Joseph B. Clench	0	1	0	0	0	0	0	0	0	0
do	Major	Frederick Somers	0	0	1	0	0	0	0	0	0	0
		Total	1	1	1	0	0	0	0	0	0	0
1st Huron	Colonel	William Dunlop	1	0	0	0	0	0	0	0	0	0
do	Lieut. Colonel	E. C. Taylor	0	1	0	0	0	0	0	0	0	0
do	Major	Charles Prior	0	0	1	0	0	0	0	0	0	0
do	Captain	John Annund	0	0	0	1	0	0	0	0	0	0
do	do	A. Christie	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Benjamin Wilson	0	0	0	0	1	0	0	0	0	0
do	do	William R. Rich	0	0	0	0	1	0	0	0	0	0
do	Lieut. & Adjutant	George Fruser	0	0	0	0	0	1	0	0	0	0
do	do	Walter Lawson	0	0	0	0	1	0	0	0	0	0
do	do	George Brown	0	0	0	0	1	0	0	0	0	0
do	do	John Young	0	0	0	0	1	0	0	0	0	0
do	Ensign	Alexander Annund	0	0	0	0	0	1	0	0	0	0
do	do	John Evans	0	0	0	0	0	1	0	0	0	0
do	do	Richard Young	0	0	0	0	0	1	0	0	0	0
do	do	David H. Richie	0	0	0	0	0	1	0	0	0	0
do	do	Benjamin Parsons	0	0	0	0	0	1	0	0	0	0
do	do	Nicholas Graffney	0	0	0	0	0	1	0	0	0	0
do	Qr.-Mr. & Ens.	John Clarke	0	0	0	0	0	0	0	0	0	1
do	Surgeon	Charles P. Darbishire	0	0	0	0	0	0	0	0	1	0
do	Assistant Surgeon	Thomas Stokes	0	0	0	0	0	0	0	0	0	1
		Total	1	1	1	2	5	6	1	0	1	2
2nd Huron	Colonel	Thomas M. Jones	1	0	0	0	0	0	0	0	0	0
do	Captain	James Adamson	0	0	0	1	0	0	0	0	0	0
do	do	John Longworth	0	0	0	1	0	0	0	0	0	0
do	do	Morgan Hamilton	0	0	0	1	0	0	0	0	0	0
do	Lieutenant Colonel	Henry Rainsford	0	1	0	0	0	0	0	0	0	0
do	Captain	John McDonald	0	0	0	1	0	0	0	0	0	0
do	do	Edward Biscohy	0	0	0	1	0	0	0	0	0	0
do	do	William Geary	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	David Clarke	0	0	0	0	1	0	0	0	0	0
do	do	Charles Widder	0	0	0	0	1	0	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	F. & Officers						Staff			
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
2nd Huron	Lieutenant	George Elliott	0	0	0	0	1	0	0	0	0	0
do	do	William Balkwell	0	0	0	0	1	0	0	0	0	0
do	do	James Hodgins	0	0	0	0	1	0	0	0	0	0
do	Ensign	Hugh McIntosh	0	0	0	0	0	1	0	0	0	0
do	do	William Adamson	0	0	0	0	0	1	0	0	0	0
do	do	William Carter	0	0	0	0	0	1	0	0	0	0
do	do	Edward Henley	0	0	0	0	0	1	0	0	0	0
do	Quarter-Master	Matthew Black	0	0	0	0	0	0	0	0	0	1
do	Major	John Bignall	0	0	1	0	0	0	0	0	0	0
		Total	1	1	1	6	5	4	0	0	0	1
3rd Huron	Colonel	Robert Dunlop	1	0	0	0	0	0	0	0	0	0
do	Major	James Mitchell	0	0	1	0	0	0	0	0	0	0
do	Captain	William Chalk	0	0	0	1	0	0	0	0	0	0
do	do	William Jackson	0	0	0	1	0	0	0	0	0	0
do	do	William Thompson, Jun'r.	0	0	0	1	0	0	0	0	0	0
do	do	Robert Donkin	0	0	0	1	0	0	0	0	0	0
do	do	Sebastian Fyfoggle	0	0	0	1	0	0	0	0	0	0
do	Adjutant	William Shields	0	0	0	0	0	0	1	0	0	0
do	Quarter-Master	J. C. W. Daly	0	0	0	0	0	0	0	0	0	1
do	Surgeon	John Flynn	0	0	0	0	0	0	0	0	1	0
do	Lieut. Colonel.	James Mitchell	0	1	0	0	0	0	0	0	0	0
do	Major	William Chalk	0	0	1	0	0	0	0	0	0	0
		Total	1	1	2	5	0	1	0	1	1	1
1st Kent	Lieut. Colonel.	James W. Little	0	1	0	0	0	0	0	0	0	0
do	Major	George Jacobs	0	0	1	0	0	0	0	0	0	0
		Total	0	1	1	0	0	0	0	0	0	0
2nd Kent	Lieut. Colonel.	John Bell	0	1	0	0	0	0	0	0	0	0
3rd Kent	Lieut. Colonel.	W. E. Wright	0	1	0	0	0	0	0	0	0	0
do	Major	John F. Elliott	0	0	1	0	0	0	0	0	0	0
do	do	A. W. Freer	0	0	1	0	0	0	0	0	0	0
do	Capt. & Adjutant.	Thomas Fisher	0	0	0	0	0	1	0	0	0	0
do	Captain	Alexander Inglis	0	0	0	1	0	0	0	0	0	0
do	do	Alexander Sinclair	0	0	0	1	0	0	0	0	0	0
do	do	Joseph Biddle	0	0	0	1	0	0	0	0	0	0
do	do	Frome Telfourd	0	0	0	1	0	0	0	0	0	0
do	do	James F. Elliott	0	0	0	1	0	0	0	0	0	0
do	do	Martin Someville	0	0	0	1	0	0	0	0	0	0
do	do	Alfred P. Toulmin	0	0	0	1	0	0	0	0	0	0
do	do	William Burwell	0	0	0	1	0	0	0	0	0	0
do	do	James Littleworth	0	0	0	1	0	0	0	0	0	0
do	do	Paul John Salter	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	John R. Nixon	0	0	0	0	1	0	0	0	0	0
do	do	Samuel Foster	0	0	0	0	1	0	0	0	0	0
do	do	Albert P. Salter	0	0	0	0	1	0	0	0	0	0
do	do	Robert Faithorn	0	0	0	0	1	0	0	0	0	0
do	do	A. W. Watson	0	0	0	0	1	0	0	0	0	0
do	do	Joseph Little	0	0	0	0	1	0	0	0	0	0
do	do	Samuel C. Hill	0	0	0	0	1	0	0	0	0	0
do	do	William Gurd	0	0	0	0	1	0	0	0	0	0
do	do	George Johnston	0	0	0	0	1	0	0	0	0	0
do	do	Richard Leslie	0	0	0	0	1	0	0	0	0	0
do	Ensign	Malcolm Wright	0	0	0	0	0	1	0	0	0	0
do	do	Alexander Videl	0	0	0	0	0	1	0	0	0	0
do	do	Christopher Blundell	0	0	0	0	0	1	0	0	0	0
do	do	Thomas Scott	0	0	0	0	0	1	0	0	0	0
do	do	George O. Illingworth	0	0	0	0	0	1	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.						Staff.			
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qu.-M'r.
3rd Kent	Ensign	John Reed	0	0	0	0	0	1	0	0	0	0
do	do	George Harrower	0	0	0	0	0	1	0	0	0	0
do	do	Thomas Abernethy	0	0	0	0	0	1	0	0	0	0
do	do	James Barry, jun.	0	0	0	0	0	1	0	0	0	0
do	do	Peter Galliman	0	0	0	0	0	1	0	0	0	0
do	Surgeon	John Hyde	0	0	0	0	0	0	0	1	0	0
do	Quarter-Master	Donald Bruce	0	0	0	0	0	0	0	0	0	1
Total			0	1	2	10	10	10	1	0	1	1
1st Essex	Captain	William Ambridge	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Thomas Wright	0	0	0	0	1	0	0	0	0	0
do	do	Leonard Wigle	0	0	0	0	1	0	0	0	0	0
do	do	John Brush	0	0	0	0	1	0	0	0	0	0
do	do	Prideaux Girty	0	0	0	0	1	0	0	0	0	0
do	do	Thomas Paxton	0	0	0	0	1	0	0	0	0	0
do	do	Horatio Nelson	0	0	0	0	1	0	0	0	0	0
do	do	Andrew Kemp	0	0	0	0	1	0	0	0	0	0
do	Ensign	James Kevill	0	0	0	0	0	1	0	0	0	0
do	do	James R. Brush	0	0	0	0	0	1	0	0	0	0
do	do	Harry Wright	0	0	0	0	0	1	0	0	0	0
do	do	Thomas H. Brush	0	0	0	0	0	1	0	0	0	0
do	do	Robert H. B. Elliott	0	0	0	0	0	1	0	0	0	0
do	do	James Cousins	0	0	0	0	0	1	0	0	0	0
do	do	William G. Dull	0	0	0	0	0	1	0	0	0	0
do	do	Theodore Ambridge	0	0	0	0	0	1	0	0	0	0
do	do	Allinson Botsford	0	0	0	0	0	1	0	0	0	0
do	do	Michael M. Fox	0	0	0	0	0	1	0	0	0	0
do	do	John Malott	0	0	0	0	0	1	0	0	0	0
do	Surgeon	Robert T. Reynolds	0	0	0	0	0	0	0	0	1	0
do	Ensign & Adjutant	George Bullock	0	0	0	0	0	0	0	1	0	0
do	Colonel	James Lachlan	1	0	0	0	0	0	0	0	0	0
Total			1	0	0	1	7	11	1	0	1	0
2nd Essex	Major	John G. Watson	0	0	1	0	0	0	0	0	0	0
do	Captain	Joseph C. Lewis	0	0	0	1	0	0	0	0	0	0
do	do	Chrystom Pajot	0	0	0	1	0	0	0	0	0	0
do	do	Antoine Ouillette	0	0	0	1	0	0	0	0	0	0
do	do	Joseph Woods	0	0	0	1	0	0	0	0	0	0
do	do	William G. Hall	0	0	0	1	0	0	0	0	0	0
do	do	Solemon T. Thebo	0	0	0	1	0	0	0	0	0	0
do	do	Robert W. Elliott	0	0	0	1	0	0	0	0	0	0
do	do	John L. Williams	0	0	0	1	0	0	0	0	0	0
do	do	James Fields	0	0	0	1	0	0	0	0	0	0
do	do	Joseph Provanchiers	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Antoine Dofour	0	0	0	0	1	0	0	0	0	0
do	do	Fabien Parrent	0	0	0	0	1	0	0	0	0	0
do	do	Constant Gauthier	0	0	0	0	1	0	0	0	0	0
do	do	Olivier Bosseleil	0	0	0	0	1	0	0	0	0	0
do	do	Duncan Grant	0	0	0	0	1	0	0	0	0	0
do	do	Dominique Langlois	0	0	0	0	1	0	0	0	0	0
do	do	William D. Baby	0	0	0	0	1	0	0	0	0	0
do	do	Thomas Pajot	0	0	0	0	1	0	0	0	0	0
do	do	St. Luke Ouillette	0	0	0	0	1	0	0	0	0	0
do	do	Samuel Mercer	0	0	0	0	1	0	0	0	0	0
do	Lieut. & Adjutant	Benjamin Chesseman	0	0	0	0	0	0	1	0	0	0
do	Ensign	Pierre Marontille	0	0	0	0	0	0	1	0	0	0
do	do	John Ross	0	0	0	0	0	0	1	0	0	0
do	do	David Mitchell	0	0	0	0	0	0	1	0	0	0
do	do	John Mercer	0	0	0	0	0	0	1	0	0	0
do	do	William Murray	0	0	0	0	0	0	1	0	0	0
do	do	William Gadsfield	0	0	0	0	0	0	1	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd Officers.							Staff.		
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
2nd Essex	Ensign	John A. Roy	0	0	0	0	0	1	0	0	0	0
do	do	Gabriel Bondy	0	0	0	0	0	1	0	0	0	0
do	do	Alexis Maisenville	0	0	0	0	0	1	0	0	0	0
do	do	James McDonald	0	0	0	0	0	1	0	0	0	0
do	Quarter-Master	Charles A. Anderson	0	0	0	0	0	0	0	0	0	1
do	Surgeon	Patrick McMullen	0	0	0	0	0	0	0	0	1	0
do	Lieutenant	Pierre Marontille	0	0	0	0	1	0	0	0	0	0
do	Ensign	Adam Gentle	0	0	0	0	1	0	0	0	0	0
do	do	Hevier St. Louis	0	0	0	0	1	0	0	0	0	0
		Total	0	0	1	10	11	12	1	0	1	1
3rd Essex	Colonel	John Prince	1	0	0	0	0	0	0	0	0	0
do	Lieut. Colonel	William Ambridge	0	1	0	0	0	0	0	0	0	0
do	Major	Prideaux Girty	0	0	1	0	0	0	0	0	0	0
do	Captain	John Ferris	0	0	0	1	0	0	0	0	0	0
do	do	Michael Fox	0	0	0	1	0	0	0	0	0	0
do	Capt. & Adjutant	George Leslie	0	0	0	0	0	0	1	0	0	0
do	do	Joseph Malott	0	0	0	1	0	0	0	0	0	0
do	do	Leonard Wigle	0	0	0	1	0	0	0	0	0	0
do	do	Horatio Nelson	0	0	0	1	0	0	0	0	0	0
do	do	Theodore Ambridge	0	0	0	1	0	0	0	0	0	0
do	do	Henry Scratch	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Michael Fox	0	0	0	1	0	0	0	0	0	0
do	do	John Malott	0	0	0	1	0	0	0	0	0	0
do	do	John Buchanan	0	0	0	1	0	0	0	0	0	0
do	do	John Scratch	0	0	0	1	0	0	0	0	0	0
do	do	John Wright	0	0	0	1	0	0	0	0	0	0
do	do	John R. Brush	0	0	0	1	0	0	0	0	0	0
do	do	Thomas Girty	0	0	0	1	0	0	0	0	0	0
do	do	James King	0	0	0	1	0	0	0	0	0	0
do	Ensign	Peter G. Malott	0	0	0	0	1	0	0	0	0	0
do	do	Theodore Malott	0	0	0	0	1	0	0	0	0	0
do	do	John G. Buchanan	0	0	0	0	1	0	0	0	0	0
do	do	Thomas H. Wright	0	0	0	0	1	0	0	0	0	0
do	do	Wheeler Cornwall	0	0	0	0	1	0	0	0	0	0
do	do	John Cornwall	0	0	0	0	1	0	0	0	0	0
do	do	Andrew Stewart	0	0	0	0	1	0	0	0	0	0
do	do	Jonathan Wigfield	0	0	0	0	1	0	0	0	0	0
do	do	Robert Bennett	0	0	0	0	1	0	0	0	0	0
do	Qr.-Master	John McDonald	0	0	0	0	0	0	0	0	0	1
do	Surgeon	George W. Ambridge	0	0	0	0	0	0	0	0	0	1
do	Captain	Duncan Grant	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Jarius R. Brush	0	0	0	1	0	0	0	0	0	0
do	Coronet	Henry Lighton	0	0	0	0	1	0	0	0	0	0
do	Captain	John Buchanan	0	0	0	1	0	0	0	0	0	0
do	do	John Scratch	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Peter G. Malott	0	0	0	1	0	0	0	0	0	0
do	do	John G. Buchanan	0	0	0	1	0	0	0	0	0	0
do	Ensign	Frederick A. Ambridge	0	0	0	0	1	0	0	0	0	0
do	do	Simon P. Girty	0	0	0	0	1	0	0	0	0	0
		Total	1	1	1	10	11	12	1	0	1	1
Brockville Artillery Co.	Captain	John Bland	0	0	0	1	0	0	0	0	0	0
do	First Lieutenant	William H. Mindell	0	0	0	0	1	0	0	0	0	0
do	Second do	Robert M. Watson	0	0	0	0	0	1	0	0	0	0
do	First Lieutenant	Robert M. Watson	0	0	0	0	1	0	0	0	0	0
do	Second do	Benjamin Chaffley	0	0	0	0	1	0	0	0	0	0
		Total	0	0	0	1	2	2	0	0	0	0
Niagara Artillery Co.	Captain	David Thompson	0	0	0	1	0	0	0	0	0	0

NOMINAL RETURN of Officers of the Militia—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.						Staff.			
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
Niagara Front. Art'y. Co.	Captain .....	John Bouker .....	0	0	0	1	0	0	0	0	0	0
do	1st Lieutenant.....	John Rogers.....	0	0	0	0	1	0	0	0	0	0
do	2d do .....	John Balfour.....	0	0	0	0	0	1	0	0	0	0
	Total .....		0	0	0	1	1	1	0	0	0	0
1st Kingston Artil'y. Co.	Captain .....	Charles Armstrong .....	0	0	0	1	0	0	0	0	0	0
do	1st Lieutenant.....	John McLean.....	0	0	0	0	1	0	0	0	0	0
do	2d do .....	Jeremiah Barston.....	0	0	0	0	0	1	0	0	0	0
	Total .....		0	0	0	1	1	1	0	0	0	0
2d Kingston Artil'y. Co.	Captain .....	Robert Jackson .....	0	0	0	1	0	0	0	0	0	0
Gananoque Artil'y. Co.	Captain .....	John McEwen.....	0	0	0	1	0	0	0	0	0	0
do	1st Lieutenant.....	John L. McDonald.....	0	0	0	0	1	0	0	0	0	0
	Total .....		0	0	0	1	1	0	0	0	0	0
Hastings Artillery Co...	Captain .....	Jacob Bunter .....	0	0	0	1	0	0	0	0	0	0
do	1st Lieutenant.....	Zenos Defoe .....	0	0	0	0	1	0	0	0	0	0
do	2d do .....	John Addison.....	0	0	0	0	0	1	0	0	0	0
	Total .....		0	0	0	1	1	1	0	0	0	0
Richmond Artil'y. Co.	Captain .....	Edward Malloch .....	0	0	0	1	0	0	0	0	0	0
do	1st Lieutenant.....	Henry McIlroy .....	0	0	0	0	1	0	0	0	0	0
do	2d do .....	David Harrison.....	0	0	0	0	0	1	0	0	0	0
	Total .....		0	0	0	1	1	1	0	0	0	0

Active Militia Force.

REGIMENT.	RANK.	NAME.	Fd. Officers.						Staff.			
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-Mr.
1st Batt'n. Inc'd. Militia	Lieut. Colonel...	Sir A. N. MacNab .....	0	1	0	0	0	0	0	0	0	0
do	Major .....	William Gourlay.....	0	0	1	0	0	0	0	0	0	0
	Total .....		0	1	1	0	0	0	0	0	0	0
2d Batt'n. Inc'd. Militia	Lieutenant Colonel	K. Cameron.....	0	1	0	0	0	0	0	0	0	0
do	Major .....	Brooke Young .....	0	0	1	0	0	0	0	0	0	0
do	Quarter-Master...	Matthew Wells .....	0	0	0	0	0	0	0	0	0	1
	Total .....		0	1	1	0	0	0	0	0	0	1
3d Batt'n. Inc'd. Militia	Lieut. Colonel....	William Kingsmill .....	0	1	0	0	0	0	0	0	0	0
do	Pay-Master.....	Thomas Benson .....	0	0	0	0	0	0	0	1	0	0
do	Capt. & Adjutant.	Thomas Bentley .....	0	0	0	0	0	0	1	0	0	0
do	Quarter-Master...	Thomas Gas .....	0	0	0	0	0	0	0	0	0	1
	Total .....		0	1	0	0	0	0	1	1	0	1

Active Militia Force—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.						Staff.			
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-Mr.
4th Batt'n. Inc'd. Militia	Lieutenant Colonel	J. Hill.....	0	1	0	0	0	0	0	0	0	0
do	Capt. & Adjutant	John Arthurs.....	0	0	0	0	0	0	1	0	0	0
do	Pay-Master.....	George Henderson.....	0	0	0	0	0	0	0	1	0	0
do	Lieutenant.....	John Maitland.....	0	0	0	0	1	0	0	0	0	0
do	do	Samuel Ball.....	0	0	0	0	0	1	0	0	0	0
do	Ensign.....	Thomas Gamble.....	0	0	0	0	0	1	0	0	0	0
		Total.....	0	1	0	0	2	1	1	1	0	0
1st Provisional Batt'n.	Lieut. Colonel....	Honourable P. Adamson.....	0	1	0	0	0	0	0	0	0	0
2nd Provisional Batt'n.	Lieut. Colonel....	Amos Thorne.....	0	1	0	0	0	0	0	0	0	0
3rd Provisional Batt'n.	Lieut. Colonel....	Honourable P. Vankoughnet.....	0	1	0	0	0	0	0	0	0	0
4th Provisional Batt'n.	Lieut. Colonel....	D. McDonell.....	0	1	0	0	0	0	0	0	0	0
5th Provisional Batt'n.	Lieut. Colonel....	Alexander Fraser.....	0	1	0	0	0	0	0	0	0	0
1st Incorporated Troop.	Captain.....	Thomas McGrath.....	0	0	0	1	0	0	0	0	0	0
do	Lieutenant.....	James McGrath.....	0	0	0	0	1	0	0	0	0	0
do	Cornet.....	Charles Heath.....	0	0	0	0	0	1	0	0	0	0
		Total.....	0	0	0	1	1	1	0	0	0	0

Unattached Rank.

REGIMENT.	RANK.	NAME.	Fd. Officers.						Staff.			
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-Mr.
	Lieut. Colonel....	Bonnycastle.....	0	1	0	0	0	0	0	0	0	0
	Colonel.....	Kenneth Cameron.....	1	0	0	0	0	0	0	0	0	0
	do	Richard Bullock.....	1	0	0	0	0	0	0	0	0	0
	do	F. Halkett.....	1	0	0	0	0	0	0	0	0	0
	do	F. H. Baddeley.....	1	0	0	0	0	0	0	0	0	0
	Lieut. Colonel....	J. M. Strachan.....	0	1	0	0	0	0	0	0	0	0
	Colonel.....	John S. Macaulay.....	1	0	0	0	0	0	0	0	0	0
Staff Adjutant's Rank..	Lieutenant.....	Henry Tyrwhitt.....	0	0	0	0	1	0	0	0	0	0
do	Captain.....	Henry Rudyard.....	0	0	0	1	0	0	0	0	0	0
do	Lieutenant.....	William H. Bonnycastle.....	0	0	0	0	1	0	0	0	0	0
	Pay-Master.....	James Nicholls.....	0	0	0	0	0	0	0	1	0	0
	Surgeon.....	George Baker.....	0	0	0	0	0	0	0	0	1	0
Garrison Adjutant....	do	Angus Cameron.....	0	0	0	0	0	0	0	0	0	1
	Quarter-Master...	Robert Jackson.....	0	0	0	0	0	0	0	0	0	1
	Assistant Surgeon.	Thomas Robinson.....	0	0	0	0	0	0	0	0	0	1
	Adjutant.....	Nathaniel Bates.....	0	0	0	0	0	0	1	0	0	0
	Assistant Surgeon.	George Grasett.....	0	0	0	0	0	0	0	0	0	1
	Surgeon.....	John King.....	0	0	0	0	0	0	0	0	1	0
	Lieut. Colonel....	Arnold Burrowes.....	0	1	0	0	0	0	0	0	0	0

Unattached Rank—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.							Staff.		
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Q'r.-M'r.
	Lieut. Colonel	John Prince	0	1	0	0	0	0	0	0	0	0
	do	Ogden Creighton	0	1	0	0	0	0	0	0	0	0
	do	Honourable John Elmsley	0	1	0	0	0	0	0	0	0	0
	Major	Thomas Magrath	0	0	1	0	0	0	0	0	0	0
	do	Robert Melville	0	0	1	0	0	0	0	0	0	0
	Lieut. Colonel	Baron De Rottenburg	0	1	0	0	0	0	0	0	0	0
	do	Charles G. Swan	0	1	0	0	0	0	0	0	0	0
		Total	5	8	2	3	2	0	1	1	2	3

Provincial Marine.

RANK.	NAME.	Commodore.	Captain.	Lieutenant.
Commodore	Andrew Drew	1	0	0
Captain	Honourable J. Elmsley	0	1	0
do	James Harper	0	1	0
Lieutenant	William J. Johnson	0	0	1
	Total	1	2	1

Called out on the first outbreak of the Rebellion, in 1837.

REGIMENT.	RANK.	NAME.	Fd. Officers.							Staff.		
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Q'r.-Mr.
Queen's Rangers	Lieut. Colonel	S. P. Jarvis	0	1	0	0	0	0	0	0	0	0
do	Major	Amos Thorne	0	0	1	0	0	0	0	0	0	0
do	do	Allan McDonell	0	0	1	0	0	0	0	0	0	0
do	Captain	Samuel P. Hurd	0	0	0	1	0	0	0	0	0	0
do	do	John Powell	0	0	0	1	0	0	0	0	0	0
do	do	William F. Brooke	0	0	0	1	0	0	0	0	0	0
do	do	George Munro	0	0	0	1	0	0	0	0	0	0
do	do	R. Baby	0	0	0	1	0	0	0	0	0	0
do	do	James McDonell	0	0	0	1	0	0	0	0	0	0
do	do	Lambert Brooke	0	0	0	1	0	0	0	0	0	0
do	do	Colley Foster	0	0	0	1	0	0	0	0	0	0
do	do	William Spragge	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	John H. Cameron	0	0	0	0	1	0	0	0	0	0
do	do	Alexander Shaw	0	0	0	0	1	0	0	0	0	0
do	do	J. Buchanan	0	0	0	0	1	0	0	0	0	0
do	do	John Bell	0	0	0	0	1	0	0	0	0	0
do	do	John Moodie	0	0	0	0	1	0	0	0	0	0
do	do	George Wells	0	0	0	0	1	0	0	0	0	0
do	do	D. Bridgford	0	0	0	0	1	0	0	0	0	0
do	do	J. Hurd	0	0	0	0	1	0	0	0	0	0
do	do	J. W. Gwynne	0	0	0	0	1	0	0	0	0	0
do	do	John Hector	0	0	0	0	1	0	0	0	0	0

Called out on the first outbreak of the Rebellion, in 1837—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.						Staff.			
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
Queen's Rangers	Ensign	John Watson	0	0	0	0	0	1	0	0	0	0
do	do	George Shaw	0	0	0	0	0	1	0	0	0	0
do	do	Grant Powell	0	0	0	0	0	1	0	0	0	0
do	do	Archibald Cameron	0	0	0	0	0	1	0	0	0	0
do	do	J. W. Bellingham	0	0	0	0	0	1	0	0	0	0
do	do	George W. Brock	0	0	0	0	0	1	0	0	0	0
do	do	A. J. Ferguson	0	0	0	0	0	1	0	0	0	0
do	do	Lukin Robinson	0	0	0	0	0	1	0	0	0	0
do	do	D. F. Jones	0	0	0	0	0	1	0	0	0	0
do	do	J. P. Carey	0	0	0	0	0	1	0	0	0	0
do	Adjutant	John M. Coppinger	0	0	0	0	0	0	1	0	0	0
do	Quarter-Master	John Ross	0	0	0	0	0	0	0	0	0	1
do	Pay-Master	T. Douglas Harington	0	0	0	0	0	0	0	1	0	0
do	Surgeon	William C. Gwynne	0	0	0	0	0	0	0	0	1	1
do	Lieutenant	John Watson	0	0	0	0	1	0	0	0	0	
do	do	George Shaw	0	0	0	0	1	0	0	0	0	
do	Ensign	Frederick W. Jarvis	0	0	0	0	0	1	0	0	0	
do	do	William D. Powell	0	0	0	0	0	1	0	0	0	
do	Lieutenant	Grant Powell	0	0	0	0	1	0	0	0	0	
do	Ensign	Peter Heward	0	0	0	0	0	0	0	0	0	
do	Assistant Surgeon	William Rees	0	0	0	0	0	0	0	0	1	
do	Major	Samuel P. Hurd	0	0	1	0	0	0	0	0	0	0
do	Captain	John H. Cameron	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Archibald Cameron	0	0	0	0	1	0	0	0	0	0
do	do	William J. Bellingham	0	0	0	0	1	0	0	0	0	0
do	Ensign	Septimus A. Ridout	0	0	0	0	0	1	0	0	0	
do	do	Henry Cooke	0	0	0	0	0	1	0	0	0	
do	Adjutant	George D. Wells	0	0	0	0	0	0	1	0	0	
Total			0	1	3	10	15	15	2	1	1	2
Queen's Light-Infantry	Lieut.-Colonel	Joseph Hill										
do	Major	John Richard Nash										
do	do	Edward W. Thomson										
do	Captain	Phillip Durnford										
do	do	Joseph B. Spragge										
do	do	William A. Campbell										
do	do	Richard A. Thornhill										
do	do	Walter McKenzie										
do	do	James Young										
do	do	Richard Brooke										
do	do	Archibald McDonell										
do	do	Thomas Steers										
do	do	Henry Jessup										
do	Lieutenant	Robert Kelly										
do	do	Allen Cameron										
do	do	John McKenzie										
do	do	Edward Kerson										
do	do	James D. Humphreys										
do	do	Brownlow W. Roberts										
do	do	Joseph S. Lee										
do	do	Charles ewson										
do	do	John B. Robinson										
do	do	John S. McDonell										
do	Ensign	Thomas F. Hill										
do	do	John Black										
do	do	John Shaw										
do	do	Thaddens Patrick										
do	do	Arthur Rankin										
do	do	Augustus Sullivan										
do	do	William C. Loring										
do	do	Samuel Sherwood										
do	do	Henry Powell										
do	do	George S. J. Hill										

Issued previous to 6th March, 1839.

Called out on the first outbreak of the Rebellion, in 1837—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.						Staff.			
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
Queen's Light Infantry	Quarter-Master...	George Henderson .....										
do	Adjutant .....	John F. Sparke .....										do
do	Pay-Master .....	Philip Durnford .....										
do	Surgeon .....	Alfred Dewson .....	0	0	0	1	0	0	0	0	0	0
do	Captain .....	Edward Beeston .....	0	0	0	0	0	1	0	0	0	0
do	Ensign .....	John D. Talbot .....	0	0	0	0	0	1	0	0	0	0
do	Lieutenant .....	George Henderson .....	0	0	0	0	1	0	0	0	0	0
do	Captain .....	John Frederick Sparke .....	0	0	0	0	0	0	0	0	0	0
do	Assistant Surgeon.	Thomas Duggan .....	0	0	0	0	0	0	0	0	0	1
do	Captain .....	R. E. Kelly .....	0	0	0	1	1	0	0	0	0	0
do	Lieutenant .....	T. T. Hill .....	0	0	0	0	0	1	0	0	0	0
do	Ensign .....	Theodore Cooke .....	0	0	0	0	0	1	0	0	0	0
		Total .....	0	0	0	3	2	2	0	0	0	1
Queen's Niagara Fen's.	Lieut. Colonel...	James Kirby .....	0	1	0	0	0	0	0	0	0	0
do	Major .....	Richard P. Webb .....	0	0	1	0	0	0	0	0	0	0
do	do .....	Samuel Ussher .....	0	0	1	0	0	0	0	0	0	0
do	Captain .....	Samuel Ussher .....	0	0	0	1	0	0	0	0	0	0
do	do .....	James S. Egan .....	0	0	0	1	0	0	0	0	0	0
do	do .....	Edmond Reilly .....	0	0	0	1	0	0	0	0	0	0
do	do .....	Joseph Clarke .....	0	0	0	1	0	0	0	0	0	0
do	do .....	George Sheehan .....	0	0	0	1	0	0	0	0	0	0
do	do .....	Alexander Douglass .....	0	0	0	1	0	0	0	0	0	0
do	do .....	William Duff .....	0	0	0	1	0	0	0	0	0	0
do	do .....	Carleton Leonard .....	0	0	0	1	0	0	0	0	0	0
do	do .....	Joshua Thompson .....	0	0	0	1	0	0	0	0	0	0
do	do .....	Bartholomew Tench .....	0	0	0	1	0	0	0	0	0	0
do	do .....	John Ussher .....	0	0	0	1	0	0	0	0	0	0
do	Lieutenant .....	John Ussher .....	0	0	0	0	1	0	0	0	0	0
do	do .....	William B. Roberts .....	0	0	0	0	1	0	0	0	0	0
do	do .....	John McFarland Wilson .....	0	0	0	0	1	0	0	0	0	0
do	do .....	John Walker .....	0	0	0	0	1	0	0	0	0	0
do	do .....	John Bowen .....	0	0	0	0	1	0	0	0	0	0
do	do .....	John Calaghan .....	0	0	0	0	1	0	0	0	0	0
do	do .....	Mark Dyeit .....	0	0	0	0	1	0	0	0	0	0
do	do .....	William Peterson .....	0	0	0	0	1	0	0	0	0	0
do	do .....	Henry Thompson .....	0	0	0	0	1	0	0	0	0	0
do	do .....	Charles Hale .....	0	0	0	0	1	0	0	0	0	0
do	do .....	John B. Warren .....	0	0	0	0	1	0	0	0	0	0
do	Ensign .....	William Thompson .....	0	0	0	0	1	0	0	0	0	0
do	do .....	George Webster .....	0	0	0	0	1	0	0	0	0	0
do	do .....	Kenneth Reid .....	0	0	0	0	1	0	0	0	0	0
do	do .....	James Hogan .....	0	0	0	0	1	0	0	0	0	0
do	do .....	John Mylere .....	0	0	0	0	1	0	0	0	0	0
do	do .....	William Rooth .....	0	0	0	0	1	0	0	0	0	0
do	do .....	Henry Foot .....	0	0	0	0	1	0	0	0	0	0
do	do .....	Gregory Foot .....	0	0	0	0	1	0	0	0	0	0
do	do .....	Edward Hale .....	0	0	0	0	1	0	0	0	0	0
do	Adjutant .....	Denis Keely .....	0	0	0	0	0	1	0	0	0	1
do	Quarter-Master .....	John Calaghan .....	0	0	0	0	0	0	0	0	1	0
do	Surgeon .....	William Sutherland .....	0	0	0	0	0	0	0	0	1	0
do	Assistant Surgeon .....	Cyrus Hall .....	0	0	0	0	0	0	0	1	0	0
do	Pay-Master .....	Kenneth Robertson .....	0	0	0	0	0	0	1	0	0	0
do	Lieutenant .....	William Thompson .....	0	0	0	0	0	1	0	0	0	0
do	Ensign .....	Wharton Medcalf .....	0	0	0	0	0	1	0	0	0	0
do	do .....	F. Andrew B. Cleuch .....	0	0	0	0	0	1	0	0	0	0
do	do .....	Charles W. Grange .....	0	0	0	0	0	1	0	0	0	0
		Total .....	0	1	2	11	12	12	1	1	1	2
1st Frontier Light Inf.	Lieut. Colonel...	John Clarke .....	0	1	0	0	0	0	0	0	0	0
do	Major .....	Peregrine Warren .....	0	0	1	0	0	0	0	0	0	0

Called out on the first outbreak of the Rebellion, in 1837—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.							Staff.		
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
1st Frontier Light Inf.	Major	Ogden Creighton	0	0	1	0	0	0	0	0	0	0
do	Captain	Lewis Clement	0	0	0	1	0	0	0	0	0	0
do	do	Daniel McDougall	0	0	0	1	0	0	0	0	0	0
do	do	Frederick G. Nash	0	0	0	1	0	0	0	0	0	0
do	do	Edward C. Campbell	0	0	0	1	0	0	0	0	0	0
do	do	Daniel Gregory	0	0	0	1	0	0	0	0	0	0
do	do	John H. Palmer	0	0	0	1	0	0	0	0	0	0
do	do	Robert Maitland Roy	0	0	0	1	0	0	0	0	0	0
do	do	Warren H. Nelles	0	0	0	1	0	0	0	0	0	0
do	do	Charles Clarke	0	0	0	1	0	0	0	0	0	0
do	do	Malcolm Lang	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Samuel Reid	0	0	0	0	1	0	0	0	0	0
do	do	Alexander C. Hamilton	0	0	0	0	1	0	0	0	0	0
do	do	George Hutchins	0	0	0	0	1	0	0	0	0	0
do	do	John Lyons	0	0	0	0	1	0	0	0	0	0
do	do	Mackey H. Scott	0	0	0	0	1	0	0	0	0	0
do	do	James Patterson	0	0	0	0	1	0	0	0	0	0
do	do	Angus McLeod	0	0	0	0	1	0	0	0	0	0
do	do	Benjamin Stewart	0	0	0	0	1	0	0	0	0	0
do	do	William Beamish	0	0	0	0	1	0	0	0	0	0
do	do	Henry J. Tench	0	0	0	0	1	0	0	0	0	0
do	do	Robert Jennings	0	0	0	0	0	1	0	0	0	0
do	Ensign	William Eccles	0	0	0	0	0	1	0	0	0	0
do	do	Nathan Gatchell	0	0	0	0	0	1	0	0	0	0
do	do	John G. Stevenson	0	0	0	0	0	1	0	0	0	0
do	do	Richard Miller	0	0	0	0	0	1	0	0	0	0
do	do	John Adolphus Nelles	0	0	0	0	0	1	0	0	0	0
do	do	Harry Murray	0	0	0	0	0	1	0	0	0	0
do	do	Thomas W. Cummings	0	0	0	0	0	1	0	0	0	0
do	do	Robert Craig	0	0	0	0	0	1	0	0	0	0
do	do	Edmond Tench	0	0	0	0	0	1	0	0	0	0
do	Adjutant	Alexander McDonald	0	0	0	0	0	0	1	0	0	0
do	Quarter-Master	Henry E. Nicholls	0	0	0	0	0	0	0	0	1	0
do	Surgeon	Arthur Patterson	0	0	0	0	0	0	0	0	1	0
do	Pay-Master	William Clarke	0	0	0	0	0	0	0	0	0	1
do	Assistant Surgeon	William Gordon Gun	0	0	0	0	0	1	0	0	0	0
do	Lieutenant	Robert Craig	0	0	0	0	0	0	1	0	0	0
do	Ensign	George P. Marsh	0	0	0	0	0	0	1	0	0	0
do	do	Matthew Wells	0	0	0	0	0	0	1	0	0	0
do	Lieutenant	Charles B. Secord	0	0	0	0	0	0	1	0	0	0
Total			0	1	2	10	12	12	1	1	1	2
Queen's Own	Lieut. Colonel	William Kingsmill	0	1	0	0	0	0	0	0	0	0
do	Major	Robert Brown	0	0	1	0	0	0	0	0	0	0
do	do	George Elliott	0	0	1	0	0	0	0	0	0	0
do	Captain	John V. Murphy	0	0	0	1	0	0	0	0	0	0
do	do	Samuel Thompson	0	0	0	1	0	0	0	0	0	0
do	do	John W. Love	0	0	0	1	0	0	0	0	0	0
do	do	Samuel Solmes	0	0	0	1	0	0	0	0	0	0
do	do	Thomas Flaglar	0	0	0	1	0	0	0	0	0	0
do	do	J. W. D. Moodie	0	0	0	1	0	0	0	0	0	0
do	do	William Wallis	0	0	0	1	0	0	0	0	0	0
do	do	Robert Taylor	0	0	0	1	0	0	0	0	0	0
do	do	Thomas Mitchell	0	0	0	1	0	0	0	0	0	0
do	do	George H. H. E. Grierson	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	D'Arcy E. Boulton	0	0	0	0	1	0	0	0	0	0
do	do	James Carver	0	0	0	0	1	0	0	0	0	0
do	do	Burrage Y. McKeys	0	0	0	0	1	0	0	0	0	0
do	do	William H. Kingsmill	0	0	0	0	1	0	0	0	0	0
do	do	William Dempsey	0	0	0	0	1	0	0	0	0	0
do	do	Robert Hawthorn	0	0	0	0	1	0	0	0	0	0

Called out on the first outbreak of the Rebellion, in 1837—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.					Staff.				
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Asst. Surg'n. and Qr.-M'r.
Queen's Own	Lieutenant	James R. Morden	0	0	0	0	1	0	0	0	0	0
do	do	Nesbet Kirkhoffer	0	0	0	0	1	0	0	0	0	0
do	do	Samuel Wainwright	0	0	0	0	1	0	0	0	0	0
do	do	James Cooke	0	0	0	0	1	0	0	0	0	0
do	do	William Benson	0	0	0	0	1	0	0	0	0	0
do	Ensign	William Wood	0	0	0	0	0	1	0	0	0	0
do	do	Paul Clapp	0	0	0	0	0	1	0	0	0	0
do	do	Bernard Boyd	0	0	0	0	0	1	0	0	0	0
do	do	Robert Brown	0	0	0	0	0	1	0	0	0	0
do	do	George Cunningham	0	0	0	0	0	1	0	0	0	0
do	do	Thomas Bentley	0	0	0	0	0	1	0	0	0	0
do	do	Loughlin McCallum	0	0	0	0	0	1	0	0	0	0
do	do	Charles Finlayson	0	0	0	0	0	1	0	0	0	0
do	do	Henry Rutan	0	0	0	0	0	1	0	0	0	0
do	Adjutant	Francis Dempsey	0	0	0	0	0	0	1	0	0	0
do	Quarter-Master	Levi Bigelow	0	0	0	0	0	0	0	0	0	1
do	Surgeon	William Winder	0	0	0	0	0	0	0	0	1	0
do	Pay-Master	Thomas Benson	0	0	0	0	0	0	0	1	0	0
do	Captain	Simon Purdon	0	0	0	1	0	0	0	0	0	0
do	do	D. E. Boulton	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	William Wood	0	0	0	0	1	0	0	0	0	0
do	do	John New Berm	0	0	0	0	1	0	0	0	0	0
do	do	Henry Brent	0	0	0	0	1	0	0	0	0	0
do	Assistant Surgeon	William Taylor	0	0	0	0	0	0	0	0	0	1
do	Ensign	— Kelly	0	0	0	0	0	1	0	0	0	0
do	Adjutant	Thomas Bentley	0	0	0	0	0	0	1	0	0	0
		Total	0	1	2	12	14	11	2	1	1	2
Western Rangers	Lieut.-Colonel	Thomas Radcliffe	0	1	0	0	0	0	0	0	0	0
do	Captain	William Radcliffe	0	0	0	1	0	0	0	0	0	0
do	do	Paul Hughes	0	0	0	1	0	0	0	0	0	0
do	do	Thomas S. Grome	0	0	0	1	0	0	0	0	0	0
do	do	John P. Curran	0	0	0	1	0	0	0	0	0	0
do	do	R. H. Allison	0	0	0	1	0	0	0	0	0	0
do	do	John Arthurs	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Thomas White	0	0	0	0	1	0	0	0	0	0
do	do	Edward Bullock	0	0	0	0	1	0	0	0	0	0
do	do	George Somers	0	0	0	0	1	0	0	0	0	0
do	do	R. L. Johnson	0	0	0	0	1	0	0	0	0	0
do	do	George Pegley	0	0	0	0	1	0	0	0	0	0
do	Ensign	Joshua Phillips	0	0	0	0	0	1	0	0	0	0
do	do	John Massey	0	0	0	0	0	0	1	0	0	0
do	do	James Goring	0	0	0	0	0	0	1	0	0	0
do	do	William Gray	0	0	0	0	0	0	1	0	0	0
do	Adjutant	John Arthurs	0	0	0	0	0	0	0	1	0	0
do	Quarter-Master	David McPherson	0	0	0	0	0	0	0	0	0	1
do	Surgeon	Thomas Phillips	0	0	0	0	0	0	0	0	1	0
		Total	0	1	0	6	5	4	1	0	1	1
London Volunteers	Major	John B. Askin	0	0	1	0	0	0	0	0	0	0
do	Captain	Thomas Cronyn	0	0	0	1	0	0	0	0	0	0
do	do	John Stewart	0	0	0	1	0	0	0	0	0	0
do	do	John Douglass	0	0	0	1	0	0	0	0	0	0
do	do	David Calder	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Ross Robertson	0	0	0	0	1	0	0	0	0	0
do	do	Hamilton R. O'Reilly	0	0	0	0	1	0	0	0	0	0
do	do	John H. L. Askin	0	0	0	0	1	0	0	0	0	0
do	do	William Shore	0	0	0	0	1	0	0	0	0	0
do	Ensign	Frederick Claverly	0	0	0	0	0	1	0	0	0	0
do	do	John L. Montseratt	0	0	0	0	0	0	1	0	0	0
do	do	Peter Schram	0	0	0	0	0	0	1	0	0	0

Called out on the first outbreak of the Rebellion, in 1837—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers							Staff		
			Colonel.	Lieutenant Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Q'r.-Mr.
London Volunteers	Ensign	Hugh Black	0	0	0	0	0	1	0	0	0	0
do	do	Charles Dawson	0	0	0	0	0	1	0	0	0	0
do	Surgeon	Gorge Moore	0	0	0	0	0	0	0	1	0	0
		Total	0	0	1	4	4	5	0	1	0	0
Queen's Volunt'r. Marine Artillery	Major	James Harper	0	0	1	0	0	0	0	0	0	0
do	Captain	J. B. Clarke	0	0	0	1	0	0	0	0	0	0
do	do	David Taylor	0	0	0	1	0	0	0	0	0	0
do	do	Jacob Herchimer	0	0	0	1	0	0	0	0	0	0
do	do	E. T. Tildersley	0	0	0	1	0	0	0	0	0	0
do	1st Lieutenant	William Bowen	0	0	0	0	1	0	0	0	0	0
do	do	John Ives	0	0	0	0	1	0	0	0	0	0
do	do	Robert Patterson	0	0	0	0	1	0	0	0	0	0
do	do	George Ives	0	0	0	0	1	0	0	0	0	0
do	2d Lieutenant	Thomas Drummond	0	0	0	0	0	1	0	0	0	0
do	do	M. T. Hunter	0	0	0	0	0	1	0	0	0	0
do	do	Thomas Gordon	0	0	0	0	0	1	0	0	0	0
do	do	Robert Gaskin	0	0	0	0	0	1	0	0	0	0
do	do	William Chambers	0	0	0	0	0	1	0	0	0	0
do	Quarter-Master	M. T. Hunter	0	0	0	0	0	0	0	0	1	0
		Total	0	0	1	4	4	5	0	0	0	1
Queen's Toronto Guard	Captain	James Newbigging	0	0	0	1	0	0	0	0	0	0
do	do	George P. Ridout	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	W. Brent	0	0	0	0	1	0	0	0	0	0
do	do	Joseph D. Ridout	0	0	0	0	1	0	0	0	0	0
do	Ensign	Charles Daly	0	0	0	0	0	1	0	0	0	0
do	do	Henry Rowsell	0	0	0	0	0	1	0	0	0	0
do	Quarter-Master	Charles Stotesbury	0	0	0	0	0	0	0	0	1	0
do	Major	George Gurnett	0	0	1	0	0	0	0	0	0	0
do	Captain	James Brown	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Henry Rowsell	0	0	0	0	1	0	0	0	0	0
do	Ensign	George Kingsmill	0	0	0	0	0	1	0	0	0	0
do	do	Henry Hartney	0	0	0	0	0	1	0	0	0	0
do	Lieutenant	Charles Daly	0	0	0	0	1	0	0	0	0	0
do	Ensign	Robert Beard	0	0	0	0	0	1	0	0	0	0
do	Pay-Master	William Brent	0	0	0	0	0	0	1	0	0	0
do	Captain	William Caley	0	0	0	1	0	0	0	0	0	0
do	do	George Munro	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	William Goring	0	0	0	0	1	0	0	0	0	0
do	do	Henry Hartney	0	0	0	0	1	0	0	0	0	0
do	Ensign	John Cochranne	0	0	0	0	0	1	0	0	0	0
do	do	Edward V. Matthias	0	0	0	0	0	1	0	0	0	0
do	do	Samuel Bowler	0	0	0	0	0	1	0	0	0	0
do	Lieutenant	J. G. Armour	0	0	0	0	1	0	0	0	0	0
do	Surgeon	John King	0	0	0	0	0	0	0	1	0	0
		Total	0	0	1	5	7	8	0	1	1	1
Coloured Corps	Captain	Robert Runchey	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Johnson B. Clench	0	0	0	0	1	0	0	0	0	0
do	do	Johnson Stewart	0	0	0	0	1	0	0	0	0	0
do	Eusign	William Fulton	0	0	0	0	0	1	0	0	0	0
		Total	0	0	0	1	2	1	0	0	0	0
Sandwich Volunteers	Captain	Alexander Wilkinson	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Robert Elliott	0	0	0	0	1	0	0	0	0	0
		Total	0	0	0	1	1	0	0	0	0	0



Called out on the first outbreak of the Rebellion, in 1837—(CONTINUED.)

REGIMENT.	RANK.	NAME.	Fd. Officers.						Staff.			
			Colonel.	Lieutenant-Colonel.	Major.	Captain.	Lieutenant.	Ensign.	Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-Mr.
Royal Foresters	Ensign	Robert F. Cameron	0	0	0	0	0	1	0	0	0	0
do	do	Samuel Ewing	0	0	0	0	0	1	0	0	0	0
do	Assistant Surgeon	Robert Hornby	0	0	0	0	0	0	0	0	0	1
do	Captain	George Bajer	0	0	0	1	0	0	0	0	0	0
do	do	Septimus Tyrwhitt	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Charles E. Eaton	0	0	0	0	1	0	0	0	0	0
do	do	G. Hamilton	0	0	0	0	1	0	0	0	0	0
do	do	Rowland B. Orr	0	0	0	0	1	0	0	0	0	0
do	Ensign	Thomas La' Ponatiere	0	0	0	0	0	1	0	0	0	0
do	do	William Watson	0	0	0	0	0	1	0	0	0	0
do	do	Robert Butcher	0	0	0	0	0	1	0	0	0	0
do	do	William James	0	0	0	0	0	1	0	0	0	0
		Total	0	1	2	11	14	17	1	1	1	2
Captain Lears' Coloured Company	Captain	James Hinman Lears	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	John Johnson	0	0	0	0	1	0	0	0	0	0
do	Ensign	Henry Arnold	0	0	0	0	0	1	0	0	0	0
		Total	0	0	0	1	1	1	0	0	0	0
Essex Volunteers	Captain	Henry Rudyerd	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	Edmond Longmore	0	0	0	0	1	0	0	0	0	0
do	Ensign	George Lesslie	0	0	0	0	0	1	0	0	0	0
		Total	0	0	0	1	1	1	0	0	0	0
Queen's Light Dragoons	Cornet	Charles Dewson	0	0	0	0	0	1	0	0	0	0
do	Cornet	Abraham P. Lawrence	0	0	0	0	0	1	0	0	0	0
		Total	0	0	0	0	0	2	0	0	0	0
Queen's Lancers	Lieutenant	James Magrath	0	0	0	0	1	0	0	0	0	0
do	Cornet	Charles W. Heath	0	0	0	0	0	1	0	0	0	0
		Total	0	0	0	0	1	1	0	0	0	0
Galt Volunteer Co.	Captain	Thomas Rich	0	0	0	1	0	0	0	0	0	0
do	Lieutenant	O. E. Gordon	0	0	0	0	1	0	0	0	0	0
do	Ensign	Thomas G. Chapman	0	0	0	0	0	1	0	0	0	0
		Total	0	0	0	1	1	1	0	0	0	0
Bank Guard	Captain	Thomas G. Ridout	0	0	0	1	0	0	0	0	0	0
do	First Lieutenant	C. S. Murray	0	0	0	0	1	0	0	0	0	0
do	Second do.	R. G. Anderson	0	0	0	0	0	1	0	0	0	0
		Total	0	0	0	1	1	1	0	0	0	0

RECAPITULATION.

	Fd. Officers.				Lieutenant.	Ensign.	Staff.			
	Colonel.	Lieutenant-Colonel.	Major.	Captain.			Adjutant.	Pay-Master.	Surgeon.	Ass't. Surg'n. and Qr.-M'r.
Total number of Commissions issued to the Sedentary Militia, since 6th March, 1838.....	35	51	60	437	529	550	31	238	30	
Total number of Commissions issued to the Active Militia Force.....	0	9	2	1	3	2	2	0	2	
Do. do. do. do. to Officers of Unattached Rank.....	5	8	2	3	2	0	1	2	3	
Do. do. do. do. to Officers of the Active Militia, raised at the first outbreak in 1837 and 1838.....	0	6	14	86	101	103	7	6	9	
Grand Total.....	40	74	78	527	635	653	41	11	49	
Number of Commissions issued.....										2165

TO THE PROVINCIAL MARINE:

One Commodore,  
Two Captains,  
One Lieutenant.

RICHARD BULLOCK,  
*Adjutant General,  
Militia.*

MEMORANDUM.—There yet remains to be issued from this Department, 1043 Commissions for appointment<sup>s</sup> made in the Militia Force previous to this date.

RICHARD BULLOCK,  
*Adjutant General,  
Militia.*

STATEMENT OF MONIES paid into the hands of the Receiver General, as Fees on Commissions of Officers of Militia, under 1st Victoria, Chap. 8, from the 6th March, 1838, to the 15th March, 1838, inclusive, viz :

DATE.	FROM WHOM RECEIVED.	Sums, in Provincial Currency.
		£ s. D.
1838.		
July .... 5	From the Honourable James Kerby, Colonel commanding the Queen's Niagara Fencibles.....	31 15 0
" .... 7	" Colonel Baddeley, unattached.....	1 10 0
" .... 30	" Colonel John S. Macaulay, unattached.....	1 10 0
August .. 20	" Lieutenant-Colonel H. Nelles, 4th Lincoln Militia.....	1 5 0
" .. 24	" Major Magrath.....	3 5 0
" .. 28	" Dr. Deihl, Inspector of Hospitals.....	1 0 0
Sept'r. .. 1	" Lieutenant-Colonel Thomas McKay, 1st Russel Militia.....	1 10 0
" .. 5	" Captain Donald Murray, commanding the Active Company, 1st Grenville Militia.....	2 5 0
" .. 7	" Captain John Bland, commanding the Brockville Artillery Company.....	2 5 0
" .. "	" Captain Jacob Bouter, commanding 1st Hastings Independent Company of Artillery.....	2 5 0
" .. 8	" Major Harper, commanding Queen's Marine Artillery.....	6 5 0
" .. 11	" Lieutenant-Colonel Donald Bethune, unattached.....	1 5 0
" .. 21	" Colonel Wilkins, commanding 2nd Regiment Prince Edward Militia.....	10 0 0
" .. 29	" Colonel Chalmers, commanding 5th Gore Militia.....	0 15 0
October .. 11	" Colonel Salmon, commanding 3rd Norfolk Militia.....	1 10 0
" .. "	" Surgeon James Allan, 1st Lennox Militia, through the Adjutant-General of Militia.....	0 15 0
" .. 12	" Colonel William Dickson, 4th Gore Militia.....	1 10 0
" .. "	" Assistant-Surgeon Grasett, unattached.....	0 10 0
	Carried forward.....	£ 71 0 0

## RETURN OF MONIES paid into the hands of the Receiver General—(CONTINUED.)

DATE.	FROM WHOM RECEIVED.	Sum, in		
		Provincial Currency.		
		£	s.	D.
1838.	Brought forward .....	71	0	0
October 19	" Captain John McEwan, Gananoque Independent Artillery Company .....	0	15	0
" ..20	" Colonel Chambers, commanding 5th Gore Militia .....	1	10	0
" ..23	" Lieutenant-Colonel Turnbull, commanding the 1st Hastings Militia .....	7	10	0
" ..24	" Colonel E. G. O'Brien, commanding 3rd Simcoe Militia .....	3	15	0
" ..24	" Colonel T. M. Jones, commanding 2nd Huron Militia .....	12	10	0
" ..26	" Captain James Harper, Provincial Marine .....	0	15	0
Nov'r. .. 3	" Colonel Kenneth Cameron, commanding 9th North York, or Brock Militia .....	3	15	0
" .. 5	" Colonel Ketcheson, commanding 4th Hastings Militia .....	16	15	0
" .. 5	" Colonel Warner Nelles, commanding 1st Haldimand Militia .....	0	15	0
" .. 5	" Colonel S. Dorland, commanding 1st Lennox Militia, through the Adjutant General .....	7	10	0
" .. 7	" Captain Murney, 1st Hastings Rifle Company .....	2	5	0
" .. 8	" Do. for Cornet Leavens, 1st Hastings Cavalry, and Ensign Falliter, 1st Hastings Infantry .....	1	10	0
" ..20	" Captain George Rykert, commanding St. Catharines Cavalry .....	2	5	0
Dec'r. .. 3	" Captain James Barwick, commanding 3rd Oxford Militia .....	9	15	0
" .. 4	" Colonel Holcroft, commanding 5th Oxford Militia .....	27	10	0
" .. 4	" Colonel D. Cameron, commanding 1st North York .....	24	0	0
" ..12	" Lieutenant-Colonel George Creighton, unattached .....	1	5	0
" ..27	" Captain G. W. Baker, Bytown Volunteers .....	2	5	0
" .. 27	" Lieutenant-Colonel J. W. Little, commanding 1st Kent Militia .....	2	5	0
" .. 27	" Colonel Moberly, commanding 4th Simcoe Militia .....	1	10	0
" ..28	" Lieutenant-Colonel B. B. Brigham, 1st Oxford Militia .....	3	10	0
" .. 28	" Colonel Ketcheson, commanding 4th Hastings Militia .....	5	15	0
" ..31	" Colonel John Chisholm, 7th Gore Militia .....	21	10	0
1839.				
January .. 2	" Surgeon McMillen, Western Frontier, unattached, through the Adj't. General ..	0	15	0
" .. 2	" Lieutenant James Cook, Queen's Own, through the Adjutant General .....	0	15	0
" .. 2	" Surgeon Turquand, 1st Oxford Militia .....	0	15	0
" ..10	" Colonel George Chisholm, 8th Gore Militia .....	25	5	0
" ..15	" Colonel Samuel Dorland, 1st Lennox Militia .....	12	10	0
" .. 15	" Colonel James Cotter, commanding 3rd Prince Edward Militia .....	28	15	0
" .. 15	" Colonel Andrew T. Kerby, commanding 11th Gore Militia .....	12	0	0
" ..28	" Lieutenant J. Johnson, Provincial Marine .....	0	15	0
Feb'y. ..28	" Lieutenant-Colonel Chewett, commanding 1st West York Militia .....	19	10	0
" ..25	" Colonel Thomas Markland, commanding 1st Frontenac Militia .....	9	5	0
" ..28	" Lieutenant-Colonel James Morris, commanding 3rd Leeds Militia .....	16	10	0
March .. 6	" Lieutenant-Colonel Chewett, commanding 1st West York Militia .....	1	10	0
" .. 7	" Colonel John Bostwick, 3rd Middlesex Militia .....	2	5	0
" .. 7	" Lieutenant-Colonel John Kirby, commanding 1st Frontenac Militia .....	2	5	0
" .. 8	" Colonel John Marks, commanding 3rd Frontenac Militia .....	21	5	0
" ..12	" Colonel M. Burwell, commanding 2nd Middlesex Militia .....	10	10	0
" .. 12	" Lieutenant-Colonel E. W. Thomson, commanding 8th North York Militia .....	7	15	0
" ..13	" Colonel Prince, commanding 3rd Essex Militia .....	20	15	0
" .. 13	" Colonel Draper, commanding 2nd North York .....	17	15	0
	Total amount received up to this day .....	£ 442	10	0

JOHN H. DUNN,  
H. M. R. G.

Receiver General's Office,  
Toronto, 15th March, 1839.

# MILITIA GENERAL COURTS MARTIAL.

---

GEO. ARTHUR.

The **LIEUTENANT-GOVERNOR** submits the accompanying correspondence, relative to the charges incurred in the late trials of Prisoners by Militia General Courts Martial, at Kingston and London, together with detailed accounts of the amount of those charges, to the early and very favourable consideration of the House of Assembly.

*Government House,*  
10th April, 1839.

---

(Copy.)

A. M. SECRETARY'S OFFICE,  
*Toronto, 11th March, 1839.*

SIR,

The Major-General Commanding has directed me to transmit, for the consideration of His Excellency the Commander of the Forces, the enclosed Pay Lists and Accounts, which have been presented by the Acting Judge Advocate of the Militia General Courts Martial, lately held at Kingston and London, for the trial of the Prisoners captured at Prescott and Windsor.

In selecting the Members of these Courts Martial, Sir George Arthur considered it of importance to avail himself of the services of the most eligible Militia Officers in the vicinity of these two Towns.

The present demands have thence chiefly arisen, and neither the charges for the Members nor the Accounts, appear to the Major-General irregular or unusual. As regards the higher remuneration claimed by the Judge Advocate, however, it is necessary to explain, that those Gentlemen have declared the regulated allowance for the performance of their duty to be solely inadequate to the labours which devolved upon them. They have also represented that, by their close application, the respective Courts were enabled to conclude their proceedings in a comparatively short period of time, thereby effecting a commensurate saving of expense on account of the pay of the Members, &c.

Under these circumstances, and presuming that similar questions may have lately arisen in Lower Canada, the Major-General would be glad to receive the Instructions of the Commander of the Forces, as to the rate of remuneration His Excellency may feel authorised to sanction to the Acting Judges Advocate, as well as His Excellency's approval of the Pay Lists.

I have, &c

(Signed) F. HALKETT,  
A. M. S.

True Copy.

(Signed) F. HALKETT,  
A. M. S.

---

(Copy.)

HEAD QUARTERS,  
*Montreal, 21st March, 1839.*

SIR,

Having laid before the Commander of the Forces your letter of the 11th instant, transmitting Pay Lists and Accounts, which have been presented by the Acting Judge Advocates of the Militia General Courts Martial, late held at Kingston and London, for the trial of the Prisoners captured at Prescott and Windsor, I am directed to acquaint you, for the information of Major-General SIR GEORGE ARTHUR, that His Excellency considers the charges

are very moderate and should be paid; but these Courts having been assembled under a Provincial Statute, if SIR GEORGE ARTHUR does not feel authorised to defray the amount from the Provincial funds, the subject should be referred for the consideration of Her Majesty's Government.

The expenses incurred in the trial of the Prisoners in Lower Canada, have not been paid from the Military Chest.

I have, &c.

(Signed) Wm. ROWAN,  
M. S.

Captain HALKETT,  
Assistant Military Secretary,  
Toronto.

ACCOUNT OF EXPENSES AND DISBURSEMENTS, incurred by HENRY SHERWOOD, Esquire, Judge-Advocate upon the Trials of the Brigands at London, before a Militia General Court Martial, assembled on the 27th day of December, 1838.

VOUCHER		£	s.	D.
No. 1	Paid John B. Lawton, for his attendance as a Witness, and expenses	7	10	0
" 2	" Charles Baby, Esquire, do. do. do.....	7	0	0
" 3	" B. P. Cahoun, Esquire, do. do. do.....	7	10	0
" 4	" Maurice Bouchette, do. do. do.....	6	5	0
" 5	" Joseph Tissiman, do. do. do.....	6	15	0
" 6	" Antoine Simonde, do. do. do.....	5	5	0
" 7	" Marcus Henry, do. do. do.....	4	10	0
" 8	" Adam Brown, do. do. do.....	5	5	0
" 9	" Constant Gaultiere, do. do. do.....	6	5	0
" 10	" Thomas Robinson, do. do. do.....	4	10	0
" 11	" For Wagon to convey Witnesses home .....	6	5	0
" 12	" Charles E. Anderson, for his attendance as a Witness, from Sandwich, &c. &c.....	11	5	0
" "	" For 23 days labour, copying proceedings, &c.....	5	15	0
" 13	" Samuel H. Park, the Gaoler, for furnishing Fuel and Stationery for the Court Martial .....	6	1	7½
" 14	" Mr. William FitzGibbon's expenses, going from London to Sandwich, and returning, to procure Evidence for the Court Martial .....	4	16	10½
" 15	" James Givins, Esquire, for his expenses and disbursements, going from London to Amherstburgh and Sandwich, to collect testimony, &c.; in which sum is also included, the expenses of the Prisoners at Amherstburgh, and the expenses of conveying them from Amherstburgh to London .....	33	3	5
		£ 128	1	11

I hereby certify, that I consider the above account of expenses reasonable, and that they were necessarily incurred, in order to carry on the trials before the Court Martial—being £128 1s. 11d.

(Signed) JOHN BOSTWICK,  
COLONEL, AND PRESIDENT.

LONDON, 19th January, 1839.



PAY-LIST of the expenses attending the assembling and holding a Militia General Court Martial, holden at Fort Henry, in the Midland District, on the twenty-sixth day of November, 1838, and continued by various adjournments, to the fourth day of January, 1839, pursuant to Militia General Order of His Excellency Sir George Arthur, K. C. H. dated the twentieth day of November, 1838.

Regiment.	Names and Rank.	Number of Days' Sitting, Travelling, &c.	Total number of days.	Amount per Diem.		Amounts.		
				s.	D.	£	s.	D.
3rd Regiment Frontenac	Colonel John B. Marks .....	40 .....	40	17	0	34	0	0
1st do do	Lieutenant-Colonel the Hon. John Kirby...	40 .....	40	17	0	34	0	0
2nd do Lennox ..	Lieutenant-Colonel John S. Cartwright.....	40 .....	40	17	0	34	0	0
3rd do Frontenac	Lieutenant-Colonel William Logie.....	40 .....	40	17	0	34	0	0
1st do Hastings ..	Lieutenant-Colonel John Turnbull.....	10: 4 days travel'g.	14	17	0	11	18	0
1st do Lennox ..	Lieutenant-Colonel Thomas Kirkpatrick....	40 .....	40	17	0	34	0	0
3rd do Frontenac	Major James Sampson.....	40 .....	40	16	0	32	0	0
1st do do. ..	Major David John Smith.....	40 .....	40	16	0	32	0	0
2nd do do. }	Captain Hugh McGregor .....	40: on full pay in the 8th Provis'l. Battalion.						
8th Provis'l. Batt'n.								
2nd Regt. Frontenac, }	Captain Elijah Beach .....	40: on full pay in the 8th Provis'l. Battalion.						
8th Provis'l. Batt'n.								
1st Regiment Frontenac	Captain John Strange .....	40 .....	40	10	6	21	0	0
1st do do. ..	Captain James McFarlane.....	40 .....	40	10	6	21	0	0
3rd do do. ..	Captain John Plant Bower.....	40 .....	40	10	6	21	0	0
1st do do. ..	Captain John Richardson Forsyth .....	40 .....	40	10	6	21	0	0
2nd do. North York,	Colonel the Hon'ble. William Henry Draper, Judge-Advocate .....	40: 6 travelling. Copying, & making up reports, 25 days,	71	43	6 $\frac{1}{2}$	154	12	4 $\frac{1}{2}$
WITNESSES FOR THE PROSECUTION.								
	Adonijah Bass.....	13: 7 days travel'g.	20	4	8	4	13	4
	Mrs. Tucker .....	5 .....	5	4	8	1	3	4
	Beldon Taylor .....	4: 7 do do..	11	4	8	2	11	4
	John Simons .....	5 .....	5	4	8	1	3	4
	Erastus Fell .....	14: 7 do do..	21	4	8	4	18	0
	John Forrester .....	4 .....	4	4	8	0	18	8
	Henry Mosher .....	11: 7 do do..	18	4	8	4	4	0
	Thomas Fraser.....	3: 7 do do..	10	4	8	2	6	8
	Edward Smith .....	9 $\frac{1}{2}$ .....	9 $\frac{1}{2}$	4	8	2	4	4
	A. Jones, Esq.—(came twice from Prescott).	18: 14 do do..	32	4	8	7	9	4
	Felix Wenelski.....	2 .....	2	4	8	0	9	4
	Stationery and Postage, as per account trans- mitted .....					4	8	8
						£521	0	8 $\frac{1}{2}$

Amounting to Five Hundred and Twenty-one Pounds, and Eight-pence, Half-penny, Army Sterling.

# SUNDRY DOCUMENTS.

RETURN by the *Saint Lawrence Inland Marine Assurance Company*, for the year 1838.

	£	s.	d.	£	s.	d.
The amount of the Capital Stock subscribed, is <i>one hundred thousand pounds</i> , Currency, of which ten per cent, or <i>ten thousand pounds</i> , have been paid in.						
The Funds and Property of the Company, consist of the following, viz :						
107 Shares Stock in the Commercial Bank of the Midland District, at £25 each, amounting, at par value, to.....	2675	0	0			
102 Shares Stock in the Bank of Upper Canada, at £12 10s. each, amounting, at par value, to.....	1275	0	0			
79 Shares Stock in the City Bank of Montreal, at £25 each, amounting, at par value, to .....	1975	0	0			
400 Shares Stock in the Gore Bank, at £12 10s. each, amounting, at par value, to .....	5000	0	0			
Bills receivable, consisting of Notes and Acc'ts, due the Company, ..£396 17 6½						
Less, amount due by the Company.....	109	13	6			
Claims in suit, about.....	287	4	0½			
Cash on hand .....	259	0	0			
	1233	7	5			
				10925	0	0
				1779	11	5½
	£			12704	11	5½

The Property insured during the past year, amounted to .....	£212,054	4	1
The Premium charged on the above, amounted to.....	1,633	4	2
The amount of losses paid by the Company, is.....	886	17	4
The Claims for losses, unsettled, amount to.....	251	15	2

JUSTUS S. MERWIN, *President*, and ALPHEUS JONES, *Secretary*, of the *St. Lawrence Inland Marine Assurance Company*, severally make oath, that the above return is just and correct, according to the best of their knowledge and belief.

J. S. MERWIN, *President*.  
ALPHEUS JONES, *Secretary*.

Sworn before me, at Prescott, this }  
25th day of March, 1839. }

ALEXANDER McMILLAN, J. P.

## INDIAN LANDS.

RETURN OF LANDS, ceded by certain Tribes of Indians, to Government, for specific considerations, but for which no annuities are payable.

Names of the Tribes.	No. of Acres.	District.	Consideration.	Date.		
The Chippewas of Lakes Huron and Simcoe ...	28,000	Home .....	£ 100	s. 0	d. 0	19th May, 1795.
The Chippewas of Chenal Ecarté and St. Clair..	88,000	Western .....	800	0	0	7th Sept. 1796.
Do do do.	132,000	Do. ....	1200	0	0	7th Sept. 1796.
The Mississaugas of the River Credit.....	3,450	Home .....	75	0	0	21st Aug. 1797.
The Chippewas of Lake Huron.....	<small>The Island of St. Joseph, in Lake Huron, in circumference 139 miles, contains about 100000 acres.</small>	.....	1200	0	0	30th June, 1798.
The Ottawas, Chippewas, and Wyandotts .....		1,078	Western .....	300	0	0
The Mississaugas of Lake Ontario .....	250,880	Home ....	10s. and divers other considerations, not stated		1st Aug. 1805.	
Mississaugas of Kingston and Bay of Quinté.....	428	Midland ....	107	0	0	6th Aug. 1816.
The Chippewas of Lakes Huron and Simcoe.....	250,000	Home .....	4000	0	0	18th Nov. 1815.
The Mississaugas of River Credit .....	2,000	Home .....	50	0	0	28th Feb. 1820.
The Chippewas and Ottawas of Saugeeng.....	1,500,000	London— <small>Known as the Saugeeng Territory</small>	150	0	0	9th Aug. 1856.
			<small>and promise of future support and protection.</small>			
Acres.....	2,355,836		£ 7982	10	0	Currency.

INDIAN OFFICE, Toronto, 2nd May, 1839.

SAMUEL P. JARVIS.

N. B.—What portion of the above-mentioned Lands have been disposed of by Government, can only be ascertained at the Surveyor General's and Commissioner of Crown Lands Offices.

S. P. J.

RETURN OF LANDS, held as Special Reservations, for the several Indian Tribes in the Province of Upper Canada.

Name of Tribe.	Number of Acres.	Township.
The Great Manatowauning, and other Islands, on the north-east coast of Lake Huron.....	Manatowauning } 852,000	These Islands reserved for all Indians who may be disposed to occupy them. Moore. Sarnia. Bosanquet. Anderton. Zone. Orford. Garradoc. This tract lies north of Owen's Sound, in Lake Huron, being a point of land six miles on either side of the Grand River, from its source to the mouth.
The Chippewas.....	2,575	
The Chippewas.....	10,280	
The Chippewas and Pottawatamies.....	5,096	
The Wyandots and Hurons.....	22,390	
The Chippewas, Munsees, and Moravians,.....	26,005	
The Chippewas, and other resident Tribes in that Region,.....	25,155	
	15,360	
	380,000	
	674,910	
The Six Nations.....	7,600	Toronto.
The Mississaugas.....	1,250	Trafalgar.
The Mississaugas.....	1,000	Trafalgar.
The Mississaugas of Lakes Huron and Simcoe.....	9,800	Orillia and Medonte.
The Mississaugas.....	1,120	Otanabee.
The Mississaugas.....	1,206	Bexley.
The Mississaugas.....	2,000	Alnwick.
The Mohawks.....	92,700	Tyendinaga.
The Mississaugas.....	2,700	Bedford.
The Mississaugas.....	4,708	Big Island, in the Midland District.
The Mississaugas.....	600	Thurlow.
The St. Regis Indians (Mohawks).....	30,600	Charlottenburgh and Kenyon.
Acres.....	2,169,445	

SAMUEL P. JARVIS.

Indian Office,  
Toronto, 2nd May, 1839.

Portions of the Reserves have been disposed of by Government, for the benefit of the Tribe, to which they respectively belonged; but correct information on this head can only be obtained from the Commissioner of Crown Lands, and Surveyor General's Offices.

S. P. J.

RETURN, stating what Lands were ceded by the Indians to the Government, for which they receive yearly payments of £5,405, and when those Lands were ceded.

Names of Tribes.	Acres ceded.	District.	Annuities.			When ceded.
			£	s.	d.	
The Chippewas of Lakes Huron and Simcoe.....	1,592,000	Home District.....	1200	0	0	17th October, 1818.
The Mississaugas of the River Credit.....	648,000	Home.....	522	10	0	28th October, 1818.
The Mississaugas of Rice and Mud Lakes.....	1,951,000	Home, Newcastle and Midland, Western.....	740	0	0	5th November, 1818.
The Chippewas of the River Thames.....	552,190	.....	600	0	0	9th March, 1819.
The Mississaugas of Kingston and Bay of Quinté.....	2,748,000	Midland, Johnstown, Eastern.....	642	10	0	31st May, 1819.
The Mohawks of the Bay of Quinté.....	33,280	Midland.....	450	0	0	20th July, 1820.
The Chippewas of Chenal Ecarté and St. Clair.....	2,756,000	London and Western.....	1100	0	0	10th July, 1827.
The Moravians of the River Thames.....	26,005	London.....	150	0	0	25th October, 1836.
Acres.....	10,306,475	.....	£5405	0	0	.....

SAMUEL P. JARVIS.

Indian Office,  
Toronto, 30th April, 1839.



RETURN of Summons and Judgments recorded by the Courts of Requests—(CONTINUED.)

District.	No. of Division	Number of Summons issued.	Number of Judgments recorded.	Remarks.	District.	No. of Division	Number of Summons issued.	Number of Judgments recorded.	Remarks.
Brought forward, ..	3729	3803			Brought forward, ..	1938	1379		
Home .....	21	289	229		Niagara .....	20	20	6	
	22	343	251			21	0	0	No return received.
	23	0	0	No return received.		22	48	33	
		6361	4283				2006	1418	
Gore .....	1	1115	568		London .....	1	519	237	
	2	165	78			2	665	506	
	3	233	157			3	25	14	
	4	732	414			4	740	398	
	5	430	206			5	207	124	Adjourned from Jan'y. till April.
	6	590	299			6	28	20	
	7	86	58			7	304	196	
	8	364	194			8	163	107	Adjourned from Jan'y. till April.
	9	88	52	Court adjourned Jan'y. and Feb'y. and from August to December, 1838.		9	229	142	
	10	293	186			10	487	259	
	11	504	275			11	0	0	No return received.
	12	337	201	No Court held in January and May, 1838.		12	266	150	
	13	401	281			13	91	56	Adj'd. from Jan'y. till April, and in Sept'r. & Dec'r.
	14	103	53	Instituted in May, 1838.		14	0	0	No return received.
	15	115	70			15	0	0	Do. do.
	16	0	0	No return received.		16	0	0	Do. do.
	17	254	227				3724	2149	
		5865	3319		Western .....	1	0	0	No return received.
Niagara .....	1	195	181			2	91	60	
	2	367	255			3	0	0	No return received.
	3	19	11			4	61	45	
	4	89	59			5	145	90	
	5	97	71			6	282	63	Adj'd. during Nov. & Dec.
	6	162	117			7	41	41	Do. from Sept. till March, 1839.
	7	0	0	No return received.		8	58	52	
	8	0	0	Do. do.		9	47	33	
	9	298	164			10	0	0	No return received.
	10	286	192				725	384	
	11	0	0	Not established in 1838.	Talbot .....	1	0	0	No return received.
	12	127	87			2	155	107	
	13	55	44			3	12	9	Instituted Oct'r. 1838, but kept nearly in abeyance, Commissioners being on Military service.
	14	55	55						
	15	48	41						
	16	143	110						
	17	31	20						
	18	14	13						
	19	0	0	No return received.					
Carried forward, ..	1938	1379				167	116		

RECAPITULATION.

Of the number of Summons issued, and Judgments recorded in the Courts of Request, for each District throughout the Province of Upper Canada, in 1838.

District.	Summons.	Judgments.
Eastern .....	3459	2048
Ottawa .....	687	381
Johnstown .....	2915	1804
Bathurst .....	2039	1291
Midland .....	5953	3863
Prince Edward .....	2002	1383
Newcastle .....	3300	2450
Home .....	6361	4283
Gore .....	5865	3319
Niagara .....	2006	1418
London .....	3724	2149
Western .....	725	384
Talbot .....	167	116
	39203	24889

**STATEMENT,**

*Of the number of Divisions of the Courts of Request, and of the number of Commissioners appointed for the several Districts in Upper Canada.*

Districts.	Divisions.	Commis'srs.
Eastern .....	12	84
Ottawa .....	6	37
Bathurst .....	11	80
Johnstown .....	18	97
Midland .....	11	68
Prince Edward .....	7	41
Newcastle .....	18	123
Home .....	22	113
Gore .....	17	101
Niagara .....	22	131
London .....	16	108
Talbot .....	3	20
Western .....	10	64
	173	1068

**Letter and Return from the Receiver General, giving a Statement of Moneys issued to District Treasurers, under Road Acts.**

RECEIVER GENERAL'S OFFICE,  
Toronto, 18th March, 1839.

SIR,

I have the honour herewith to transmit to you, a Return of all Moneys paid by me into the hands of the Treasurers of the several Districts of this Province, under the Lieutenant-Governor's Warrants, on account of the appropriation for the improvement of Roads and Bridges, since the 14th February, 1837, to this day, agreeably to the Address of the House of Assembly, and His Excellency's commands conveyed to me in your letter of the 16th instant.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

JOHN H. DUNN,  
H. M. R. G.

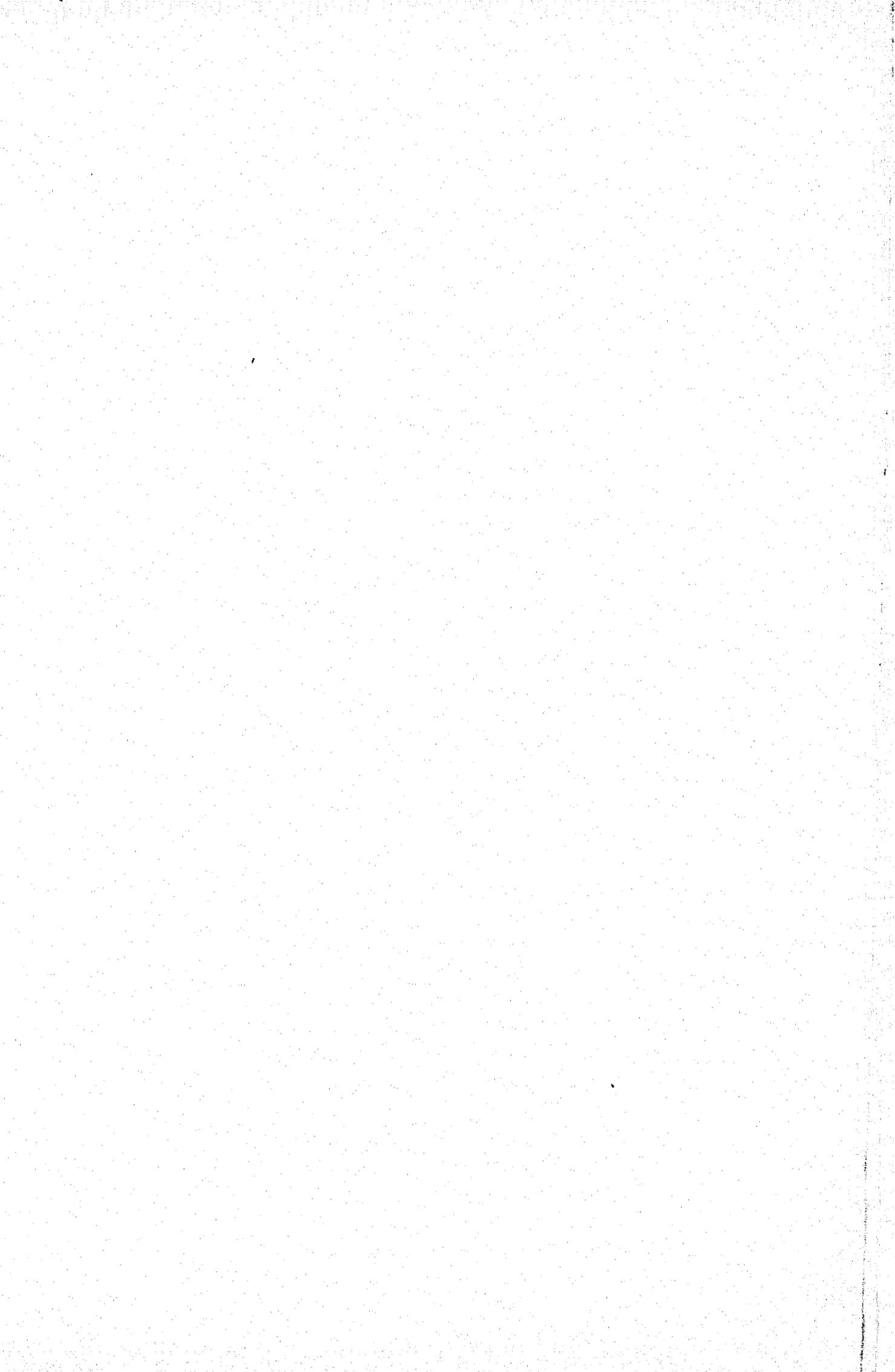
The Honourable JOHN MACAULAY,  
Civil Secretary,  
&c. &c. &c.

RETURN OF MONEYS paid by the Receiver General into the hands of the Treasurers of the several Districts of the Province of Upper Canada, under His Excellency the Lieutenant Governor's Warrants, since the 14th February, 1837, being a portion of the £50,000, Currency, granted by the Act of the Legislature, 7th Wm. IV. chap. 107, for the improvement of Roads and Bridges, viz:

Eastern District .....	£2,000	0	0	C'y.
Ottawa do. ....	1,300	0	0	
Johnstown do. ....	2,350	0	0	
Bathurst do. ....	1,963	14	0	
Prince Edward do. ....	650	0	0	
Midland do. ....	2,750	0	0	
Newcastle do. ....	2,500	0	0	
Home do. ....	2,800	0	0	
Gore do. ....	2,475	0	0	
Niagara do. ....	1,500	0	0	
London do. ....	2,650	0	0	
Western do. ....	2,000	0	0	

JOHN H. DUNN,  
H. M. R. G.

Receiver General's Office,  
Toronto, 18th March, 1839.





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**APPENDIX TO JOURNAL,  
HOUSE OF ASSEMBLY.**

**SESS. 1839.**

**(PART SECOND.)**

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APPENDIX TO JOURNAL

OF THE

HOUSE OF ASSEMBLY

OF

UPPER CANADA,

IN THE SECOND YEAR OF THE REIGN OF

QUEEN VICTORIA:

BEING THE

FOURTH SESSION OF THE THIRTEENTH PROVINCIAL PARLIAMENT.

---

SIR ALLAN NAPIER MACNAB, SPEAKER.

---

SESSION 1839.

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VOL. II.—PART 2ND.

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SIR GEORGE ARTHUR, K.C.H.  
LIEUTENANT-GOVERNOR.

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TORONTO:

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

1839.



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M E S S A G E ,

FROM

HIS EXCELLENCY THE LIEUTENANT-GOVERNOR,

WITH

DESPATCHES ON FINANCES OF THE PROVINCE.

GEO. ARTHUR.

THE LIEUTENANT GOVERNOR transmits to the House of Assembly, for their information, a copy of a Despatch, (No. 91, 20th November, 1838,) relating to the Finances of the Province, which His Excellency addressed to the Principal Secretary of State for the Colonies, together with His Lordship's reply, (No. 203, 31st January, 1839.)

*Government House,*  
12th *March*, 1839.

(Copy.)

No. 91.

*Government House,*  
*Toronto*, 20th *November*, 1838.

MY LORD,

In my Despatch to your Lordship, (No. 56,) of the 11th of August last, I had the honour to transmit, for your Lordship's perusal, a copy of a communication which I had addressed to the Earl of Durham, on the 30th of June preceding, on the subject of Crown Lands and Emigration: wherein, in connexion with it, I took occasion to advert to the causes which had tended to produce derangement in the finances of this Province, and stated that its resources had been anticipated to an extent that was felt to be embarrassing.

Occupied as I am upon matters of the most urgent nature, it is of the greatest importance that I should, without delay, bring this matter under your Lordship's notice in a more special manner: as in the ensuing meeting of the Provincial Legislature, the question of how the pressing pecuniary demands of the Province shall be satisfied, will require to be discussed—and in anticipation of such discussion, I would wish to receive your Lordship's instructions on the point, which I beg leave to submit to your consideration.

In your Lordship's Circular Despatch to Sir Francis Head, of the 31st of August, 1836, your Lordship states, after some preliminary observations—"With this view I have to desire that you will not permit any Act, or Ordinance, or Proclamation, or regulation, to come into operation in the Colony under your Government, relating to the local currency and circulating medium—or to the rates at which coins shall pass current or be a legal tender—or to the circulation of promissory notes, or other paper, either by the *local* Government or by any corporate bodies or individuals, without *having first received* His Majesty's sanction, conveyed to you by the Secretary of State."

This Despatch having been submitted to the House of Assembly by my Predecessor, formed the subject of an Address to him from that body, enquiring "if he would be prevented from giving the Royal assent to any Bank Bill in future"—which Address, together with his reply to it, Sir Francis Head transmitted to your Lordship, in his Despatch (No. 10) of the 5th February, 1837: the receipt thereof being acknowledged in terms of approbation in your Lordship's Despatch (No. 162) of the 19th April following.

Fully concurring in the view taken by Sir Francis Head respecting your Lordship's instructions, as stated in his reply to the Address referred to, I am desirous of adhering to them as strictly as I am able; but as the very peculiar circumstances of the Province, may render unavoidable some departure from them, I wish to be prepared to meet possible contingencies.

I venture, therefore, to suggest to your Lordship that, in the event of such a measure being proposed in the Legislature, I should be provisionally authorised to give the Royal assent to any Provincial enactment, having for its object to allow the Receiver General to issue, on the credit of the Government, bills or notes payable in Toronto at twelve months after date, to the extent of £100,000—to be used as a circulating medium, and made chargeable on the *prospective* revenue of the Province.

That such, or a similar measure, may be rendered necessary by events, I consider highly probable; and it appears to me, as far as I can judge at this moment, that no other so well calculated by its simplicity to effect the desired object, could be conveniently resorted to.

Though the cases are not exactly parallel, yet in illustration of the principle, and as affording a precedent for such a course of proceeding, I would instance the circumstance, that during the last war in these Colonies, bills of the description I have mentioned were issued by the Provincial Government, and were found, as a *temporary resource*, of the utmost value to the public service.

Debentures payable in the Province are altogether unsalable from the want of local capital; and Debentures payable in London, where alone they are negotiable, have been already issued to a larger amount than has yet found purchasers.

With reference to these Debentures, the accompanying letters from the Receiver General, (enclosing others addressed to him by Messrs. Baring,) and report of the Executive Council on the subject of their contents, will put your Lordship in possession of every necessary information respecting the circumstances under which they were issued; and your Lordship will at once perceive, that however powerful—and certainly they are very forcible—may be the arguments used by Messrs. Baring, against the mode of their negotiation, yet that they could only have been made available for the *immediate and urgent wants* of the Province, through the medium of the local Banks, in the manner which was practised.

In drawing the attention of your Lordship to the measure here suggested, I would wish to impress upon your Lordship, that viewed as a continued system, I consider the issue of Government paper, not convertible into specie, to be detrimental to the credit of the Province, and calculated to displace the more wholesome convertible currency; unless, therefore, I could see before me a prospect of financial relief, founded upon a sound and simple basis, I should not look for any good result from mere temporary expedient.

Though large in proportion to its actual revenue, the debt of this Province has been mainly incurred through incidental causes, namely, the construction of public works—the outlay on which is commensurate less with the country's present productive wealth than with the development of which its vast natural resources are susceptible; thence, the investment not being immediately profitable, the burden of the interest payable on the public loan is thrown on the ordinary revenue raised by means of taxes, intended to meet only the current public expenditure.

As compared, however, with similar public debts incurred by different States of the neighbouring Republic, for the promotion of national objects, the debt of this Province is but small: while future resources, and the wants of an increasing population, have been here anticipated to a far less extent.

The Americans have also borrowed money on more advantageous terms than those obtained by this Province, the existing laws of which only permit the Government to negotiate in London loans at par, bearing 5 per cent interest, whereas, the Americans have not hesitated to raise money on the best terms that could be obtained, and which, latterly, have been productive of a loss, varying from five to ten per cent. on the amount of the borrowed capital.

The unhappy troubles with which this Province has been visited; the doubts that have been raised as to the permanency of its political institutions, assisted by the expression of opinions in quarters whence the Colonies justly looked for support, and the threats of armed interference in our affairs, by the American Citizens, with the attempts made to carry them into execution on various occasions, are circumstances which have naturally tended to induce a feeling of insecurity, and a consequent depreciation in the value of property, which is beginning to be most severely felt.

The present inconvertibility of property, leaves without the means of meeting their engagements, those who have become indebted on its security; and comparatively trifling liabilities are thus found sufficient to work the ruin of individuals, hitherto believing themselves opulent, and who would actually be so, could they realize what they own.

By the same unhappy causes, the ordinary influx of Emigration, and British capital, has been suspended, so that anticipated income from public works has not been forthcoming, from the want of means to complete them.

Your Lordship may give me full credit when I assure you, that it is this state of things, more than any theoretic difference in regard to politics, which renders the Government of this country to the satisfaction of the community so difficult as to be almost impossible. And I cannot blame, or be surprised at the discontents of a people, who, though connected with the most powerful Empire on the earth, are nevertheless enduring evils, usually attendant only on the prostration of national strength!

It is not in my power, my Lord, to retrieve the almost withered hopes of Upper Canada; nor will the suffering inhabitants be able, of themselves, to sustain their fortitude, in the immediate neighbourhood of a powerful hostile population, and in the rear of a rebellious Province. I see very clearly, that if the present state of things be suffered to continue for a much longer period, there must be a general wreck of property; and although, eventually, public prosperity may be restored, and may give to the young, ardent, and the unencumbered, an opportunity of growing rich, yet it will not restore to those who have been prosperous, the well-earned fruits of former industry, nor replace the present holder of property in the possessions which will have passed from him.

The effects of the moral deterioration which, it is to be feared, all this is working in the people, will finally make these Provinces indeed untenable and worthless, since the energies of their inhabitants, which can alone render them of sufficient value to be worth retaining, will be unavailable, unless supported by the *feeling*, that the protection and security which the governed naturally look for from their government, are afforded to their full extent.

The means, my Lord, of averting these impending evils, are not to be sought for in the Province, but in the Mother Country; and all will depend upon the opinion of the British Government, as to the desire and power of England to retain the country, in the face of all opposition. The present friendly professions of the Government of America, may be sincere, however contradicted by the outrageous conduct of her border citizens; but there is no real security for their continuance; and the question is not, whether Canada can be held during a time of peace—but, whether in peace or war, it is to be protected or contended for with the power of the Empire.

Assuming that your Lordship holds an affirmative opinion in this matter, the bright side of the prospect presents itself, and I see little difficulty in producing the most desirable results from the bold and decided measures that must follow.

It must be obvious to your Lordship, that the prosperity of the Colony must mainly hinge upon the progressive development of its resources, by the united agencies of Emigration and British capital.

The preliminaries to the efficient employment of these great means, will be comprised in placing the Province in a state of complete defence, and in raising the credit of the Colony in the British markets. This will attract capital seeking profitable investment, that will inspire confidence as well to the borrower as to the lender; for, my Lord, it must be remembered, that capital is diverted from this country into other channels, merely because a doubt has been engendered, as to the permanency of its political institutions.

To induce immigration on a scale commensurate with the importance of the object which it is intended to promote, I would respectfully suggest to your Lordship, that it should be directly facilitated, as a great national measure, and considered as that best calculated to preserve, at perhaps the least expense, the connection of the Colony with the Parent State.

Your Lordship is aware to how narrow an extent the resources of this Province have hitherto been tried, in the way of taxation levied on the trade of the country. Were the imports increased to even one-half of the amount, in proportion to property raised throughout the American Union, the Provincial revenues—provided that tranquillity and confidence were restored—would be in a flourishing condition, and the interest on the public debt could be met with facility; but, unfortunately, the want of a sea-port places it beyond the power of the Local Government and Legislature to make any addition to the import duties; and even if this could be effected, the want of confidence that is at present felt, would prevent the measure from being attended with an immediate beneficial effect upon the public credit.

Without now discussing in what manner Upper Canada is to be permitted to have a Port of her own, I trust I am not wrong in supposing that the giving her access to the sea, will form a prominent feature in any remedial measures that may be proposed in her behalf.

in the British Parliament. When this is accomplished, the revenue may be at once materially increased, without the slightest injury to trade; without anticipating future resources; and without producing any discontent.

The very best security would be at the same time available to the public creditor, as a certain portion of such revenue might be inalienably set aside for the liquidation of the public debt.

I look, my Lord, upon this prospect, as a substantial foundation for the measure I am about to propose. The preservation of this Province, as a Colony, is essentially in the hands of England. Let England, then, assume the pecuniary responsibility, and offer the security, which the Province cannot furnish, of the permanency of its government;—let it not rest as a mere matter of opinion amongst money-lenders, but upon the broad basis of British guarantee. The sum which would be required to liquidate the whole public debt of the Province, is small, in comparison with the interests which would be secured and promoted by that liquidation; and the British Treasury might negotiate a loan upon its own security, in London, at little more than half the rate paid at present by the Province. The benefits accruing to the Province from such a measure, would be incalculable. The public works in progress might be completed and made productive; all doubts respecting the intentions of the Mother Country would be removed; and when peace was restored, the immigration of men of property to Upper Canada would re-commence, instead of contribute to swell the resources of a foreign and unfriendly country. Nor should we then see, as now, the labouring population of the Province drawn into the United States, to be there employed with money raised in England.

My Lord, I have good reason to know, that many thousands of Her Majesty's Subjects have merely passed through this Province and crossed into the United States, because *English* capital, which was to afford them the means of profitable employment, was to be found *there*, instead of *here*. While such is the case, it is unjust to eulogize the United States, as being so excellent a market for British manufactures; for, were the facts reversed, in proportion as we had British capital, so should we employ it profitably to ourselves, and to the advantage of those investing it. By means such as these, the country would rapidly increase in value and importance to England: and perhaps, at some future period, prevent the loss of the American trade from being felt, when, by the employment of British capital and British artizans, the United States shall have been enabled to establish rival manufactories within their own territories.

To be effectual, such a measure of relief as is here suggested, should, in my opinion, be immediate: for if it be delayed until the general settlement of other matters relating to the Colonies, the time, I fear, will be gone by, when its application would prove most salutary.

The payment of one or two years' interest from the capital advanced, would not, I trust, be considered sufficiently objectionable to warrant the rejection of a plan whereby so much good may be accomplished; and I can assure your Lordship, that by causing it to be promptly and decidedly carried into effect, Her Majesty's Government would acquire the lasting gratitude of a whole people, whose happiness and prosperity they would have been in such case so instrumental in promoting.

I have been the more induced to enter into these details, in proportion as I have been sensible of the importance of the matter to which they have reference.

Anticipating a stormy and unsatisfactory Session, scarcely any thing could give me greater satisfaction, when I meet the Legislature, than the power to offer from Her Majesty's Government the great boon to Upper Canada, which I have here ventured to solicit on her behalf.

By granting it, many of my difficulties would be materially overcome—and whilst thus affording to the community so great an earnest of the desire of Her Majesty's Government to promote, as well their present as their future welfare, I should look forward with confidence to the speedy restoration of public tranquillity and security.

I have, &c.

(Signed) GEO. ARTHUR.

The Right Honourable

THE LORD GLENELG,

&c. &c. &c.

ENCLOSURE No. 1.—DESPATCH No. 91, 20TH NOVEMBER, 1838.

(Copy.)

*Receiver General's Office,  
Toronto, 31st July, 1838.*

SIR,

I have the honour to enclose to you a letter, dated the 14th June, from Messrs. Baring, Brothers & Co. just received by me, for the particular information of His Excellency the Lieutenant-Governor, and beg leave to state that their communication, dated the 20th October last, was transmitted by me to the Government here on its receipt.

I have, &c.

(Signed) JOHN H. DUNN,  
R. G.

The Honourable JOHN MACAULAY,  
*Private Secretary,*  
&c. &c. &c.

(Copy.)

*London, 14th June, 1838.*

SIR,

We have been duly favoured with your esteemed letters of 7th, 20th March, 3rd April, and 1st ultimo,—the former advising your drafts, together with £10 000, Nos. 199 a 204, on account of the Government, which we enter accordingly. By the two last, you inform us of a fresh issue of Debentures, to the amount of £5,000, and £10,000; the numbers, &c. of which are duly noted.

In referring you to what we had the honour of communicating to you in our letter of the 20th October last, (of which we enclose copy, as you do not seem to have acknowledged receipt) with regard to the sale of bonds with you, which do not pass through our hands, but have the dividend warrants made payable at our Counting-house, we must again repeat our objections to that course, which we believe to be as prejudicial to the interests and credit of the Colonial Government, as it is contrary to our system, and European usage. On our part, we object to having our names inserted on stock, the issue of which has not had our previous knowledge and consent. We have every confidence in the resources and good government of the Province of Upper Canada, but we do not wish our names to be connected with loans, of which neither the amount, nor the periods of negotiation, are previously communicated to us.

On the other hand, the credit of the Government is injured, by parcels of bonds finding their way to this market, (where they must all ultimately come) through different channels, and being offered by different parties, whilst the public is not officially informed whether any, and what, limit is to be put to this irregular system of borrowing. The interest of the Province is likewise injured, because the sale of these casual parcels interferes with the realization of what we hold for the Government—depresses the price, and discourages buyers. We are convinced, that by adopting a more regular system for these operations, the finances of the Province would be materially benefited; but should you, Sir, and the Government, continue to think differently, we must most respectfully repeat, that we beg the name of our House may not be inserted in the dividend warrants of any bonds that are not sold to us, or through us.

We have, &c.

(Signed) BARING, BROTHERS, & Co.

The Honourable JOHN H. DUNN,  
*H. M. Receiver General,*  
*Toronto, Upper Canada.*

(Copy.)

TRIPLICATE.—ORIGINAL, per "St. James."

London, 20th October, 1837.

SIR,

The preceding is copy of the letter we had the honour to address you on the 14th instant, which we confirm, and would now beg further to remark, in respect of the unsigned dividend warrants therein mentioned, that as the bonds have not passed through our hands, and we have received no particulars from you, by which we could determine the genuineness of the coupons, we cannot consider ourselves liable for the amount of any forged ones we may pay. We shall, of course, use our best discretion in paying the dividends; still, as the warrants have no mark on them to serve as a guide to us, it will be impossible for us to discover those of a fictitious character. We hope that no loss will result, in consequence of the irregularity above mentioned; but should the case prove otherwise, we feel that it cannot proceed from any inattention on our part; and we have therefore thought it right, to prevent any misunderstanding between us, to trouble you with these observations on the subject.

We have, &amp;c.

P. S.—Since writing what precedes, we have received a letter from Messrs. Bosanquet & Co, of which the annexed is copy, and we likewise annex a copy of our reply, for your Government. You will perceive that much difficulty will be experienced, in the disposal of the bonds in our market, in consequence of their not having, as is usual in such cases, passed through our hands, or any information furnished by you to enable us to answer inquiries from the holders of the bonds, as to the authenticity of the signatures attached to them. We regret the irregularity which has arisen on your side, in the issuing of said bonds; and we hope you will be enabled, on receipt of this, to devise some plan regarding them, as will have the effect of removing the feeling which exists against them at the moment, on the part of our stock-dealers. It has heretofore been our custom, to have the negotiation of loans, when the dividends on which are made payable at our Counting-house; and as this is the system generally pursued in this country, we must beg respectfully to decline paying any of the dividends on any future issues on debentures, unless they are passed through our hands in the usual way.

The Honourable J. H. DUNN,

*H. M. Receiver General,**Toronto, Upper Canada.*

ENCLOSURE No. 2.—DESPATCH No. 91, 20TH NOVEMBER, 1838.

(Copy.)

*Receiver General's Office,  
Toronto, 3th August, 1838.*

SIR,

IN reply to your communication of the 6th instant, I have the honour to report to you, for the information of His Excellency the Lieutenant-Governor, that during my absence in England last year, His Excellency Sir Francis Head directed the gentleman performing my duty to dispose of, to each of the Banks, the undermentioned sums in Debentures, amounting together to £138,650 Sterling, and to make them payable, together with the interest, at Messrs. Baring, Brothers & Co. of London. This was a departure from the usual course which had been adopted by me, and it appears to be objected to by Messrs. Baring & Co.—I suppose that Messrs. Baring—who contracted with the Government, through me, for the sum of £200,000 Sterling, at the rate of 10s. premium for each £100 Sterling—hold, or their friends hold, a large portion of these Debentures, and may desire to dispose of them; and as long as Debentures are sold here to parties, and transmitted to England to various agents, who have no interest in the transaction, but to realize the sale of the Debentures, and expose them to sale, and perhaps at improper periods of the money market, will have the natural effect of depreciating such stock.

When contracts for loans of money are made in the City of London, the purchaser with whom the contract is made, feels interested in keeping up and supporting the credit of such stock: but when sold in this Province, and fallen into promiscuous hands in London, to be realized for as much as it will bring in that Metropolis, it will and must have an injurious tendency on the credit of the Province.

Messrs. Baring, Brothers & Co. are made the agents for paying dividends on the Debentures, without their sanction; and whilst their House appears on the face of these Debentures, I am not surprised that they should feel anxiety on the subject, not having any certainty as to the extent of the issue of Debentures which may take place here.

On my return to this Province, I induced His Excellency not to sell any more Debentures within the Province, but to send them to London. Accordingly I was desired to transmit £60,000 to Messrs. Baring & Co. which I accordingly did; but the Debenture Acts confined the sale to five per cent in London, and Messrs. Baring could not, nor have they yet been able to make sale of them at par, and they remain in their hands.

The pressure for want of moneys to keep some of the public works from going into ruin, and the necessity of prosecuting others this season, left no alternative but to sell Debentures in this Province, to such parties as would give par value for them; although it would have been a saving to the Province to have sold them in London under par—the difference would have been made up by the premium on Exchange. This would not have been according to the law: and by selling them for the value of £100 Sterling here, the law has not been violated.

The present state of the Public Debt to this day, stands thus:

Issued in Upper Canada, interest and principal paid here, £195,830 Currency.

Issued in London, interest and principal paid there, £929,650 Sterling.

There remains a debt due by Messrs. Thomas Wilson & Co. of about £83,000 Sterling.

Messrs. Glynn, Halifax & Co. have paid dividends on the £400,000 Sterling, contracted for by Messrs. Thomas Wilson & Co. from January, 1837, making now three half-yearly periods of interest, which will amount to about upwards of £30,000, and which is contemplated to be repaid to these gentlemen by dividends arising out of the debt of £83,000.

The Committee of Finance of the last Session of the Legislature, has made a long and full statement of the Public Finances of the Province, which is now printed, and to which I beg most respectfully to refer.

I have, &c.

(Signed) JOHN H. DUNN,  
R. G.

To the Honourable JOHN MACAULAY,

Civil Secretary,

&c. &c. &c.

SUMS IN DEBENTURES issued to the following Banks, during the Receiver General's absence, under the direction of Sir Francis Head, viz:

To the Bank of Upper Canada .....	£44,100
“ Commercial Bank .....	44,050
“ Gore Bank .....	49,500
“ Agricultural Bank .....	1,000
Total .....	£138,650 Sterling.

ENCLOSURE No. 3.—DESPATCH No. 91—20th NOVEMBER, 1838.

(Copy.)

Receiver General's Office,  
Toronto, 29th September, 1838.

SIR,

IN reply to your letter of the 28th instant, with its enclosures, I have the honour to state, for the information of His Excellency the Lieutenant-Governor, in relation to the means of raising money for the various public improvements now in progress.

The Debentures at 6 per cent, authorised to be raised in this country, are unsaleable. I have advertised, and made myself satisfied that, under existing circumstances, these Debentures cannot be sold. The Debentures payable in London, at 5 per cent. per annum, I think can be disposed of here, at about par. These Debentures must of course be made payable, on the face of them, at some House or Firm in the City of London; and I am not aware, or am I authorized by any, to offer their services to the Government of Upper Canada, for such an undertaking. It appears by Messrs. Baring, Brothers & Co's. letter, under date the 14th June last, that they decline being made Agents for Debentures sold in Upper Canada under these circumstances; and it appears to me that the Government cannot issue any more, until Messrs. Baring's permission be obtained, or some arrangement can be made with some other House in London, to act as Agents in these transactions, which will require a full and complete investigation into the finances of the Province, before I could expect to obtain the consent of an Agent.

I lament to observe, that I see no way by which money can be procured for the public works, until Messrs. Barings either consent to permit their House to be the Agents, or some other Agent be appointed, which will take time; and as it is now late in the season, perhaps the Legislature will devise other resources for meeting the demands of the Province.

I have, &amp;c.

(Signed) JOHN H. DUNN,  
H. M. R. G.The Honourable JOHN MACAULAY,  
Civil Secretary.

P. S.—The enclosures above referred to, with report of the Honourable Executive Council, are returned herewith.

ENCLOSURE No. 4.—DESPATCH No. 91—20th NOVEMBER, 1838.

(Copy.)

EXECUTIVE COUNCIL CHAMBER AT TORONTO,  
Thursday, 9th August, 1832.

## PRESENT:

THE HONOURABLE	ROBERT BALDWIN SULLIVAN,	<i>Presiding Councillor.</i>
"	"	WILLIAM ALLAN.
"	"	AUGUSTUS BALDWIN.
"	"	JOHN ELMSLEY.
"	"	WILLIAM HENRY DRAPER.

To His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

The Executive Council have perused, with much concern, the report of the Receiver General, on the subject of loans negotiated in this Province, payable in London.

The Council are not disposed in any particular to dispute the statements and arguments used by the Receiver General, and by the House of Messrs. Baring, Brothers & Company, in the letters accompanying that Officers report, as to the injurious tendency of forcing a

negotiation of loans, under unfavourable circumstances in the money market, and of negotiating these loans without the knowledge of the Agents by whom the interest had to be paid, or of the negotiation of loans at any depreciation, to the injury of the holders of Debentures formerly issued.

The Executive Council feel bound, however, to state circumstances which appeared of paramount necessity, and which will, it is hoped, excuse the measure adopted by this Government, in your Excellency's mind, as well as to the House of Messrs. Baring, Brothers & Company, whose complaints appear not to be without foundation.

Upon the commencement of the crisis in the mercantile affairs of the United States, reports injurious to the credit of the London Houses connected with American trade, found their way into this Province, and serious apprehensions were entertained by this Government, as to the safety of balances belonging to the Province, in the hands of the London Houses.

These reports induced His Excellency Sir Francis B. Head, to direct Mr. Draper to proceed to England, to cause the adoption of some measure of security, and to prevent the dishonour of Bills of Exchange drawn upon London by Government.

The Receiver General applied for leave of absence, and proceeded to England at the same time.

Debentures payable in the Province were found unsaleable, in consequence of the scarcity of money throughout America.

The greatest distress in the mercantile affairs of the Province arose, and there was every prospect of its being aggravated to a great and dangerous extent, by the stoppage of the Public Works, undertaken under Acts of Parliament previously passed. Advices from England continued to be discouraging, and from these it appeared that there was no prospect of the immediate sale of Debentures in the London Market, where American securities appeared to be peculiarly unacceptable.

The House of Thomas Wilson & Company suspended.

It was represented to the Government, that extensive losses would accrue from the decay of the works undertaken, and from the breach of contracts with the undertakers of Public Works, and delay in their accomplishment.

The Provincial Parliament was officially summoned to devise measures to meet the crisis which had arrived.

One of the measures of relief adopted, was giving authority to the Government to issue Debentures, payable in London, in lieu of those payable in the Province, found to be unsaleable.

The House of Assembly adopted this measure in anticipation of the Debentures being purchased by the Banks in this Province, who might use them in raising funds in London, either by way of sale, or by adding their own credit to that of the Government, and thus obtaining advances.

The Act was so drawn as not to leave it in the power of the Government to sell Debentures under par: this was in conformity with all the other Acts authorizing the negotiation of loans.

The balances in the hands of Messrs. Wilson & Company, appeared to be in jeopardy; and the Government could not take the responsibility of sending large amounts of public securities to Agents in London.

If they were so sent, it did not appear probable that they could be sold at par; and therefore the sending them as a means of immediate relief, would not have the desired effect of giving immediately available funds.

By a sale to the Banks in the Province, these funds became immediately available.

It was necessary to name some House in London at which the dividends on the Debentures should be made payable.

Under the pressure of these circumstances, the Council most reluctantly assented to the sale of Debentures in the Province; and at the time it did not appear that the Banks entered into the transaction without considerable risk, as if depreciation in American securities had continued to increase, they must have been severe losers, notwithstanding their gain by the Exchange.

The Council were under the full impression that the transaction would have been immediately explained to Messrs. Baring & Co. and their approval, under the circumstances, obtained—which they regret extremely was, however, not promptly done.

After the return of the Receiver General to the Province, upon his reporting favourably of the perfect stability of the House of Messrs. Baring, and upon his statement that he was so well assured of the Debentures being saleable in London, a further sum of £60,000 was transmitted to that House for sale.

It appears, however, that to this day they are not saleable at par, according to law.

The expenditure which these Debentures were expected to cover was, in consequence, obliged to be borne partly out of the sum raised in the Province, though this appropriation was certainly not strictly legal, and partly by a renewal of the measure of disposal of Debentures in the Province, adopted with the *approval* of the Receiver General.

Had the Debentures first negotiated by the Banks, been sent to London in the usual manner, as the sum of £60,000 was afterwards sent, and had they been drawn against at once, which was the only way of meeting public exigencies, and had they proved unsaleable, the bills must have been protested, and the credit of the Province would have been ruined. This was a risk which the Council could not incur, from any considerations of expediency or advantage in the transaction.

The Council, in their own justification, beg to state, that the measure for the negotiation of the extensive loans authorized by Parliament, were in no wise Government measures: they originated altogether in the House of Assembly—and their adoption was not witnessed by the Council without serious fears of consequent embarrassment.

The Council have made this general statement of the principles upon which they felt themselves compelled to act, and they humbly conceive that subsequent events have not proved the want of judgment in the measures advised by them: they endeavoured to proceed with safety, and if profit was in any degree sacrificed thereto, the Council hope that the state of public affairs will prove a sufficient excuse for their proceedings.

While the Council admit the principle, that the interests of holders of public securities should be most tenderly guarded in the negotiations of new loans, these interests cannot be held as superseding all considerations of public welfare and convenience. The history of the National Debt of England shews frequent and extreme depreciation of public securities, in consequence of new and extensive loans; and this has been too often the case to admit of the recognition of the principle, that the interests of the old holders of Debentures should be so exclusively considered, as to prevent the negotiation of new loans in the best practicable manner, should the necessities of the Province or the public interests require such a measure.

It is due to the Honourable Messrs. Allan and Draper, to say, they were absent when the first sum of Debentures were sold to the Banks; and that, therefore, they cannot be held liable to any censure which may be held to attach to the transaction.

All which is respectfully submitted.

(Signed) R. B. SULLIVAN,  
P. C.

(Copy.)

No. 203.

Downing Street,  
31st January, 1839.

Sir,

I have received, and have laid before my colleagues, your despatch of the 20th November last, No. 91, explaining the present financial state of Upper Canada, and offering various suggestions, by which the existing difficulties may, in your opinion, be overcome. The importance of this subject, and the manner in which you have brought it under our notice, have commanded our most serious attention.

You propose in the first place, that under existing circumstances, you should be permitted so far to depart from my circular instructions of 31st August, 1836, as to assent to any bill which may be presented to you, "having for its object to allow the Receiver General

“to issue, on the credit of the Government, bills or notes, payable in Toronto, at 12 months after date, to the extent of £100,000, to be used as a circulating medium, and made chargeable on the prospective revenue of the Province.”

This, however, you describe as a mere temporary expedient; and you express your opinion, that the issue of government paper, not convertible into specie, is detrimental to the credit of the Province, and unless there were a prospect of financial relief, founded on a sound and simple basis, no good result could be looked for from it. That “sound and simple basis,” you subsequently explain to be, the development of the resources of the country, by an emigration on a large scale, “directly facilitated as a great national measure,” with the consequent influx of British capital, and the restoration of confidence in the security of the connection between the Province and Great Britain; the annexation to Upper Canada of a sea-port, and the increase of the import duties; and lastly, the raising of a loan in this country, on the guarantee of the Imperial revenues, to pay off the provincial debt. By the immediate adoption of such measures, you consider that the difficulties in which the Province is now involved may be effectually removed. With respect to your first proposition, I must observe, that the restriction imposed on the Lieutenant Governor of Upper Canada, in regard to money bills, by my circular despatch of 31st August, 1836, was conditionally withdrawn, by my despatch to yourself, of the 28th December, 1837. So far as that instruction is concerned, you are therefore free to act on your own discretion, in accepting or reserving any bill which may be presented to you by the legislature, for the issue of paper money. But, before Her Majesty’s Government could give their express previous sanction to a measure such as you contemplate, they would require much more detailed information respecting it than is contained in your present despatch. I proceed to notice the points on which that information is peculiarly defective.

You suggest that the contemplated notes should be used as a “circulating medium”—you do not, however, state in what sums they are to be issued—in what manner the issue is to be made—whether in payment for provincial engagements and disbursements, or upon securities, or through the Banks,—nor whether it is designed to constitute them a legal tender for debts. I need not point out the essential difference between a loan made on public security, by the issue of state bonds, and a creation of paper money, inconvertible into coin, but which is to be forced into circulation with paper convertible into silver. The first plan only gives the capitalists a means of investment, temporary or permanent, and at the same time affords to the state the use of the capital lent. The second plan increases the whole circulation, by an issue which cannot possibly circulate at par with paper bearing an intrinsic value, and must therefore, if made a legal tender, drive out of the Province a certain amount of the silver now there, either in circulation, in the banks, or in the military chest. The temporary relief, therefore, which such a measure might afford, would be purchased by an eventual increase of the embarrassments of the Province.

Your report is also defective on another point. You state that the existing debt of Upper Canada has been principally incurred in the construction of public works, but you do not state to what purpose the money to be raised by the proposed notes is to be applied. If the public income is insufficient to meet the expenditure essentially public, the balance must, in some way, be provided for; but if this balance is wanted solely for public works, or local improvements, every general principle is opposed to the raising it by an issue of inconvertible government notes, unless there be a surplus revenue, or a state of public credit, that justifies the expenditure. Under these circumstances, it appears to Her Majesty’s Government, that the proper course would be, after ascertaining the existing deficit in the revenue, to procure an enactment, revoking, in the first place, the law which prohibits the raising of loans in London, on less favourable terms than at par, bearing 5 per cent. interest, and authorising the negotiation of a loan in London, to the amount of the deficit in the revenue, and no further, on the most favourable terms which can be procured, under the sanction, and with the assistance of Her Majesty’s Government, but secured on the revenues of the Province. If such a measure should be adopted, you would, in reporting it to me, transmit, for the information of Her Majesty’s Government, a statement, shewing the exact amount of the revenues and expenditure of Upper Canada, with such explanations as might appear to you necessary.

In respect to your proposal for the direct encouragement of emigration to Upper Canada, and the annexation to the Province of a sea-port, I refrain at present from entering into any detailed explanation. The latter of these propositions could, of course, only be effected through the intervention of Parliament: and until the plan of Her Majesty’s Ministers for the

future Government of Canada shall have been laid before Parliament, it would be obviously inconvenient to enter into a discussion of isolated portions of it; but I beg to assure you, that neither of those subjects have escaped our attentive consideration.

Lastly, you propose that Her Majesty's Government should, on the security of the British Treasury, raise a loan in England, to pay off the whole debt of Upper Canada. The amount of this debt is not less than £1,125,000—of which the greater part has been incurred, not at the suggestion of the local Government, nor with the knowledge of the Secretary of State, or the Lords Commissioners of the Treasury, but by the authority of the Colonial Legislature, for public works and local improvements. Her Majesty's Government can discover no ground on which they could propose to throw on this country the burthen thus incurred by Upper Canada; at all events, they would feel it impossible to hold out any prospect of this nature at the present moment, when the general affairs of both the Canadas are engaging their serious deliberation, and must shortly be submitted for the consideration of Parliament.

I have the honour, &c.

(Signed) GLENELG.

Major-General SIR GEORGE ARTHUR, K.C.H.

&c. &c. &c.

## CORRESPONDENCE ON THE SUBJECT

OF THE

## RESIGNATION OF THE EARL OF DURHAM.

GEO. ARTHUR.

THE LIEUTENANT-GOVERNOR transmits to the House of Assembly, in compliance with the request contained in their Address of the 6th instant, copies of a correspondence between Her Majesty's Principal Secretary of State for the Colonies and the Earl of Durham, relating to His Lordship's resignation of the offices of Governor-General of Her Majesty's Colonies in North America, and of High Commissioner within the Provinces of Upper and Lower Canada.

For the further information of the House of Assembly, on so important a subject, the Lieutenant-Governor has also deemed it proper to annex to the copies of that correspondence, the copy of a Despatch to himself from the Secretary of State for the Colonies, enclosing copies of the answers which had been returned by Lord Glenelg to the Earl of Durham's Despatches to His Lordship, (Numbers 66, 67 and 68, of the 25th, 26th and 23th of September last,) together with the copy of a Despatch addressed by Lord Glenelg to the Earl of Durham, on the 15th of December following, in reference to His Lordship's Proclamation of the 9th of the preceding month of October.

*Government House,*  
14th March, 1839.

(Copy.)  
No. 13.

*Castle of St. Lewis,*  
Quebec, October 9th, 1838.

SIR,

I have the honour to transmit to your Excellency, a copy of a correspondence between Her Majesty's Principal Secretary of State for the Colonies and myself, on the proceedings which have taken place in the House of Lords, relative to the Ordinance passed by me and the Special Council, on the 23th of June.

I have the honour to be,

&c. &c. &c.

(Signed) DURHAM.

His Excellency Major-General

SIR GEORGE ARTHUR,

&c. &c. &c.

(Copy.)

No. 83.

Downing Street,  
5th August, 1838.

MY LORD,

I have to acknowledge the receipt of your Despatch of the 29th June, (No. 18,) reporting the proceedings which you had adopted for disposing of the Prisoners whom, on your arrival in Canada, you found in confinement on charges connected with the late insurrection.

Her Majesty's Government are fully alive to the difficulties by which this question was surrounded. It has, therefore, afforded them much satisfaction that you have been able to surmount those difficulties, and that the course which you have adopted has been favourably received in the Province, as equally free from the imputation of too great severity, or of excessive and ill-considered lenity.

While, however, I convey to you the approbation of Her Majesty's Government of the spirit in which your measures have been conceived, I abstain from making any observations on the legal objections which may possibly occur to some of the provisions of the Ordinance, a copy of which is transmitted in your Despatch, as it is at present under the consideration of the Law Officers of the Crown.

I have the honour to be,

&amp;c. &amp;c. &amp;c.

(Signed) GLENELG.

The Right Honourable

THE EARL OF DURHAM,

&amp;c. &amp;c. &amp;c.

(Copy.)

No. 84.

Downing Street,  
6th August, 1838.

MY LORD,

I have had the honour to receive your Lordship's Despatch of the 29th June, (No. 19,) enclosing a copy of a Commission which you had issued for an inquiry into the best mode of disposing of the waste lands of the Crown in the British North American Colonies. Her Majesty's Government entirely approve of this measure, and of the instructions respecting it, which you addressed to the several Lieutenant-Governors of the neighbouring Colonies.—They are fully aware of the great importance of establishing a general and efficient system of disposing of the Crown Lands, as connected with the question of promoting emigration from the Mother Country to those Colonies—and they anticipate the most beneficial results from the establishment of such a system.

I have the honour to be,

&amp;c. &amp;c. &amp;c.

(Signed) GLENELG.

The Right Honourable

THE EARL OF DURHAM,

&amp;c. &amp;c. &amp;c.

(Copy.)

No. 66.

Castle of St. Lewis,  
Quebec, September 25th, 1838.

MY LORD,

Previous communications from me will have made your Lordship aware of the very injurious effects upon the course of my Government, occasioned more or less by all the proceedings, with respect to my Mission, which have taken place in the House of Lords since my departure from England. The representations which I have made to you upon this subject, were but the echo of the public voice in these Colonies, where all men, of whatever class

or party, were agreed in thinking, that unless I should be cordially supported by the Legislature which had created most extraordinary powers of Government for the country, and by the Ministers of the Crown who had placed that extreme authority in my hands, there was not the slightest prospect of any satisfactory result. The proceedings in the House of Lords, from the moment of my leaving the shores of England, shewed but too distinctly, that the support so essential to my success was not extended to me. I allude, in particular, to the speech of the Duke of Wellington on the 4th July, and to the expressive silence of the Prime Minister on that occasion. His Grace was pleased to say—"The Act gives no power further than that of making certain reports on an important subject respecting the Government of Canada, and of directing the formation of a Commission of Inquiry for that purpose; in any other respect, so far as my recollection serves me, I know of no other powers given to the Earl of Durham, which are not ordinarily given to every Governor of a Colony." The tacit assent of Her Majesty's Ministers was even more injurious than Lord Melbourne's previous expression of "very great concern and surprise" at one of my appointments. In the latter case, my authority was not seriously affected, because it depended on myself to persevere in an appointment, which had been originally suggested to me by a member of the Government.—I had constantly refused Mr. Turton's repeated proffers of resignation. His talents and uncommon assiduity had been appreciated here. The proceedings of the Opposition and of the Government, with respect to him, were attributed to the impatience of the one, and the timidity of the other, of the two great parties which divide the House of Lords. And the performance of the arduous duties imposed upon me was scarcely impeded here by what had occurred;—it was not impeded, let me repeat—because, in that case I was enabled to maintain a deliberate act of my Government, and to preserve my honour as a gentleman, by declining all participation in the sacrifice of one, whose ruin, through his connection with me, would, if I had taken any share in it, have left a foul stain on my character. But in the other case, when the leaders of these two great parties,—the one, by the most unqualified expressions, and the other, by consenting silence—concurred in depreciating the authority with which I had been invested, that authority was seriously weakened. The effect upon the public mind was instantaneous and most remarkable. The disaffected (and how numerous these are, your Lordship will have learned from my Despatch of the 9th August, No. 36, marked "secret and confidential") were encouraged to believe, that as my authority was so questioned, the manner in which it had been, or might be exercised, would, to a certainty, be vigorously assailed by the Opposition, and feebly defended by the Government; and they inferred that the success of my mission, which, as all parties at home had allowed, when the danger was imminent, and all here still felt, depended on the vigorous exercise of an extraordinary authority, was thus rendered next to impossible. In forty-eight hours after the speech attributed to the Duke of Wellington had been published here, the tone of that part of the press which represents the disaffected exhibited a remarkable change, giving evidence no longer of submission, however unwilling, to extraordinary powers unhesitatingly exercised, but of discontent, irritation, and seditious hopes. From that time forth, too, down to this day, I have continually received intimations of a state of feeling amongst the Canadian peasantry of the District of Montreal, which threatens, if not actual disturbances during the winter, still so much combination of purpose and means amongst the disaffected, as to require the utmost vigilance on the part of government. Nor did the Duke of Wellington's speech, and Lord Melbourne's silence on that occasion, produce a less mischievous effect upon the great bulk of the British race in this Colony. As respects this class, the first impression created by this evidence of my being left without adequate support at home, was one of despondency. I can speak almost from my own personal knowledge, of numbers, including gentlemen of the most respectable character and highest influence, who had entered into all my views for the improvement of this much neglected country, who were aware of my determination, so far as it might depend upon me, to remove the causes—to dry up the very source of past dissensions, and to render this Colony essentially *British* in its laws, institutions and character; who had, merely on account of those views and intentions, afforded me their confiding support; and who were employing their valuable influence in diverting public attention from the miserable past, and endeavouring to fix it on a happy prospect of peace and prosperity. These gentlemen, when the news in question arrived from England—when they perceived that I was left alone to struggle with unparalleled difficulties, could no longer rely on the accomplishment of any of the important measures that I had projected. They were therefore led, most naturally, as it appears to me, instead of looking with confidence to the future, first to despair of any fruit from my exertions, and next, to recur to the past with feelings of irritation, as violent as were ever produced amongst the British race in this Colony, by the worst previous sacrifice of Colonial interests, to the objects of mere party in the Mother Country. Such is the unanimity of opinion and feeling amongst the British

population of this Colony, that the individuals whom I have described fairly represent the whole class. The despondency and irritation of that class, were as conspicuous as the half elated and threatening activity of the disaffected portion of French Canadians. But such was the effect produced upon both classes, that is, upon the great bulk of the people, by the party proceedings at home.

Although I happened to be suffering from severe illness during the period in which this change of opinion was in course of taking place, I was constantly informed of its progress; and I must not conceal from your Lordship, that this information had a most discouraging effect upon myself. It soon became plain to me, that the great difficulties necessarily attendant on my position, were fearfully increased by the assaults made upon my government by the opposition at home, and tacitly (when not even in a still more injurious mode) suffered by Her Majesty's Ministers. Upon two things alone could I chiefly rely for ultimate success;—the first was, the great extent of the legal powers conferred upon me, enhanced as they had been, morally, by the universal expression in England of satisfaction at my having undertaken to exercise them;—the second was, the impressions which prevailed throughout these Colonies, that I might reckon with perfect confidence on the undeviating approval and support of the members of Her Majesty's Government, with most of whom I had been so long and intimately connected, as well by personal friendship as by political relations. By the proceedings in question, I was deprived of these, the only, but all-sufficient grounds of confidence, in my own exertions. Your Lordship may believe, that the people of these Colonies are not better acquainted with the springs and influences of party politics in England, than are most English politicians with the real state of parties, and of public affairs, in this distant part of the world. You will easily understand, therefore, that no sufficient allowance was made here for the nature of those party motives which had dictated the proceedings of the opposition and the Government, in respect to my mission. It was supposed that the great party in opposition at home really believed my authority to be no more extensive than that of an ordinary Governor in ordinary times;—that Her Majesty's Ministers were of a similar opinion; that all my promises of unusual measures, suited to the unusual circumstances of the case, had been made inadvertently or delusively; and that I had no more prospect of healing the wounds inflicted on this country by a long course of shifting and temporising policy, than if the Act for suspending a constitution, and conferring Legislative powers on an individual, had never passed. In fact, whatever may be the powers which that Act legally confers upon me, the moral authority of my Government,—the *prestige*, if I may so speak, of power once imagined to be so great, and of a supposed unbounded influence with Her Majesty's Government, was gone apparently for ever. Under these circumstances, I was greatly tempted to resign my authority, which appeared to have become inadequate to the grave emergency which alone had called for its existence. I did not, however, give way to this sentiment of despair. On the contrary, making all allowance for party motives, which could not be appreciated by the people of these Colonies; trusting that the approaching recess of Parliament would soon leave me undisturbed to pursue the useful course, on which I had already determined; relying not a little on the early promulgation here of legislative measures, calculated to encourage British enterprise and promote general prosperity; and, above all, influenced by a conviction that the worst consequences might result from my resignation, I deemed it my duty to the Queen, to my Country, and to the people of these Colonies, who had generously confided in my good intentions, to persevere in my course so long as there was the least chance of success. Thus impelled, I banished every thought of resignation, and occupied myself more diligently than ever in bringing to maturity the whole series of measures by which I have hoped that these Colonies might be established in peace and prosperity, as a happy and loyal portion of the British Empire. I was thus engaged, when I received your Lordship's Despatches, No. 83 and 84, conveying to me the most flattering expressions of the satisfaction which all my measures, including the Proclamation relating to the Political Prisoners, had given to Her Majesty's Government.

Those Despatches were the more gratifying, inasmuch as they were accompanied by numerous unofficial letters from members of the Government, and especially by those from yourself and Lord Melbourne, whereby the expressions of official approbation were most warmly and kindly confirmed.

While these Despatches and Letters were still before me, an American newspaper, which had reached Quebec by the same conveyance, was placed in my hands. Your Lordship will judge of my astonishment, when I inform you, that it contained a Report of the proceedings in the House of Lords on the 7th, 9th and 10th of August.

At present no other information on the subject has reached me.

I shall abstain, until officially informed, from entering at length on that important subject. Meanwhile, however, it behoves me to assure Your Lordship, that public opinion here does not wait for the receipt of official intelligence on matters of vital moment to the interests of all; and that it has been most deeply affected by the sufficiently authentic intelligence.

I have had no choice (as I shall fully explain in a future Despatch,) but to declare whether or not I should resign my now useless office. As Your Lordship will perceive by the Documents which I have the honour to enclose, (being an address to myself from the Delegates of the Colonies of Nova Scotia, New Brunswick, and Prince Edward's Island, with my answer,) I have resolved on resigning an authority which has now, indeed, become thoroughly inadequate to the ends for which it was created, and on quitting a post which has been rendered altogether untenable by those from whom I expected every possible assistance in maintaining it.

I shall not lose a moment, after hearing officially of the recent proceedings in England, in fully explaining to Your Lordship the reasons for my having arrived at this determination, and the grounds on which I may, after ample deliberation, decide upon the time for carrying it into effect.

I have, &c.

(Signed) DURHAM.

The Right Honourable

THE LORD GLENELG.

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*To His Excellency the Right Honourable JOHN GEORGE, Earl of Durham,*  
 &c. &c. &c.

In approaching Your Lordship on the eve of our departure from Quebec, we beg unanimously to offer to Your Lordship the expression of our highest respect, and of the deep concern with which we have heard of your Lordship's rumoured intention to resign the Government of these Provinces.

The duties of the mission with which we have been intrusted by the Lieutenant Governors of Nova Scotia, New Brunswick, and Prince Edward Island, and the frankness of communication permitted by your Lordship, have brought us into acquaintance with your Lordship's feelings and views in relation to British North America, and irresistibly impressed on our minds the conviction, that your Lordship cherished an ardent desire to elevate the Colonies committed to your Government, and entertains conceptions calculated to render that desire effective.

In a review of the short period of the Government under your Lordship's personal direction, we behold your Lordship with that feeling so congenial to Englishmen, which turns with repugnance from the shedding of blood on the scaffold, blending mercy with justice; while returning tranquility had already rewarded an administration conducted without the sacrifice of one human life; and we were aware that improved laws and constitutions were in preparation, which, under a government, firm, mild and impartial, gave to the future the reasonable prospect of restored confidence and renovated prosperity.

For the Provinces with which we are more personally connected, we saw, in the warm interests, the enlightened and comprehensive views, and extensive powers of your Lordship, the dawning of vigour and improvement hitherto unknown. With your Lordship's departure those anticipations will, we fear, fade away; but, although it should be our lot to see these Provinces continue feeble and nerveless, compared with the condition at which their natural advantages entitle them to aim, yet shall we ever remember, with gratitude, the statesman who, exalted in the first rank, and treading on the highest eminences of political life in our common country, hesitated not, at the call of his Sovereign, with disinterested zeal, to undertake an office of unparalleled difficulty, and has given to these distant territories the benefit of his enlarged experience and vigorous conceptions. Your Lordship's comprehensive mind has opened to our view the animating prospect of great public improvements advancing our common welfare, and which will ever associate your Lordship's name with the highest prosperity of the Colonies.

We are unwilling to abandon the hope, that your Lordship may yet continue in the administration of your high office. Under any circumstances, we beg to assure your Lordship, that our most ardent wishes for the happiness of the Countess of Durham, your Lordship and family, will accompany you through life.

(Signed) J. W. JOHNSTON, *Member of the Legislative Council of Nova Scotia :*

JAMES B. UNIACKE, *Member for the County of Cape Breton, and Member of Council :*

WILLIAM YOUNG, *Member of Assembly for the County of Inverness :*

M. B. ALMON :

DEPUTATION FROM NOVA SCOTIA.

CHARLES SIMMONS, *Member of Executive Council, and Speaker of Assembly for New Brunswick :*

HENRY PETERS, *Legislative Council :*

E. BOTSFORD, *Member of the Executive and Legislative Councils :*

HUGH JOHNSTON, *Member of Executive Council, and House of Assembly :*

JAMES KIRK :

JOHN ROBERTSON :

DEPUTATION FROM NEW BRUNSWICK.

J. H. HAVILAND, *Member of Executive and Legislative Councils :*

GEORGE DALRYMPLE, *Speaker of the House of Assembly :*

JOSEPH POPE, *Member of Assembly for Prince County :*

DEPUTATION FROM PRINCE EDWARD ISLAND.

QUEBEC, 22nd September, 1838.

(Copy.)

It is impossible for me to express to you in language sufficiently strong, the feelings of gratitude and pleasure with which I have received this address.

Representing as you do, so worthily, the three Provinces of Nova Scotia, New Brunswick, and Prince Edward Island, this proof of your confidence in me, and approbation of the principles on which my administration has been conducted, is most gratifying to me.

I assumed the Government of the North American Provinces, with the pre-determination to provide for the future welfare and prosperity of them all; never doubting that such a provision would be the best, nay the only real security for their permanent connection with the British Crown. In communications which have taken place between us, and from which I have derived equal pleasure and information, you have been fully apprised of my views and intentions. These you have appreciated and recognised in a manner for which I can never be sufficiently grateful. I have, indeed, had a difficult and laborious duty to perform. The credit of my endeavours, however, is one of which I need not be ashamed. In the short space of little more than three months, I have seen tranquility restored and confidence reviving. I have caused substantial justice to be administered, tempered by mercy. I have carefully examined, with a view to reformation, all the Institutions of the Province more immediately committed to my charge; and I was on the point of promulgating such Laws as would have

afforded protection to all those British interests which had been too long neglected. I had also, as you well know, devoted the most careful attention to all subjects which could affect the general interests of all the Colonies, and had brought nearly to maturity the plan which I intended to submit, in the first instance, to the consideration of the Provinces, and eventually of the Cabinet and the Imperial Parliament. In this, I trust, useful course, I have been suddenly arrested by the interference of the British Legislature—in which the responsible advisers of the Crown have deemed it their duty to acquiesce. Under these circumstances, I have but one step to take—to resign that authority, the exercise of which has thus been so weakened, as to render it totally inadequate to the grave emergency which alone called for its existence.

Be assured however of this, Gentlemen, that this unexpected and abrupt termination of the official connection which united me with the North American Provinces, will not weaken in my mind the feelings of deep interest which I shall ever take in their fate, or render me less anxious to devote every faculty of my mind, every influence I may possess, to the advancement of their interests, and to the establishment, on the most lasting foundation, of their welfare and prosperity.

(Copy.)

No. 89.

*Downing Street,*

*18th August, 1838.*

MY LORD,

WITH reference to my Despatch, (No. 83,) of the 5th instant, I have now the honour to enclose to you a copy of the report of the Law Officers of the Crown on the Ordinance, providing for the security of the Province of Lower Canada, a copy of which was transmitted in your Despatch of 29th June, (No. 18.)

Your Lordship will observe, that the Attorney and Solicitor General are clearly of opinion, that so much of the Ordinance as relates to the restrictions to be placed in Bermuda on the eight persons sent by you to that place, is void: inasmuch as the legislative jurisdiction of the Governor and Special Council of Lower Canada does not extend beyond the limits of the Province. In all other respects they are of opinion, that the provisions of the Ordinance were within the competency of the Governor and Special Council.

I regret however to state, that a different view of the case was taken by several individuals of high legal attainments, whose station and professional experience could not fail to secure great weight to their opinion in the House of Lords, where the question was first agitated. There were, indeed, some who went so far as to contend that the whole Ordinance was illegal, as exceeding the legislative authority vested by Parliament in the Special Council; but as this view of the case has not received the sanction of either House of Parliament, Her Majesty's Government, in accordance with the opinion of the Law Officers of the Crown, are fully satisfied that the powers confided by Parliament to the Governor and Special Council are sufficiently ample to authorise them to legislate to the full extent of the Ordinance in question, so far as it relates exclusively to acts to be done within the Province of Lower Canada. But an objection of a more popular and general nature was also urged with great force against so much of the Ordinance as purports, on a conviction for returning to the Province without permission, to subject to capital punishment those persons, who having fled the Province, had thereby avoided the execution against them of the warrant for their apprehension on the charge of High Treason.

Her Majesty's Government, fully sensible of the numerous and weighty difficulties with which you had to deal, with reference to this question, of the notoriety of the conduct of those persons who, having taken an open part in inciting their followers to insurrection, had fled to the United States, in order to withdraw themselves from justice, and of the importance of securing the Province, for a time at least, against their return—and aware, moreover, that ample time had been afforded to these parties, had they been so disposed, to surrender themselves to justice, and demand their trial,—would have been quite satisfied to have left in your Lordships hands the mode of dealing with them, with perfect confidence that no act of needless severity or of substantial injustice, would have been either committed or sanctioned by your authority. The course, however, which Her Majesty's Government would have taken, as in their judgment the best calculated to uphold your authority, and thereby to consult the success of your mission, has unhappily, as they feel, been overruled. A bill was introduced into the House of Lords, the object of which, as it was originally submitted, was

two-fold;—first, to obtain a declaration of the intention of Parliament, in accordance with the view to which I have referred, of the narrow and restricted extent of the Legislative powers of the Special Council, and thereby not only to invalidate the Ordinance, as altogether illegal, but also to prevent any future legislation by the same authority, involving a departure from the ordinary course of criminal law, under whatever circumstances of danger and emergency;—and secondly, to provide an indemnity in respect of all acts done in pursuance of the Ordinance. Her Majesty's Government felt it their duty to offer a decided opposition to the second reading of that bill in the House of Lords, as calculated, in their opinion, most injuriously, and contrary to the spirit and tenor of the Act for making temporary provision for the Government of Lower Canada, to narrow and restrict the power vested by Parliament in the Special Council. I regret, however, to state, that the second reading of that bill was carried in the House of Lords. Under these circumstances, and after the public discussions which have taken place on the subject, Her Majesty's Government, compelled as they were, to admit that a portion of the Ordinance, though comparatively unimportant, rested on no legal foundation, most reluctantly advised Her Majesty to disallow the Ordinance. Extensive amendments were subsequently made in the committee, on the bill. The clause which would have restricted the Legislative powers of the Special Council was altogether omitted, and the indemnity was expressly confined to Acts done in respect of that part of the Ordinance which was admitted to be beyond the Legislative authority of the Governor and Special Council. The bill, so amended, has been since passed by the other House of Parliament, and has received Her Majesty's assent. I send you a copy of it. The comparatively unimportant point, to which alone the Act, as it has finally passed, applies, renders it, in itself, a measure demanding but a slight and passing notice.

Her Majesty's Government cannot, however, conceal their apprehension, that the discussions which have been raised on this question, may tend to impede and embarrass your course in the settlement of the affairs of Canada, and to raise anew some of those difficulties and obstacles which, under your administration, appears to be rapidly on the decline. But on the other hand, the opposition to your measures in this country, has given rise to such strong expressions of confidence in the purity and excellence of the motives by which your conduct has been regulated, and has drawn forth from those personally interested in the affairs of Canada, such decided testimony to the beneficial tendency of your administration, that Her Majesty's Government cannot but hope that your hands may be rather strengthened than weakened by the degree of public attention which has been directed to this subject. At the same time, they feel it their duty to leave you in no uncertainty, as to their views on the course which it may be expedient now to adopt with regard to the persons who, in consequence of the disallowance of the Ordinance, can no longer be liable to its provisions. In the first place, I have to convey to you Her Majesty's entire approbation of the Proclamation issued by you, on the 28th June, by which, with the exception of the twenty-three persons specifically referred to, an amnesty was granted to all other persons charged with treasonable offences committed during the late disturbances and insurrection in Lower Canada. In order, however, to maintain the distinction which you appear so properly to have made between the chief leaders and instigators of the insurrection, and their misguided followers, Her Majesty's Government are decidedly of opinion, that notwithstanding the failure of the provisions of the Ordinance, the eight persons sent by you to Bermuda should not be permitted to return to Lower Canada, except by the express permission of Her Majesty, or of Her Representative in the Province.

It seems to them that this object could be best attained by an Ordinance, to be passed by yourself and the Special Council, subjecting the persons in question to such penalty, short of death, as may be thought expedient, in the event of their being convicted of returning to the Province without such permission.

With regard to those who had previously fled from justice, it may, perhaps, be sufficient, by Proclamation, or by any other clear and unambiguous channel of information, to make it publicly known that, should they re-enter the Province, without the same permission, they will forthwith be arrested, and dealt with according to law, on the charge of treason. It will at the same time, be desirable to continue or renew the suspension of the habeas corpus, that you may be able to detain any of them in custody, in the event of their arrest, should the safety of the Province render such a proceeding necessary. In adopting this plan, it will be indispensable that the Suspension Act should be passed at the same time that the Proclamation is issued, and made as publicly known as the Proclamation, in order to avoid the possibility of any of the parties referred to in the Proclamation, entering the Province in ignorance of the Suspension Act. To let them enter in such ignorance, would be to deal unfairly with

them. Her Majesty's Government hope, that by these means the end which you had in view may be attained, of averting the serious evil to be apprehended from persons being at large within the Province who had notoriously taken a prominent part in the recent revolt, and whose presence could not fail to occasion jealousy and dissatisfaction among the loyal subjects of Her Majesty, and might tend to revive feelings and passions which it must be the anxious desire of the Government to suppress and to allay. I do not intend to prescribe to you the precise course to which I have adverted, as that which, under existing circumstances, ought to be adopted—nor am I insensible to the objections to which any course on this subject is liable from those who are disposed to take an unfavourable view of the conduct of the Government; but I am anxious to relieve you, as far as possible, from the uncertainty in which you might be involved by the recent debates in Parliament, as to the extent to which you would be held justified in proceeding with respect to the small number of persons whom, in the exercise of a sound and wise discretion, you have excepted from the amnesty which has been extended to the great body of persons implicated in the insurrection.

I have assumed, throughout the consideration of this question, that no steps have been taken under the Ordinance passed by the Special Council, during Sir John Colborne's Administration, "for the more speedy attainder of persons indicted for High Treason, who have fled from the Province, or remain concealed therein, to escape from Justice."

It will be for your Lordship to determine, whether it would be advisable to proceed against the parties to whom that Ordinance refers in the manner there prescribed; but, as the object to be attained is not so much the severe punishment of the guilty as their exclusion from the Province, and the suggestion to them of some motive for abstaining, during such exclusion, from a mischievous interference with its affairs, the other course to which I have referred appears to Her Majesty's Government to be, under the peculiar circumstances of the case, the most expedient.

I cannot conclude this Despatch, without expressing the deep regret which Her Majesty's Government have felt at the embarrassment to which you will have been subjected, by the recent proceedings in Parliament, regarding the difficult and delicate question of the disposal of the persons charged with Treason in Lower Canada. On a deliberate review of the whole case, Her Majesty's Government are enabled distinctly to repeat their approbation of the spirit in which those measures were conceived, and to state their conviction that those measures have been dictated by a judicious and enlightened humanity, and were calculated, under your authority, to satisfy the ends of justice—although in some respects, they involve a departure from its ordinary forms. The Government are also persuaded, that your Lordship will be equally anxious with themselves to avoid, as far as possible, giving even a plausible ground for cavil or objection to hostile criticism.

It only remains for me to assure you of the undiminished confidence which Her Majesty's Government repose in you, and of their earnest desire to afford you the utmost support in the discharge of the arduous duties with which you are entrusted.

I have, &c.

(Signed) GLENELG.

The Right Honourable

THE EARL OF DURHAM,

&c. &c. &c.

(Copy.)

Temple, August 6th, 1838.

MY LORD,

IN answer to your Lordship's letter of the 4th instant, requesting our opinion whether there is any objection in point of law to the confirmation, by Her Majesty in Council, of an Ordinance passed by the Earl of Durham and the Special Council of Lower Canada, on the 28th June last, entitled, "An Ordinance to provide for the security of the Province of Lower Canada"—we have to state, that in our opinion, so much of this Ordinance as directs the class of persons therein first enumerated to be transported to Bermuda, and to be kept under restraint there, is beyond the power of the Governor and Special Council, and void; but that all the rest of the Ordinance is within their power, and valid.

The Imperial Statute 1st Victoria, chap. 9, sec. 2, authorises the Governor and Special Council to make such Laws or Ordinances, for the peace, welfare, and good government of the Province of Lower Canada, as the Legislature of Lower Canada, as then constituted, was empowered to make, with certain exceptions, which do not affect the validity of the Ordinance in question. The Legislature of Lower Canada, as constituted by 31st Geo. III. chap. 31, had conferred upon it a general Sovereign Legislative power within the Province; and it is expressly enacted, that all Acts passed by this Legislature shall be valid and binding, to all intents and purposes, within the Province in which the same shall have passed.

We conceive, therefore, that the old Legislature might have lawfully passed an Act for banishing from the Province the first class of persons described in this Ordinance, and enacting that if any of this class or of the second class should return to the Province without the leave of the Governor, they should be deemed guilty of treason, and being convicted thereof, should suffer death. This could not be done by the Proclamation of the Governor, but it is an Act of Legislation for which there are precedents in the Parliaments of Great Britain and of Ireland. There is no pretence for saying that if this part of the Ordinance really were put in force, that the parties who suffer would be put to death without trial. Before they suffer, they must be indicted for having returned to the Province without leave of the Governor, which by law is made treason; and they could only suffer on being duly convicted of the offence laid to their charge. Of course we are only considering the regularity of such a proceeding, without giving any opinion as to its being expedient or proper.

With respect to that part of the Ordinance which is to be executed beyond the limits of the Province of Lower Canada, we are of opinion that it would acquire no force by being confirmed by Her Majesty.

We have the honour to be,

&c.

(Signed)

J. CAMPBELL.

"

R. M. ROLFE.

THE LORD GLENELG,

&c. &c. &c.

(Copy.)

Castle of St. Lewis,  
September 26th, 1838.

MY LORD,

THE late debate in the House of Lords, and the observations that have been made there upon the Ordinance passed by the Special Council of this Province, subjecting the State Prisoners to transportation to Bermuda, imperatively call on me to submit to you a statement of my views upon the legality of that Ordinance, and of the grounds upon which, with every deference to the House of Peers, and the high legal authorities who are asserted to have declared its illegality, I venture to maintain, that no part of that Ordinance is in itself illegal, however inoperative it might, and must of necessity be, without the assistance and co-operation of the Home Government, and the British Parliament, or the Legislature of the Bermudas, under sanction of Her Majesty's Ministers.

The Imperial Statute 5th Geo. IV. ch. 84, sec. 3, provides, that His Majesty in Privy Council, may appoint any place beyond the seas, *either within or without His Dominions*, to which felons, and other offenders under sentence or *order of Transportation or Banishment*, shall be conveyed. It provides for the imprisonment of such offenders—their conveyance, either in contract vessels or in Her Majesty's ships—their punishment for misconduct on the voyage—their delivery to the Governor of the Colony to which they may be sent—and their safe custody after arrival.

Section 17 recites, that by law, in some of the Colonies, offenders convicted of certain offences are liable to be transported beyond the seas, and that there might be no means of transporting such convicts to any of the places appointed by "His" Majesty in that behalf without bringing them to England; and it then provides, that such convicts, when brought to England, may be imprisoned in any place of confinement, under that Act, and *so soon as he shall be so imprisoned*, all the provisions of that Act shall be applicable to every such convict, as if convicted and sentenced in England. No provision is by this Act made for their treatment up to their being brought to England. That is left to the Local Legislatures.

The Imperial Statute, 6th Geo. IV. chap. 69, § 4, provides that "His Majesty," by an Order in Council, may authorise the Governor, &c. for the time being of any of the Colonies, to appoint the place within "His" Majesty's Dominions to which offenders convicted *in any such Colony*, and being under sentence or order of transportation, shall be sent or transported, and provides that such convicts, at the place to which they may be transported, shall be subject to the same laws as other convicts, but it makes no provision for their transport, or their treatment on the voyage to England; that is still left to the Local Legislatures—at least there is no other mode of providing for it.

Under these Acts, an Order of Council was issued on the 11th November, 1825, directing that all Governors of the Colonies for the time being, should from time to time appoint the places to which convicted offenders should be transported.

Lord Gosford, on the 7th October, 1835, issued his Proclamation, appointing such convicts to be sent to England, and from thence to New South Wales, and Van Diemen's. The Provincial Legislature, by Act 6th William the Fourth, chap. 1, continued by the Ordinance of the 1st Victoria, chap. 8, provided that—"Whenever any offender shall have been lawfully sentenced by any of His Majesty's Courts in this Province, other than Courts Martial, to transportation, it shall be lawful for the Governor for the time being, from time to time, to cause any such convict to be removed from *any place of confinement in this Province to any other safe place of custody.*" (It does not repeat "in this Province,") "and thence to be sent to England, to be there imprisoned according to the provisions of the fifth George the Fourth, chapter 84, section 17, to be thereafter transported to New South Wales or Van Dieman's Land."

The Act authorises contracts for their safe transport to England, and, by section 6, enacts that after the delivery of any such convict to the contractor, "his transportation to England, safe-custody, treatment and confinement, until delivered to the authorities in England, shall be regulated to all intents and purposes by the provisions of the fifth George the Fourth, cap. 84."

This Act, although authorising imprisonment, and directing a certain mode of treatment upon the high seas, was not thought to exceed the powers of the Provincial Legislature, and was sanctioned and approved by Her Majesty's present Ministers.

These several provisions, however, only applying to the case of persons *convicted in Courts of Law* of offences, were not in force as to the State Prisoners who confessed their participation in the treasonable practices of which they were accused, but they afford a sufficient guide in an emergency beyond the scope of ordinary law.

If the British Parliament could authorise the Sovereign to name any place of transportation beyond the seas *out of the British dominions*, it would seem not less within the authority of the Provincial Legislature to appoint a place of banishment not within the local limits of their authority, but within Her Majesty's dominions, which had been frequently used as a place of transportation from this Colony, and at which hulks are now kept for the reception of convicts, and to which, as appears by Lord Aberdeen's Circular Despatch of the 2d March, 1835, relative to transportation from the Colonies, such offenders as may be specially selected by the Home Secretary, may still be sent. I need scarcely say that this last Despatch was by no means restrictive of my power in respect to the State Prisoners, as to whom Your Lordship's instructions expressly suggest the substitution of transportation and banishment in lieu of capital punishment.

The power of the Colonial Governments to punish by transportation is indisputable; and its frequent exercise is recognised by the recital in Section 17, of the Imperial Statute, 5th Geo. 4, cap. 84, already cited; for if by the law of the Colonies convicts can be subject to transportation beyond seas, the Legislatures of such Colonies must have power to pass such laws.

I, as Governor-General and Governor-in-Chief of Canada, had a power to appoint the place to which any person should be transported who was convicted of a transportable offence, or who being capitally convicted should assent to such commutation of his punishment; and I had at my disposal the immediate means of transport to any place within the command of the Admiral on the Halifax station, and the previous assent of the Admiral to give every facility within his power.

The Legislature which had the power to suspend the Habeas Corpus Act, and to place the whole country under the operation of Martial Law, to substitute a Drum Head Court Martial of Volunteers for a trial by Jury in the ordinary Courts of Justice in the country, if they had thought it necessary to exercise it, (and the Executive Government *alone* did in fact

exercise it,) had an equal power (it would be contending for little to say an equal *Constitutional right*) to subject to punishment those who admitted that they had offended against the laws of their country, and who prayed to be spared a public trial, to which the public interest was alike opposed. The Legislature had an equal power by law to pass an Act of attainder with or without forfeiture of property, and with or without examining further witnesses, as they might think most likely to conduce to the benefit of the public and the tranquillity of the Province, against the associates of those who pleaded guilty, and who had fled from the pursuit of justice to a foreign country.

Whatever power was vested in the assembled Legislature of this Province before the recent troubles, was vested in me and the Special Council by the Imperial Statute of the first Vict. chap. 9, so far as that Act did not expressly circumscribe the power which it originated, I have yet to learn that the Ordinance of the second Victoria, cap. 1, (now disallowed,) in imposing the penalty of transportation to Bermuda on the State offenders, violated any one of the restrictive clauses of the Imperial Act. With the question in a Constitutional point of view, it is not my purpose in this place to deal, my arguments are directed merely to the legality of the Ordinance, to shew that, (whether inoperative or not in any respect) it is not illegal,—to shew that the Legislature of Lower Canada, as constituted by the Imperial Parliament, kept within the limits of its authority.

I contend, then, with every deference for those who may have expressed a contrary opinion, that the Legislature of Lower Canada had a legal right to transport any offenders to Bermuda, and under that authority to convey them there *if they had "the means,"* as much as to send them to England and provide "the means," and there to leave such offenders, liable to such restraints as it might please Her Majesty to subject them to. But Her Majesty could only act through the constituted authorities. The constituted authority here was the Governor, who under sanction of the Legislature of Lower Canada conveyed them, by the means at his disposal, to the Bermudas. There the power of the Legislature of Lower Canada and of the Governor General ceased. When the Prisoners arrived at the Bermudas, it was the business of Her Majesty's Government either through the Imperial Parliament or through the Local Legislature to retain them there. It was perfectly well understood here in the passing of the Ordinance, that there was no power in this Legislature to pass any Laws which could be binding in the Bermudas; and the Ordinance was confined to its recited object—"to provide for the present security of this Province by effectually preventing the several persons" named in it "from being at large therein."

It was foreseen that the Governor of the Bermudas might have refused his assistance in this emergency and declined to allow the prisoners to be landed, or, if landed, might have instantly released them, or if not, that before Her Majesty could procure any laws to be passed subjecting the parties to the necessary restraints to prevent their return, the parties might apply to the Courts of the Bermudas for their writs of Habeas Corpus, and might be enlarged and quit the Island to return. Opposition to an Ordinance intended as, and being in fact, an extension of Her Majesty's mercy towards the individuals who were the objects of it; would probably have weakened the claim to a future permission to return to the Province, a permission which, if the British Parliament had adopted and continued the Ordinance, would have become of the utmost importance to the persons transported; but the "present security" of the Province was further guarded by a severe penalty (not, as is evident from the Ordinance, to be inflicted without trial) upon such as should return without due permission. As the Ordinance stands, coupled with the 1st Victoria, chap. 9, it simply imposes banishment for four years from the Province under the penalty of death. The returning from transportation before the period for which it is inflicted, is subjected to capital punishment by many Provincial Statutes, in cases where the original offence is not to be punishable. To have imposed a lesser penalty would have been to lessen the original offence of Treason, which those transported had admitted.

In conclusion, I maintain that in no respect is the Ordinance illegal, although in part it might have been inoperative without the co-operation of Her Majesty's Ministers and the British Legislature. Instead of waiting for the express direction of Government, I determined, for the sake of tranquillizing the Province, to anticipate such co-operation, and to remove the prisoners instantly.

I have, &c.

(Signed) DURHAM.

The Right Honourable

THE LORD GLENELG,

&c. &c. &c.

(Copy.)

No. 68.

Castle of St. Lewis,  
Quebec, September 28th, 1838.

MY LORD,

I had the honour to receive, on the evening of the day before yesterday, your Lordship's Despatch of August 18th, (No. 89,) with its inclosures. That communication was accompanied by private letters, and by full reports of the recent proceedings in both Houses of Parliament, with respect to my mission.

The information thus supplied, enables me to fulfil the promise made in my Despatch of the 25th instant, (No. 66,) of fully explaining to your Lordship the grounds on which I had determined to resign my Commissions of High Commissioner and Governor-General of Her Majesty's Colonies in North America.

The Act of mere Indemnity which has passed the British Legislature, no doubt differs very materially, as your Lordship observes, from the Bill introduced by Lord Brougham. The Bill would have placed such restrictions on my authority as to deprive me of the legal power indispensable to the temporary government of this distracted country—the Act only purports to save me harmless from the consequences of a measure declared to have been illegal. Still my position has been, morally and practically, so much weakened as to be no longer tenable with a hope of beneficial results; but I will not detain your Lordship, by drawing any further comparison between the Bill that was proposed and the Act that has passed. The latter measure is now irrevocable and must be considered on its own merits. It is only in that point of view—which, however, does not exclude any of the Parliamentary proceedings, which resulted in the passing of the Act—that I request your Lordship's attention to the following observations on the subject:

Your Lordship informs me, that "Her Majesty's Government felt it their duty to offer a decided opposition" to the second reading of the Bill introduced by Lord Brougham. But in what, I venture to ask, did that opposition result?—In a concession far more calculated, as it appears to me, to weaken my hands, than would have been any vote of the House of Lords—in which, it is notorious, that Her Majesty's Government have never commanded a majority. A vote of the House of Lords, adverse to Her Majesty's Government, or merely condemnatory of any proceeding of mine, would have been considered almost as a matter of course in the present state of parties; and would, if it had been decidedly opposed by the Ministers, have left my authority untouched, because it would have been, attributed to the mere party motives of a powerful Opposition. Supposing that such a vote had been passed, there would have remained the House of Commons, where, I am bound to presume, that a measure decidedly opposed by Her Majesty's Ministers, would not have been adopted.—In that case, the Parliamentary proceedings on this subject would but have resembled many others which have occurred of late years and which have left the Government unharmed by a hostile proceeding of the House of Lords. In that case, I should have suffered no greater inconvenience than such as any Government must be subject to, which is vigorously and almost constantly opposed by a majority in the Upper House. As respects these Colonies, I do believe that the inconvenience would not have been very great; because the adverse proceeding would have been attributed altogether to the state of parties in England, and would have been considered as foreign to the state of affairs in this part of the world. But at all events, in that case, my acts and my authority would have been supported by the House of Commons and the Crown. How different is my actual position! In order to stop hostile proceedings in the House of Lords, (for after your Lordship's Despatches, approving of all my measures, I can discover no other motive for the step,) Her Majesty's Ministers determine on advising the Crown to render abortive the most important act of my Government. The Crown, therefore, whose Representative I am, condemns me on the ground that I have acted illegally. But this is not all. The manner of the condemnation requires (at least so it is supposed by those who advise it) that I should be saved harmless from the consequences of the measure which, whatever it may have been before, they render null and void. They imagine that I require such a shield. They think that without it the prisoners now in Bermuda, whom I refused to subject to the jurisdiction of such a tribunal as would assuredly have condemned them to death—whose property as well as lives I spared—whom I saved from the ignominy of transportation as convicts—whose parole of honour I took as sufficient security for their not attempting to escape—that these men are to sue me for damages for such treatment. This is the opinion of Her Majesty's Ministers; and therefore, having disallowed the Ordinance, they support in both Houses the Bill of Indemnity.

The condemnation of the most important measure of my Government has thus become the act of the whole British Legislature. In addition to all this, the Act requires that it should be proclaimed here; and I am thus compelled, unless I should instantly resign, to join in the condemnation that has been passed on me by the Crown, the Lords, and the Commons. I may surely be permitted to think, that adverse votes of the House of Lords would have been infinitely preferable to the course which has been taken in order to avert that evil.

Being determined, above all things, that no personal feeling or consideration shall have any influence on my conduct in the present state of public affairs in this Colony, I shall proclaim the Act of Indemnity in the next *Official Gazette*. If I resigned immediately, that duty would be imposed on the Administrator of the Government. The reasons which induce me to abstain from resigning at present will be stated hereafter. Meanwhile I have to explain the grounds on which it appears to me that my permanent occupation of this Government would be rather injurious than beneficial to Her Majesty's service.

In my anxious examination of this question, I have endeavoured to disregard the past, excepting as it affects the future. By this course I have hoped to gain two advantages—first, that of simplifying the subject; and secondly, which is far more important, that of preventing the intrusion of wounded personal feelings into a deliberation which should be conducted solely with a view to public objects.

Recurring to the past, then, only as it bears on the future, I am desirous to point out what seems to have been overlooked by every body in England, that the particular measure which has been condemned forms but a part, though a very important one, of the whole policy of the Special Council, and the Proclamation of Amnesty issued on the day of Her Majesty's Coronation. That policy was not indicated by either of those measures separately. The two measures were indeed one—having been divided into two parts merely for the purpose of imposing on the Governor and Council all that required legislation, and was of a penal character: and making all that partook of mercy and kindness the act of the Queen. Nor was the whole policy proclaimed on that day, to be found in the Ordinance and Proclamation alone. The *Official Gazette*, in which these documents were published, contained a most unusual announcement, in the following terms:—"We are authorised to state, that His Excellency the Governor-General is actively engaged in the preparation of measures, which will, as soon as it may be possible, be embodied in Ordinances of the Governor and Special Council, relative to a Jury Law; a Bankrupt Law; the Judicial and Municipal Institutions of the whole Province; General Education; the establishment of Registry Offices; and the equitable commutation of Fendal Tenures." If it had been possible to prepare measures of this kind in time, they would have appeared in the form of Ordinances on the same day as the Proclamation of Amnesty; but the promise was considered sufficient to indicate my sense of the necessity of very important changes in the Civil and Municipal Law of the Province. The whole policy which I intended to pursue, was embodied in that promise; in the Amnesty; and in that part of the preamble of the Proclamation, whereby is asserted, "Her Majesty's firm resolve to punish, with the utmost severity, any *future* act of insubordination—and more especially to prevent, in future, the occurrence of dissensions similar to those by which the Province has been disturbed, by effectually removing all *causes* of dissension, so that the Province might be established in peace as a loyal and truly *British* Colony." I had made up my mind, it was evident, to the necessity of rendering the Institutions of this Province thoroughly British; but it was also plain, I hope, that admitting as to the future, the necessity of measures which would be unpalatable to the majority of French Canadians, I was desirous to deal very leniently with such of them as had, by their conduct, become amenable to severe punishment. As to the past, I proclaimed forgiveness and oblivion—as to the future, British Institutions—as to the present, security against the disaffected. The only provision for the security of the Colony, has been rendered null. Moreover, since the different parts of the whole scheme of policy were intimately blended with, and dependent on each other, the destruction of one portion of it affects all the rest: not merely by giving a triumph to the disaffected generally, and allowing the worst of them an opportunity to play over again their part as leaders in a rebellion, but also (and this is the main consideration) by shewing that no reliance is to be placed upon the validity of any law, or the performance of any engagement proceeding from the extraordinary authority which has been created for the temporary Government of this country. If I have described my own policy aright, I shall not err in representing that of the Imperial Government as one productive of insecurity at present—and of doubt, uncertainty and want of confidence, as to the future.

The particular defect of the Ordinance which has led to the disallowance of the whole of it, was occasioned by no oversight of the extraordinary Legislature of Lower Canada. I believed, and still believe, for the reasons assigned by me in my Despatch No. 67, that by the Legislative powers entrusted to that body, we were authorised to banish persons from the Province, and that according to a constant course of precedents furnished by the Legislation of the Province, our power extended to the custody and disposal of Provincial Prisoners while on the high seas, and to landing them on the shore of Bermuda, or any other portion of the globe in which free access to strangers is allowed by the municipal laws. Further—it was well known to us, our jurisdiction did not extend; once landed in Bermuda, the prisoners were subject only to the laws of that Island. It was known that they would not arrive there as convicts, (especial pains had been taken to spare them that indignity) and that the laws therefore which held good with regard to ordinary convicts, would not apply to them. It was known that they could be forcibly detained within the precincts of Bermuda only by provisions to be made for that purpose by the Legislature of the Island, or by the Imperial Parliament. The words of the Ordinance which authorised Her Majesty to impose restraints on the Prisoners in a Colony not subject to our jurisdiction, could give Her Majesty no power which she did not possess before. It was never supposed that they could; and that part of the Ordinance was passed with a perfect knowledge that it was wholly inoperative, and that the prisoners could not be compelled to remain in Bermuda without the adoption of measures in aid of our legislation by the authorities of the Island or of the Empire. The words were inserted for the double purpose of showing that the prisoners were not to be subjected to the ordinary treatment of ordinary convicts, and a relieving the loyal inhabitants of the Province from the apprehension of the immediate return of these dangerous persons to its limits or its vicinity.

As it happened, however, the object of the provision in question was attained, in spite of its legal inadequacy: for the detention of the prisoners in Bermuda was secured by their voluntary parole.

Except for the purposes I have mentioned, the words objected to were, in fact, mere surplusage. If, as common sense points out, they were merely inoperative, their insertion is a matter of no importance. If the Lawyers are technically right in confounding two very distinct words and ideas, and describing as illegal all Legislative provisions which are obviously inoperative, it may be inferred that Her Majesty could not give her sanction to this enactment, and that the disallowance of the Ordinance was a matter of technical necessity. But in either case, it was the business of a wise Government and Legislature, to correct the errors or supply the imperfections which had their origin in a zeal for humanity, and for the integrity of the Empire. I speak of a policy, of which the leading features and animating spirit have now been sanctioned by almost universal assent. It has hardly been impugned even in this Province, by those whose friends I could not entirely relieve from all punishment for rebellion, or those whose sense of justice I shocked not a little, by the supposed inadequacy of my penalties. It has been generally and cordially approved, even in its details, by the people of the neighbouring States—the people in the world the most competent to judge without passion, of the local necessities of the case, and not the least ardent in their love of freedom and their respect for the law. It has not, even amid the acrimony of party debates at home, been denied by any person whose opinion has any weight with any body, to possess the merits (all by which I set much store) of substantial justice, mercy, and sound discretion. A Government and Legislature anxious for the tranquillity of this wretched country—for the interests of humanity—for the honour of the British Crown, would not have lightly foregone the benefits which such a policy promised, and had already in a great measure secured;—they would have taken great care that its great and beneficent purpose should not be frustrated by any error which they could rectify, or by the want of any power which they could supply. If they found the Ordinance inoperative, they would have given it effect; if legal, they would have made it law.

Instead of this, Her Majesty's Ministers, at the instance of a branch of the Legislature, have decided on disallowing the whole Ordinance; and in place of finding the co-operation which I had a right to expect, I am favoured with an Act of Indemnity, for which I can be thankful only because it purports to relieve others from any penalty incurred by their ready acquiescence in my views. The disallowance of the Ordinance has, I repeat, rendered null all the repressive portion of my policy; it has also, by extending a complete pardon to all, deprived me, who do not shrink from the ungracious task of framing measures obnoxious to one class of the people, of the power to make them some compensation, by further acts of gracious kindness. Finally, it overthrows all confidence in my engagements; it deprives

my pledged word of all weight and value. I should now legislate, if at all, with the expectation that each measure would be scanned and criticised in a hostile spirit, and not improbably rendered abortive by the Supreme authority. A delegated authority, when not sustained by the power that has bestowed it, loses all moral force; and I need not remind your Lordship, that a Government of mere physical force is neither possible on this continent, nor would be otherwise than wholly inconsistent with my feelings and opinions. Therefore, I am satisfied that the proceedings of the Government at home, entirely preclude me from carrying out the policy which I had proclaimed, and on which I have acted. I could not adopt a new policy now, without bringing ridicule on all concerned. I am thus disabled from rendering any important service to the public in my present situation. By retaining an authority which has become merely nominal, as regards the great purposes for which it was created, I should wilfully delude the public with false hopes, and deliberately provide for a more bitter disappointment. These are the main grounds on which I persevere in the determination of resigning, announced to you in my Despatch No. 66.

But these, though the principal, are not the only reasons which induce me to resign. The late proceedings at home have not merely, by destroying the moral power of my Government, deprived me of all the necessary means of carrying into effect a policy, of which the Ordinance in question was a small, though essential part, but have, by the disallowance of that particular measure, imposed on the Government of this Province the most serious practical difficulties. I have already called your Lordship's attention to the fact, that the disallowance of the Ordinance annuls all the measures of precaution and punishment which I have adopted; and that the universal operation of Her Majesty's Proclamation of Amnesty, limited by no exceptions save those now invalidated, establishes an impunity absolutely co-extensive with crime—and places the leaders of the rebellion precisely in the same situation as that which they occupied before their recent unsuccessful attempt. I find that this result was not wholly overlooked in the debates in Parliament: and that it was suggested that some precautions should be taken by the authority, which invalidated our acts, to avert the mischief thereby occasioned. Though much was said, however, nothing has been done: the work is left to be performed by the Provincial Legislature—and your Lordship is kind enough to suggest the course, which you think it advisable that we should adopt in the present emergency. The question of the disposal of the persons implicated in the late insurrection was one originally foreign to my mission—an obstacle left in my path by previous neglect in one quarter or another. I succeeded in removing it: the effects of its existence had been effaced. It is now placed in my way once more—with this additional disadvantage, that, having all that is difficult and odious to do over again, I had lost the power of accompanying it with an act of grace. I have to punish without pardoning—and justice having been now balked of its due, I am to execute whatever vengeance the interposition of the Home authorities may have left within my reach.

The suggestion made by your Lordship, appears to me liable not only to this, but to other objections. Her Majesty's Government, feeling it their duty, as you say, "to leave me in no uncertainty as to their views on the course which it may be expedient now to adopt with regard to the persons who, in consequence of the disallowance of the Ordinance, can no longer be liable to its provisions," suggests the passing another Ordinance, banishing from the Province the eight persons who had been sent to Bermuda, and forbidding their return under some penalty "short of death."

Your Lordship appears, in a subsequent passage, to desire that such an Ordinance should apply to the whole of the "persons whom, in the exercise of a sound and wise discretion, I have excepted from the Amnesty." This would include Mr. Papineau, and the others, whom, being at large and absent from the Province, the disallowed Ordinance had sentenced to banishment; but from a paragraph immediately following, which refers to the course practicable under an Ordinance of Sir John Colborne's, I am led to suppose that you look to a suspension of the Habeas Corpus Act as sufficient for effecting the exclusion of those dangerous persons.

If the Ordinance which you propose, were to exclude only the eight persons now in Bermuda, it would be useless and iniquitous. There would be no justice in punishing Mr. Bouchette for being taken, while Mr. Gagnon, the companion of his guilty enterprise, is allowed to return, unmolested, to his home—or in dooming Dr. Wolfred Nelson to a severer lot than that assigned to his brother, who was not only guilty of Treason previous to leaving the Province, but has since invaded it at the head of an armed band of foreigners and refu-

gees. If it be politic to allow Mr. Papineau to return and resume his former course, it were, surely, a heedless and petty cruelty to banish from their homes his bolder, and therefore less dangerous tools.

If the Ordinance were to include Mr. Papineau, and the others who had been banished without a trial or confession of guilt, the ends of substantial justice would be attained in the same way as in the disallowed Ordinance—and the new Ordinance would be liable to the same objections as those urged against the former one. Your Lordship, I know, does not participate in these objections; but experience has shewn me that it is necessary, in the present times, for those exercising an arduous responsibility far from home, to look to the opinions, not only of the Ministers, but also of the Opposition. And in following a course similar to that, which has been already impugned by your Lordship's opponents in Parliament, I do not feel quite sure that the same power which has induced Her Majesty's Government to cancel an act, of which you had already declared their approbation, might not compel them to disallow the very course suggested by themselves. The mere substitution of a milder punishment than that of death, would obviate none of the objections, made on principle, to the infliction of any penalty without trial. No one can imagine that capital punishment would ever have been wantonly inflicted by one, who has deviated from the ordinary law, in order solely that he might exercise a more than ordinary clemency. That penalty was announced in the Ordinance, because it seemed necessary, according to the general practice of civilized nations, to enforce submission to the second in the scale of penalties, by a threat of the highest. To call an act innocent in itself, by the name, and subject it to the penalties of treason, is not more revolting to strict notions of ordinary law, than to call it felony or misdemeanor, and punish it with banishment, imprisonment or fine.

Your Lordship suggests that this new policy should be completed by a suspension of the Habeas Corpus; and such a measure I am aware has been suggested, as a matter of course, by some Speakers in Parliament, who profess most regard for the British Constitution. I cannot bring myself to rate the great guarantee of personal liberty as so unimportant a part of the British Constitution, or of those securities which should be possessed by every civilized community. On the contrary, I am inclined to think it quite as important, and quite as sacred from heedless and unnecessary violation, as any, without exceptions, of the provisions made for fair and open trial. And I must own, that I have seen with no little regret, how much men's minds appear to have been familiarized with the idea of suspending the Habeas Corpus, by the frequency with which it has been done in the bad periods of our own history, and the consequent facility with which, in these debates, it seems to have been proposed as a mere matter of course, by some of those who express the greatest horror at any deviation from what they call a constitutional course. To me, my Lord, it appears that men's notions of right and freedom would be much more shocked at such an universal violation of every man's dearest right, than by any summary process adopted for the punishment of the undeniable guilt of a few. I do not say that there are no circumstances under which I would consent to a suspension of the Habeas Corpus;—I should not hesitate to adopt it in any emergency in which the notoriety of a general outbreak, or of a general purpose of insurrection, might render it advisable that a Government should be for a while armed with a power of arresting the objects of its suspicion without bringing them to immediate trial. But I see no necessity, on account of any existing evil in this Province, for taking such a step now: and the present Legislative authority of this Province will be capable of being brought into immediate action at the moment in which any danger may declare itself. On no other ground can I consent to propose such a measure for adoption by the Special Council. I cannot think it justifiable to take away the franchises of a whole people, in order to punish a few known and dangerous individuals, or to guard against the misconduct of twenty-three men, by enveloping them in a general forfeiture of personal liberty.

Had your Lordship's suggestion of these measures been accompanied by positive instructions for their instant adoption, I should have felt that, in consequence of my insuperable repugnance to taking any part in them, it would be my duty to resign immediately the Government of this Province, and to give up my authority to a successor who would carry your orders into effect; but as you expressly state, that you "do not intend to prescribe to me the precise course to which you have adverted, as that which, under existing circumstances, ought to be adopted," I conclude that you mean not in any way to fetter my discretion. I shall therefore pursue the course which, taking all the circumstances of the case into consideration, I regard as best calculated for the public service.

I do not instantly resign my authority, because I have made engagements, and imposed upon myself obligations, which it is absolutely necessary that I should fulfil. In my character

of Governor-General, I have set on foot the reform of some practical grievances, which are among the many that have been long suffered by the people, and which, I fear, they might continue to suffer, if the governing hand which has first ventured to meddle with abuses in this country, were suddenly withdrawn from the work of reformation. In some cases, both of individuals and classes, I have held out hopes, and made virtual promises, to which every sense of honour and of truth commands me, as far as remains in my power, to give effect. In my character of High Commissioner, I have instituted inquiries, some of them relating to the whole of these Colonies, and all to subjects of great importance. Considering the great expense necessarily incurred in carrying out the objects of my mission, and the lamentable want of information upon these subjects which prevails in the Imperial Legislature, I should take shame to myself, if, except under some absolute necessity, I were to leave these inquiries incomplete. Above all, I am desirous that my mission should not prove fruitless as to its main object, namely, the preparation of a plan for the future Government of this part of the British Empire. Such a plan could only be framed upon ample information as to the wants, dispositions and interests, as well conflicting as general, of every class of Her Majesty's subjects in these Colonies. I have endeavoured to gain such information from all quarters, but have not yet completed that very arduous task; still it is so near completion, that I cannot bear to think of leaving it unfinished; and, if unfinished, productive of no other result than a waste of public money, of the laborious exertions of those whom I have employed, and of the patience of the people of these Colonies, which I do solemnly assure your Lordship may be tried overmuch. I have no doubt that, in a few weeks more, nothing essential to this object will be left undone. I shall then return to England without loss of time, for the purpose of laying at the feet of the Queen the Commissions of Governor-General and High Commissioner, with which Her Majesty has been graciously pleased to honour me. And then, in my place in Parliament at least, I may be able to render my mission productive of good, by satisfying the British people and Legislature, of the absolute necessity of steadily pursuing towards these Colonies a very different policy from any that has yet been adopted by the Parent State.

Even if I can do no other good there, I shall be able to use my experience of this Colony in checking the too prevailing disposition of Parliament to decide on the vital interests of this distant community according to the principles of a Constitution, and the feelings of a state of society, the least analogous to those which prevail here. The Government of these Provinces requires something more than a knowledge of the Common and Statute Laws of England. Though the object of wise and benevolent statesmen should be to establish the great principles of the British Constitution, and the English law in the Province, it must not be supposed that this is yet done, and I trust that the acts of future Governors will be submitted to the decision of some more competent Judges than those who profess to try such acts by the mere principles of English law.

My acts have been despotic, because my delegated authority was despotic. Until I learn from some one better versed in the English language, that despotism means any thing but such an aggregation of the supreme executive and legislative authority in a single hand, as was deliberately made by Parliament in the Act which constituted my present powers, I shall not blush to hear that I have exercised a despotism. I shall feel anxious only to know how well and how wisely my countrymen think that I have used, or rather exhibited an intention of using my great powers.

Nor shall I regret that I have wielded these despotic powers in a manner which, as an Englishman, I am anxious to declare utterly inconsistent with the British Constitution, until I learn what are the Constitutional principles that remain in force when a whole Constitution is suspended—what principles of the British Constitution hold good in a country in which the people's money is taken without the people's consent—in which Representative Government is annihilated—in which Martial Law has been the law of the land—and in which the Trial by Jury exists only to defeat the ends of justice, and to provoke the righteous scorn and indignation of the community. I should, indeed, regret the want of applicability in my own principles of government, or my own incapacity for applying them, had the precise course which I should think it imperative on me to pursue in a land of freedom and of law, proved to be the only one which I could adopt in a country, which long mis-government and sad dissensions have brought to a condition which may fairly be described as one of constituted Anarchy.

I have, &c.

(Signed) DURHAM,

The Right Honourable

THE LORD GLENELG,

&c. &c. &c.

(CIRCULAR.)

*Downing Street,  
1st December, 1838.*

SIR,

THE Earl of Durham having informed me, that he has transmitted for your guidance and information, copies of his Despatches to me of the 25th, 26th and 28th September, (Numbers 66, 67 and 68.) I feel it my duty to enclose herewith, for your information, copies of the answers which I have returned to those Despatches, together with the copy of a Despatch which I addressed to the Earl of Durham, on the 15th instant, in reference to his Proclamation of the 9th October last.

I have, &amp;c.

(Signed) GLENELG.

His Excellency Major-General

SIR GEORGE ARTHUR, K.C.H.

(Copy.)

No. 126.

*Downing Street,  
26th October, 1838.*

MY LORD,

SINCE the date of my Despatch of the 19th instant, Her Majesty's Government have had under their consideration your Lordship's Despatches, No. 66, of the 25th of September, and No. 68, of the 28th of September.

Her Majesty's Government observe that the first of these Despatches was written before your Lordship had received any official information of the proceedings which took place in Parliament with regard to the Ordinance of the Special Council of Lower Canada for providing for the security of the Province, or of the course adopted by Her Majesty's Government in reference to those proceedings. That Despatch was written, consequently under the feelings and impressions which could scarcely fail to be excited by the partial information, derived only from the public prints, of what occurred in the earlier stages of the Parliamentary discussions on the subject. Under such circumstances, unacquainted as you were in a great measure with the considerations which had led Her Majesty's Government to the conviction that the course which they reluctantly felt themselves bound to pursue was, in the actual situation of the question with which they were called to deal, the one least likely to prove injurious to the public interests, and to your authority, and resenting, as it was natural to do, the imputation of an abuse of arbitrary power, it cannot be matter of surprise that your Lordship should have conceived your position in Canada to be so materially affected as to leave you little hope of a successful result to your mission.

Fully entering into the feelings occasioned by the report of the earlier proceedings, only in the House of Lords, Her Majesty's Government do not think it necessary, with reference to the first of your Despatches, to do more than express their deep concern, that yielding to the impulse of the moment, you should at once have publicly announced your determination to resign your authority.

On the evening of the day subsequent to the date of your first Despatch, your Lordship appears to have received my Despatch of the 18th August, together with full reports of the proceedings in both Houses of Parliament, with regard to your mission. Her Majesty's Government deeply regret that with this full information before you, your Lordship, at the date of your Despatch of the 28th September, still considered your position no longer tenable with a prospect of beneficial results. But they have been relieved from much of the apprehension which they would otherwise have entertained for the security of the Province, and the interests entrusted to your care, by the assurance contained in your last Despatch, that it was not your intention abruptly to relinquish your authority, or to abandon the post which you occupy, without giving effect to the reform of some practical grievances, to the redress of which you had applied yourself; without completing the main inquiries which, in your character of High Commissioner, you had instituted; and above all, without accomplishing the chief object of your mission, in the preparation of a plan for the future Government of the British

North American Provinces. Her Majesty's Government fully appreciate the motives which have induced you to postpone your intended resignation, until these important ends shall have been attained; and they are persuaded, that the same regard to the public interests which had deterred you from a sudden and immediate resignation, will prevent you hazarding the tranquillity of the Canadas, or placing their security in jeopardy, by the premature relinquishment of your authority—should any circumstances not contemplated at the date of your Despatch convince you, that your departure at the time which you then anticipated, would be attended with results dangerous to the peace and safety of the British North American Provinces.

Connected with this important object, the safety of the Provinces, is the question to which your Lordship adverts, of the mode of preventing the evil to be apprehended from the impunity of the authors or leaders of revolt. Your Lordship objects to what is called the suspension of the Habeas Corpus Act, as a measure involving a whole people in a penalty in order to punish a few; and you likewise condemn the levity with which a measure of this severe and arbitrary nature is spoken of in Parliamentary debates.

There can be no question, that an Act giving power of arbitrary detention and imprisonment is one of a serious nature, not to be resorted to without necessity founded on circumstances of public danger. But Her Majesty's Government cannot agree with Your Lordship that these temporary suspensions of a constitutional Law, do in reality affect the whole people unless upon occasions when the remedy is improperly applied to the existing evil.—That remedy when properly applied, is intended to counteract the designs of a few leaders, and to separate them from the great body of their followers. In this manner it was used after the Revolution of 1688, and after the accession of the House of Hanover; and the stability of these two great settlements was perhaps in a considerable degree owing to the readiness and decision with which this remedy was applied. In such cases the leaders of Revolt, and the chiefs of conspiracy, know themselves to be struck at, and feel their safety endangered; but the great body of the people, relying on the general spirit and administration of the Law, fear nothing from its momentary interruption, and enjoy their liberty unmolested. Such, it appears to us, is the case of Lower Canada, at a moment when rebellion has but recently been suppressed, and preparations for a renewal of it are threatened. At such a moment the loyal and peaceable inhabitants of the Province will be more secure, while the fomenters of revolt are in danger, and on the other hand, if the fomenters of revolt can act with impunity, the peaceable inhabitants are in danger. Your Lordship asserts in your Despatch that in the present state of the Province "Trial by Jury exists only to defeat the ends of justice, and to provoke the righteous scorn and indignation of the community." This a picture of a most lamentable state of things, of which the truth I fear must be admitted, and the evil cannot be overated. On the due execution of justice the whole relations of society depend. If men find that the murder of their relatives and friends is not visited with retribution in a Court of Justice, it can scarcely be expected that they will abstain from a recurrence to the personal revenge which, in reliance upon Law, they had relinquished.

This state of insecurity imperatively requires a remedy. It is therefore the desire of Her Majesty's Government that an Ordinance should be passed by the Special Council of Lower Canada, constituting a Tribunal for the trial of Treason and Murder.

With respect to the manner in which such a Tribunal can be formed, it is not proposed to bind your Lordship's discretion. Learned Judges alone might constitute a sufficient Court for the trial of these offences; or it might be better to form Courts more nearly resembling Courts Martial,—or to combine both these species of Tribunal. But in any case where trial by jury has excited the righteous scorn and indignation of the community, it cannot be difficult to form tribunals more impartial and more competent than the existing juries. The cautious habits of learned Lawyers, and the fairness usually exhibited by Englishmen, even to enemies taken in open resistance, added to the publicity of their proceedings, would be a security that none but the most conclusive evidence would lead to convictions.

It would not be safe to postpone the formation of such tribunals until a new insurrection may happen to break out, for the same objections which induced Her Majesty's Government to reject the proposition to subject the prisoners charged with being concerned in the late revolt, to new tribunals constituted after the commission of the offences, would again apply. Men would complain that they were tried by an *ex-post-facto* law. While, therefore, the power of detention and imprisonment without trial may well be reserved for a period of emergency, of which your Lordship will be the judge, it is the desire of Her Majesty's Government that you should at once prepare, and propose to the Special Council, an Ordi-

nance for constituting Tribunals by which future rebels and murderers may be tried. The leaders and agents of insurrection will thus be forewarned, and cannot justly complain if they are made amenable for their crimes.

I have thought it unnecessary to enter, in this Despatch, into a detailed consideration of the observations which you have addressed to me on the course pursued by Her Majesty's Government, with regard to the affairs of Canada;—to the assurances contained in my Despatch of the 18th August, of the undiminished confidence of Her Majesty's Government in your Lordship, and of their cordial approval of the spirit and tenor of your administration, I can only add, that subsequent experience has tended to justify and confirm their persuasion of the general wisdom and soundness of the policy by which you have been guided. They continue to feel that, under the difficult and peculiar circumstances forced on them by the proceedings taken in the House of Lords, they adopted that course which was calculated to render those proceedings as little injurious as possible to the public interests, and to the great objects of your mission. They could not indeed hope altogether to neutralize the evil consequences of what appeared to them an ill-timed and injudicious interference with the exercise of those powers with which Parliament had invested the Governor of Canada; but when they review the unequivocal proofs of respect and esteem which have been largely tendered to you in the North American Provinces—when they consider the repeated testimony of persons, having a deep interest in the welfare and security of those Provinces, to the beneficial tendency of your Administration—and when they observe the unusual concurrence of men of various parties and political opinions in deprecating your intended departure, Her Majesty's Government cannot but think that on the first receipt of the intelligence of the Parliamentary proceedings, to which reference has been made, you over-rated the effect of those proceedings on the public mind—both in this country and in North America—and formed an incorrect estimate of the state of public opinion with regard to them.

Her Majesty's Government are persuaded that the more closely the main acts of your Administration are reviewed in all their bearings, the more apparent will it be to impartial observers, and to men actuated by a sincere regard to national interests, that those acts have been conceived in a spirit, and executed with a firmness, alike worthy of your reputation and adapted to the exigency of the circumstances with which you were called to struggle. Impressed with these sentiments, and in the absence of any precise information as to the time which may be occupied in the completion of the several objects contemplated in your Despatch of the 28th of September, Her Majesty's Government will abstain, until they hear further from your Lordship, from tendering any advice to Her Majesty as to the succession to your Government. They have received, with much satisfaction, Sir John Colborne's acquiescence in their request, that he would continue during the approaching winter in the command of Her Majesty's Troops in Canada; and as in the event of your Lordship's return to England, the administration of the affairs of Lower Canada will, in the ordinary course, devolve on that Officer, Her Majesty's Government can feel no difficulty in confiding to his hands the security of the Province, until the appointment of a successor in the office of Governor-General.

I have &c.

(Signed) GLENELG.

The Right Honourable

THE EARL OF DURHAM, G.C.B.

(Copy.)

No. 133.

Downing Street,  
12th November, 1838.

MY LORD,

IN my Despatch of the 26th ultimo, I abstained from any notice of your Lordship's Despatch, No. 67, of the 28th September, and of the observations contained in your Despatch No. 68, of the same date, on the proceeding which, in your opinion, ought to have been taken by Her Majesty's Government, with regard to the Ordinance of the Special Council of Lower Canada, therein referred to—having thought it desirable to reserve, for a separate communication, my remarks on those subjects.

Her Majesty's Government have attentively considered the statements which you have addressed to me, of your views as to the legality of that Ordinance. Without intending to enter on a legal discussion, or to offer any further opinion than that which, on the authority of the Law Officers of the Crown, I have already conveyed to you on this subject, I have to express my satisfaction that little difference of opinion exists between your Lordship and ourselves as to the extent to which any valid legal objection could be urged against the Ordinance. Waiving the question of your right to send to Bermuda persons under restraint by virtue, not of an order of sentence of transportation, but of an Ordinance of the Special Council of Lower Canada, subjecting them to banishment to that particular place, it is admitted on all hands, that so far as it purported to confer on Her Majesty the power of imposing restraint on the parties named in it, while in Bermuda, the Ordinance was at least inoperative.

Your Lordship has now informed me that you were always fully aware of this defect; and that "that part of the Ordinance was passed with a perfect knowledge that it was wholly inoperative, and that the prisoners could not be compelled to remain in Bermuda, without the adoption of measures in aid of your legislation by the authorities of the Island, or of the Empire." Your Lordship has further stated it to have been the business of Her Majesty's Government, on the arrival of the prisoners at the Bermudas, either through the Imperial Parliament, or through the local Legislature, to retain them there. Her Majesty's Government regret that, until the receipt of your recent Despatches, they had no reason to believe that such was your view or opinion at the time when the Ordinance was passed.

Neither in your Despatch, transmitting the Ordinance to this country, nor in your Despatch to the Governor of Bermuda, informing him of your having sent the prisoners to that place, was any allusion made to your expectation of the adoption of any such measures. As the prisoners were sent to Bermuda within a few days after the passing of the Ordinance, and consequently long before it could possibly reach this country, the intervention of the Legislature of the Bermudas, on which you now appear to have relied, could not have been made available at the suggestion of Her Majesty's Government, for the purpose of authorising their restraint on their arrival there. That object could only have been attained by a suggestion from yourself to the Governor of Bermuda, of the expediency of recommending to the local Legislature an enactment of the required character, in case that Legislature should have been at the time in Session, and the Governor should have thought that such a recommendation would be favourably received.

The propriety of proposing a measure to the Imperial Parliament, to supply the defect in the Ordinance, did not escape the attention of Her Majesty's Government. It was fully considered by them. Your Lordship will not expect me to state in a Despatch the reasons which induced Her Majesty's Government, after full deliberation, to think such a course inexpedient. That I abstained from adverting to it in my Despatch to your Lordship of the 18th August, was solely owing to the absence of any reference in your previous Despatches to the expectation which it appears your Lordship entertained that such a course would have been adopted.

There is one other topic to which I hoped it would have been unnecessary for me to recur, but which, after the renewed allusion to it in your Lordship's Despatch, No. 66, I cannot altogether pass over in silence—I mean the appointment of Mr. Turton as an Executive Councillor. I abstained from replying to your Despatch of 20th July, (No. 30,) on this subject, from a conviction that the correspondence which had already taken place with regard to it could not be continued, without a wide departure from the ordinary rules of official communications, and without exposing to needless pain the individual who had unfortunately been the occasion of it. The observations, however, which you have made in your Despatch of the 25th September, compel me to remind you that your selection of that gentleman for the office of your legal adviser, was made by you without any previous communication to Lord Melbourne or to myself, and without any knowledge on our part of your intention; and that as soon as it was known to us, Lord Melbourne stated to you the decided objection which he entertained to the appointment. In consequence of this intimation from Lord Melbourne, you waived the appointment, expressing at the same time your intention, in consideration of the painful position in which Mr. Turton would otherwise be placed, that he should proceed to Canada as your private friend.

It was, unquestionably, the firm impression and expectation of Lord Melbourne and myself, that whatever assistance Mr. Turton might render to your Lordship, would be given in a private capacity; and that he was not to fill any official situation connected with your mission.

I have &c.

(Signed) GLENELG.

The Right Honourable

THE EARL OF DURHAM,

&c. &c. &c.

(Copy.)

No. 134.

Downing Street,  
15th November, 1838.

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch of the 9th October, (No. 80) enclosing copies of two Proclamations, bearing date respectively the 8th and 9th of that month, and published by you in the *Quebec Gazette*.

Of the Proclamation of the 8th October, I am commanded to convey to you Her Majesty's approval.

The Proclamation of the 9th of October, Her Majesty's confidential advisers regard, not merely as a deviation from the course which has hitherto been invariably pursued by the Governors of the British possessions abroad, but as a dangerous departure from the practice and principles of the constitution. They consider as open to most serious objection, an appeal by such an officer to the public at large, from measures adopted by the Sovereign, with the advice and consent of Parliament.

The terms in which that appeal has in this instance been made, appear to Her Majesty's Ministers calculated to impair the reverence due to the Royal Authority in the Colony—to derogate from the character of the Imperial Legislature—to excite amongst the disaffected, hopes of impunity—and to enhance the difficulties with which your Lordship's successor will have to contend.

The Ministers of the Crown having humbly submitted this opinion to the Queen, it is my duty to inform you, that I have received Her Majesty's commands to signify to your Lordship, Her Majesty's disapprobation of your Proclamation of the 9th of October.

Under these circumstances, Her Majesty's Government are compelled to admit that your continuance in the Government of British North America, could be attended with no beneficial results.

I presume that before your receipt of this Despatch, your Lordship will have delivered over the Government of Lower Canada to Sir John Colborne, to whom I shall address the requisite instructions for his guidance.

I have, &c.

(Signed) GLENELG.

THE EARL OF DURHAM,

C. C. B.

# DESPATCH

FROM THE RIGHT HONOURABLE THE LORD GLENELG,

WITH AN ACCOMPANYING PAPER.

FROM THE LORDS COMMISSIONERS OF THE TREASURY,

## ON THE SUBJECT OF GOLD AND SILVER COINS:

TRANSMITTED 19<sup>TH</sup> MARCH, 1839.

(Copy.)

No. 124.

Downing Street,

13th August, 1838.

SIR,

Her Majesty's Government have had under their serious consideration, the Act passed by the Legislature of Upper Canada, during their Session of 1836, entitled, "An Act to repeal and amend certain Acts of this Province, in relation to the gold and silver coins made current by law, and to make further provision respecting the rates at which certain gold and silver coins shall pass current in this Province." This Act was not reserved for the signification of Her Majesty's pleasure, having been passed previously to the receipt in Upper Canada of my circular instructions of 31st August, 1836.

You will be aware, from my Despatch to your predecessor, of 1st March, 1837, that considerable doubts existed in the minds of Her Majesty's Government, as to the propriety of confirming this Act. It appeared to them, that the changes which it was calculated to produce in all monied transactions, were so important and unusual, as to be justified only by some paramount necessity: while neither in the preamble of the Act itself, nor in the Despatch of Sir F. Head, transmitting it, was that necessity explained. The report contained in Sir F. Head's Despatch of the 7th May, 1837, has not removed these doubts—and it would, therefore, have been my duty, under ordinary circumstances, to advise Her Majesty to disallow this Act.

I could not, however, without the greatest reluctance, have tendered to Her Majesty such advice, with reference to any Act which had received the concurrence of both branches of the Legislature of Upper Canada—and that reluctance would have been much increased in the case of an Act so immediately affecting the every day transactions of society, and which having gone into immediate operation, must have influenced all the pecuniary engagements and obligations contracted since its enactment: considering, moreover, that the duration of the Act was limited to four years, of which two have already expired, I have felt myself at liberty to advise Her Majesty not to make any Order in Council on it, thereby leaving it in effect to its operation. But as it is possible, that at the expiration of this Act, a similar bill may again be introduced into the Legislature of Upper Canada, I think it necessary to transmit herewith, for your information, the copy of a paper on the subject, which has been drawn up in the Office of the Lords Commissioners of the Treasury. In the general reasoning of this paper I concur—and I attach especial weight to the objections stated to those provisions of the Act, by which the English shilling is valued at 1s. 3d. currency, instead of 1s. 2½d. and the sovereign at £1 4s. 4d. If therefore any bill, similar to the Act in question, should be hereafter introduced into the Legislature of Upper Canada, you will bring under the notice of the Legislative Council and House of Assembly, the arguments stated in the accompanying paper, in order that the defective provisions in the present Act may be avoided. I have no doubt that the Provincial Legislature will admit the force of the objections urged in reference to those provisions, and they will take the necessary steps to remedy them; but if not, you will let it be generally understood, that you would be compelled to reserve, for the signification of Her Majesty's pleasure, any bill for the regulation of the Currency, containing provisions similar to those which, in the present Act, have been objected to by Her Majesty's Government.

I have the honour to be,

&c. &c. &c.

(Signed) GLENELG.

Major-General SIR GEORGE ARTHUR, K.C.H.

&c. &c. &c.

## UPPER CANADA ACT, OF 1836.

(Copy.)

PREVIOUS to the introduction of British silver into the Province of Upper Canada, the legal denominations of an English crown, an English shilling, and a Spanish dollar, were respectively as follows:

Crown .....	5s. 6d. Currency.
Shilling .....	1s. 1d.
Dollar .....	5s.

According to this scale, a dollar was reckoned equal to 4s. 6d.—54, in English crowns, and to 4s. 7d.—4, in English shillings.

But as a dollar was really worth only 4s. 2d. in English money, crowns and shillings could not circulate in the Province at the rates assigned to them by law.

The Proclamation of 1825 reduced the sterling value of the dollar to 4s. 4d.

With obvious reference to this Proclamation, the Legislature of Upper Canada passed a law, by which the English crown was raised to 5s. 9d. and the English shilling to 1s. 2d.—the dollar being still rated at 5s. currency.

According to this new scale, a dollar was reckoned equal to 4s. 4d.—17, in English crowns, and to 4s. 3d.—43, in English shillings.

British silver being still undervalued with reference to the dollar, both by the King's Proclamation of 1825, and by the local Act last-mentioned, was no sooner issued from the Commissariat Chest, than it was collected and exported, or brought back for bills upon the Treasury. Under these circumstances, when 4s. 4d. was due to the soldier, he received very nearly the same sum in the legal currency of the Province, whether he was paid in British silver, or with a Mexican dollar.

But 4s. 4d. of British silver was really worth one dollar, and one twenty-fifth of a dollar; it was generally, therefore, in his power to dispose of his 4s. 4d. for more than the sum for which 4s. 4d. was legally current. When the soldier availed himself of this advantage, he obtained no more than what was fairly due to him—he obtained no more than a just equivalent for his 4s. 4d.

When paid with a Spanish dollar, he got less than what was justly due to him. He did not complain, however, for he found that in the ordinary market, and according to the law of the Province, a dollar and 4s. 4d. were deemed to be of equal value.

Government gained what the soldier lost.

The metallic par of exchange is 5s. for 4s. 2d. or £120 currency for £100 sterling. This is usually expressed by saying that bills upon London are at 8 per cent. premium.

Thus.....	£100
Premium 8 per cent.....	8

9) 108  
12

£ 120 currency, or 480 dollars ;

which 480 dollars, are worth in London, at 4s. 2d. each, £100.

When the exchange is at 8 per cent. premium, (the metallic level) Government obtains a dollar for 4s. 2d. and with that dollar discharges a debt of 4s. 4d. and thus gains, or saves, about 4 per cent. The bill which passed the Legislature of Upper Canada in 1836, has raised the current denomination of an English crown, from 5s. 9d. to 6s. ; and of an English shilling, from 1s. 2d. to 1s. 3d. ; but leaves the Spanish dollar, at 5s. unaltered. According to this scale, a dollar is equal to 4s. 2d. in English crowns, and 4s. in English shillings.

It is objected to this bill, that it is "disreputable in its principles," and likely to be injurious in its consequences.

But neither the flagrancy of the principle, nor the mischief which the bill is likely to occasion, have been distinctly pointed out.

It is undoubtedly true, that to alter the quality or the denomination of those coins to which existing money contracts have reference, would be both disreputable and unjust. But is this done by the bill in question? Have existing contracts in Canada reference to British silver, or to American dollars? Surely not to the former, for the high rates given to English crowns and English shillings, previous to the passing of this Act, render their use, as the medium of interchange in that colony, wholly impracticable.

It may be said that a debt which, before the passing of this Act, required 4s. 4d. in British silver for its discharge, may now be discharged with 4s. 2d.; but is it true, in point of fact, that before the passing of the Act, a debt of 5s. currency was ever actually discharged by the payment of 4s. 4d. in British Silver? Was the creditor entitled to demand, or did he ever expect to receive this sort of payment? On the contrary, the debtor had the option of discharging his obligation either by the payment of 4s. 4d. in British silver, or by the payment of a dollar worth only 4s. 2d. He naturally preferred the latter. The use of British silver, by its undervaluation with reference to the dollar, was virtually proscribed. It formed no part of the ordinary metallic currency of the Province; nor had existing contracts any practical reference to it.

The question now is, whether it is desirable to exclude British silver altogether from the Province. If this be desirable or expedient, the exclusion will be effectually accomplished by refusing the Royal assent to the bill in question.

If, on the other hand, it is wished to promote the circulation of British silver, the bill now under consideration should be confirmed, with two material exceptions, which I shall advert to hereafter.

Before doing so, however, it is proper to notice a matter of considerable subtlety, and of great importance, which is involved in the question.

Before the passing of the Act in question, when 4s. 4d. sterling was due to a soldier or to a pensioner, he was commonly paid by a dollar, worth only 4s. 2d. sterling, and was satisfied with that payment. Since the passing of the Act, instead of a dollar he receives 4s. 2d. in British silver. In either case he receives 5s. currency; but having been led to believe that a dollar is equal to 4s. 4d. sterling, he naturally concluded that 5s. currency must likewise be equal to 4s. 4d. sterling.

He was strengthened in this conclusion by the mode in which the Canada Bank keeps its account with the Commissariat. When a dollar is paid into the Bank by the Commissariat, credit is given for 4s. 4d. army sterling; when a cheque for 4s. 4d. is drawn by the Commissariat upon the Bank, the Bank has the option of paying the cheque either with a dollar or with 4s. 4d. Before the Act of 1836, the Bank naturally preferred the former mode of payment. Since the Act has become a law, and has enabled the Bank to discharge a debt of 3s. currency with an English half-crown, or a debt of 5s. currency (a dollar) with 4s. 2d. in British silver, the Bank, without any obvious advantage to itself, chooses to pay the Commissariat cheques in British coin, and the pensioner gets 4s. 2d. where he formerly obtained a dollar.

Formerly, the Pensioner received less, and at present he receives less, than his just due. But formerly, he was unconscious of his loss; it is now brought home to his apprehension, by the contact and intervention of British silver.

In Lower Canada, the troops receive a Mexican dollar at the Army rate of 4s. 4d.—apparently without complaint or hesitation. In Nova-Scotia, the troops murmur and are dissatisfied. In the former Province, British silver is greatly undervalued by law, and does not circulate there; in the latter, it obtains circulation, in consequence of being placed on a level with other coins legalized in the Province. In the former case, the troops are satisfied with the dollar at 4s. 4d.; in the latter, they complain.

But the Commissary General at Quebec, in his letter, dated 18th February, 1837, says that the new law of Upper Canada "has not really raised the value of the English coin, but brought down that of the quarter dollar to the level of the shilling."

Of this no proof is given.

In order to establish the accuracy of the Commissary's proposition, it would be necessary to shew that before the passing of the new law, a dollar would command a bill on London for 4s. 4d. and will now command a bill on London for only 4s. or in that proportion; but this cannot be shewn.

The Commissary General's proposition cannot, therefore, be admitted.

The foregoing observations have proceeded on the supposition, that the Upper Canada bill of 1836 reduced the value of the dollar, estimated in British silver, from 4s. 4d. to 4s. 2d.

This is the case, in so far as crowns and half crowns, which are valued at 6s. currency, and at 3s. currency, respectively, are concerned. But the shilling, instead of being valued in exact proportion to the crown and half crown—namely, at 1s. 2½d.—is valued at 1s. 3d. currency.

This, the Cashier of the Upper Canada Bank thinks, was done in order to avoid small fractions. But the small fraction is, in this case, a matter of essential importance, and fraught with important consequences.

The shilling being valued at 1s. 3d. currency, and the dollar at 5s. currency, makes the dollar equal to 4s. in British silver—being an over-valuation of the shilling, with reference to the dollar, of 3½ per cent. This is quite sufficient to drive away, not only English crowns and half crowns, but likewise the dollar itself, from circulation.

The bill is, in this respect, decidedly objectionable. It injuriously affects all existing pecuniary contracts: it is, in this point, "disreputable in principle," and pregnant with mischief.

There is another important alteration made by this Act, which does not appear to be adverted to in any of the papers which I have seen.

In the new Act, the sovereign is valued at £1 4s. 4d. currency, and the American eagle of the coinage of 1834, at 50s. currency. With reference to the sovereign and the American eagle, therefore, the dollar is reckoned equal to 4s. 1⅓d. sterling: now this is the same proportion, within a very small fraction, ( $\frac{1}{5}$ th of a penny,) which is adopted in the new regulations of the mint of the United States—16 grains of fine silver to 1 grain of fine gold. Whether this coincidence was unintentional or designed, I do not venture to offer an opinion; but I have no hesitation in saying, that the ultimate effect of the bill, as it now stands, will be to banish Mexican, and so American dollars, English crowns and half-crowns, from circulation—and to render gold, the legal basis of the metallic currency of the Province, at a depreciation, compared with dollars, of about 1½ per cent.

In his observations on this bill, the Cashier of the Bank of Upper Canada says, that the rate of £1 4s. 4d. given to the sovereign, "is a fraction below the American standard, so that it leaves the Province as soon as it is issued."

But this fraction is too small ( $\frac{1}{5}$ th of a penny, or about 1s. 3d. in £100) to produce that effect. If the fact be as stated by Mr. Ridout, some other cause must be simultaneously in operation to produce it: that other cause, no doubt, is the small paper money of the Province.

On the whole, the result is as follows:

The rate of 1s. 3d. currency, given to an English shilling, is calculated to drive away dollars, crowns and half-crowns, from circulation.

If the rate of the English shilling were altered to its just proportion to the Crown and the dollar—say to 1s. 2½d.—the overvaluation of the sovereign and the eagle, would produce the same effect—so that sovereigns and eagles are the only coins that would obtain circulation in the Provinces.

But the small paper money issued by the Banks, will drive away the sovereigns and the eagles. The ultimate effect of the bill, then, will be, to establish a paper currency, without any admixture of metallic money, except English shillings, considerably injured by wear.

Whatever may have been the intention of the framers of the bill, a more effectual scheme for establishing a paper currency, nominally payable in specie, but practically inconvertible, could not well have been devised.

J. PENNINGTON.

17th March, 1838.

EXTRACT FROM A DESPATCH,

DATED 28TH DECEMBER, 1857,

FROM HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE COLONIES,

RELATIVE TO THE SURRENDER OF THE

**CASUAL AND TERRITORIAL REVENUE OF THE CROWN,**

IN UPPER CANADA,

**TO THE PROVINCIAL LEGISLATURE.**

In the arrangements to be concluded with the Assembly, Her Majesty's Government desire only to secure the efficient and upright discharge of the duties of the Executive Government, and the maintenance of the pledged faith of the Crown.

The Revenues now at the disposal of the Crown in Upper Canada, appear from the Blue Book returns, to have amounted in the year 1836, to £35,399 7s. 5d.: the items of which they consist are stated in the schedule marked A. appended to this Despatch.

Of these Revenues the first item in the annexed schedule, arising from the payments of the Canada Company, and amounting to £20,000, is of a temporary nature, and will altogether cease after the year 1842; but on the other hand, it is not unreasonable to expect an increased return from other sources. Thus, as the population and capital of the Province advance, the sales of Crown lands and timber will naturally be augmented: while by the arrangement concluded with the Ordnance Department, for the sale of the Military Reserve at Toronto, the price of that Reserve, which cannot but be considerable, will, subject to a deduction to be hereafter noticed, be placed at the disposal of the Legislature.

The existing charges on this revenue amount to £32,005: the items of which they consist are stated in the annexed schedule, marked B. Of these items a large proportion may, I conceive, be altogether excluded from the Civil List to be proposed to the local Legislature—while others, though they must for the present be maintained, are yet to be considered only as temporary charges.

In the first class are to be placed the salaries of the Officers mentioned in the margin—the contingent expenses of the Government Office—of the Secretary and Registrar—and of the Administration of Justice—together with that general expenditure, on account of public objects, of an occasional or fluctuating nature: to the support of which the faith of the Crown is not pledged. From the schedule marked C. you will perceive that the total amount of these charges, on an average of three years, is £12,565. The incidental expenditure of the Surveyor-General's Office is omitted in this schedule, as well as in the proposed Civil List—because being, as I presume, for expenses incurred in the management of the Crown Lands, it must, according to the universal practice, be deducted from the gross proceeds of the land revenue, before that revenue is paid over. But in order to prevent any misconception on this subject, you will lay before the Assembly of Upper Canada, annually, within fourteen days of their meeting, a statement of the incidental expenditure during the preceding year, of the Offices connected with the management and sale of the Crown property.

Clerk of Executive Council.  
Receiver-General.  
Inspector-General.  
Speaker of the Legislative Council.  
Government Printer.

In excluding these charges from the proposed Civil List, I am influenced by no doubt of their propriety, but by the consideration that there is no sufficient ground for withdrawing them from the annual revision of the Provincial Legislature. I feel confident, that the Assembly of Upper Canada will pay due regard to the fair claims of the Public Officers thus thrown on their liberality; but so soon as you shall have submitted to that House the propositions of Her Majesty's Government, you will apprise those Officers of the change which will probably take place in their situation.

In the second class to which I have referred, that, namely, of charges which must for the present be maintained, but which are only of a temporary nature; the first and the most important is the charge of £6,995 per annum for the Ministers of the different religious communities in Upper Canada. These payments are made under engagements which have been contracted at various times with the representatives of these bodies, and the fulfilment of which they have a right to demand so long as they cannot obtain an equivalent from other public funds in the Province, and as the Crown shall possess funds at its own disposal sufficient to meet their demand after satisfying the claims of the various public services which must necessarily be provided for in order to the efficient conduct of the local Government. An equitable settlement of the Clergy Reserve question to which your attention has been called in a separate Despatch, would, I trust, provide for each of these bodies a secure and permanent provision, which would be far more than an adequate substitute for the payments now made to them from the Crown Revenue. On the other hand, the diminution of this revenue in 1842 by the cessation of the receipts from the Canada Company, would deprive the Crown of the power of continuing these payments on their present footing—nor can I hold out any prospect that it would be in the power of Her Majesty's Government to propose to Parliament to provide from the funds of this country for the support of ecclesiastical establishments in Upper Canada. In the earnest hope, therefore, that your efforts to effect a satisfactory adjustment of the Clergy Reserve question, will be successful, I feel that I am entitled to consider this charge as only a very temporary burthen on the Crown Revenue. For the present, however, and until such arrangements can be effected, it must be retained, subject to the contingency to which I have already referred.

The next charge of a temporary nature, is that for pensions, now amounting to £1,596 10s. 9d, but which will gradually decrease as the interests of the actual receivers cease. As however, the faith of the Crown has been pledged to these payments from funds at its own disposal, this charge must be retained, on the surrender of those funds, subject to an understanding that the Province will have the benefit of whatever reduction may from time to time take place by the gradual diminution of the payments.

The salary and commuted allowance to Mr. Cameron must also be considered as subject to future reduction. In conformity with the assurance heretofore given to that gentleman, his emoluments will be continued during his tenure of office at their former amount, but on the appointment of a successor, the whole salary of the Provincial Secretary will be fixed at £600, a sum, which from Sir John Colborne's Despatch of the 16th April 1834, would seem to be a sufficient remuneration for the duties of the office.

After making these deductions, the whole of the permanent Civil List to be demanded in return for the cession of the Crown Revenues, will amount to £9,000—the temporary charges above alluded to, constitute a further demand of £3,929 10s. 9d. In the schedule marked D, will be found a statement of these charges.

I now proceed to advert to the items of which the permanent Civil List is composed:

1—The charge is a sum of £1500 per annum for the salary of the Lieutenant-Governor, making the entire emoluments of that Officer £3500 a year. This is a departure from the intention respecting the future amount of the Lieutenant-Governor's salary, announced by the Earl of Ripon to Sir J. Colborne, on the 24th of April, 1832, and actually carried into effect in the case of your Predecessor. But it must be observed, that the experience of the last two years has shewn the insufficiency of the civil salary of £3000 a year alone, to support the dignity of the office, without a very considerable departure from the ordinary habits of hospitality observed by the Lieutenant-Governor. At the date of the Earl of Ripon's communication, it was the general practice to appoint to the Government of the British Colonies, Officers holding high military rank, and enjoying considerable military emoluments. Although these emoluments were entirely independent of such appointments, yet being paid out of public funds, they might not improperly be taken into account, in considering the further remuneration to be granted by the public for the additional duties attached to the Administration of a Colonial Government. Under these circumstances, a salary of £3000 sterling per annum, added to the military emoluments, would seem an ample remuneration for the office of Lieutenant-Governor of Upper Canada—because it would enable the Officer selected for that high station, to discharge the duties and to maintain the dignity of it, without trenching on his private fortune. To this amount, therefore, I should propose to restrict it in the case of an Officer drawing large military emoluments—but where, as in your own case, and that of Sir F. Head, the only remuneration received from the public is the civil salary attached to the

office, Her Majesty's Government are of opinion, that that salary should not be less than £3500 a year. Considering the prominent station occupied by the Lieutenant-Governor of Upper Canada, and the large claims necessarily imposed on him as the Representative of the British Sovereign, I entertain a full confidence that the Assembly of Upper Canada will give a fair consideration to this proposition.

2—The salaries of the Provincial Secretary, the Commissioner of Crown Lands, and Surveyor-General of Woods, and of the Surveyor-General, are the next items on the Civil List. I need not make any further comment on the first of these charges—and with regard to the salary enjoyed by Mr. Sullivan, who fills the offices of Commissioner of Crown Lands and Surveyor-General of Woods, I think it only necessary to observe, that it does not exceed one moiety of that received by his predecessor. The salary proposed for the Surveyor-General is, evidently, no more than an adequate remuneration for the duties of that office.

3—The payments to the Indians form the next item on the Civil List. These payments being made under treaties, and in return for the cession to the Crown of large tracts of land, can, of course, admit of no question.

4—The last item is a sum of £395 for contingencies, on which it seems superfluous to offer any explanation.

These are all the fixed charges for which I consider it necessary to stipulate; but there are two contingent charges to which a portion of the Crown Revenues of Upper Canada are subject, and which it is, therefore, necessary here to notice.

The first of these charges is the expense of surveying the land sold to the Canada Company, and of completing the road through the Clergy Reserves, in the District of Gore—which, by the eighth clause of the definitive agreement with the Company, Her Majesty's Government are bound to undertake. What may be the amount of the expenditure required for these works, or what portion of them may have been already completed, I have no means of stating; but you will, probably, be able to ascertain these points, and afford to the Assembly, should they desire it, a tolerably accurate estimate of the reduction to be made on this account from the payments of the Company.

The second charge of this nature is for the erection of new barracks at Toronto. When it was proposed to the Ordnance Department, in 1833, that the reserve at Toronto should be sold, the Master-General and Board stated that such a proceeding would make it necessary to remove the barracks from their present site. As, however, the grounds of the proposition were the advantages which would thence result to the City of Toronto, the Board consented to the sale on condition that a sufficient site for new barracks should be reserved, and that the expense of erecting them should be defrayed out of the proceeds of the sale; to this condition Her Majesty's Government felt bound to accede, and the obligation of it still exists, although various circumstances have hitherto delayed the commencement of the barracks. But in transferring to the controul of the Provincial Legislature the proceeds of this reserve, it is necessary that the conditions on which the sale of it was permitted, should be distinctly explained. The amount required for the barracks will not, I apprehend, exceed £10,000—while the proceeds of the reserve will, probably, be not less than £60,000.

In stating the resources from which an addition may be expected to the Casual and Territorial Revenue, I have not adverted to the lands ceded by the Indian Tribes in the autumn of 1836: because, however valuable those lands may be, their proceeds will not, for many years, be more than sufficient to meet the charges which it is intended to place on them. On referring to my Despatch of the 20th of January last, you will perceive, that in conformity with a suggestion of your Predecessor, Her Majesty's Government have decided to devolve on the fund arising from the sale of these lands, the expenditure at present defrayed by this country for presents to Indians in Upper Canada. This is an expenditure almost entirely of a local nature—and although the Imperial Parliament, in deference to the faith plighted to the Indians, have during many years consented to bear the burthen of it, Her Majesty's Government would not feel justified in continuing to demand a vote for this service, after there should have accrued within the Province a fund legitimately applicable to it. No fund could be more properly applied to such a purpose than that which arises from the sale of Indian lands: and, adverting to the great advantages which the Province will derive from the possession of these lands, I have little apprehension that the Legislature will object to the condition with which that possession is connected.

It is possible, that if the Assembly should accede to the proposition now to be made to them, they may desire to incorporate into one Act the whole of the provisions for the grant of a Civil List to the Crown, and to repeal the Provincial Act of the 1st Wm. IV. chap. 14. There would, of course, be no objection to such a proceeding, should they think it advisable—provided that the whole amount, so to be granted to the Crown, be not thereby diminished. For the forms which must be observed in the presentation of any such bill for your acceptance, I refer you to my Despatch to Sir Francis Head, of the 7th February last, (No. 142.)

I have now gone through all the topics connected with this subject, which it seems necessary for me to notice. I am confident, that in the offer which, by the Queen's commands, I have instructed you to make to the Legislature of Upper Canada, the Council and Assembly will recognize the anxiety of Her Majesty to meet the wishes of Her Subjects in that part of Her dominions, and the confidence which Her Majesty feels in their attachment and liberality. It will afford Her Majesty the most sincere gratification, if the result of this offer should be a satisfactory settlement of the question respecting the Crown Revenues in Upper Canada.

I have the honour to be, &c.

(Signed) GLENELG.

Major-General SIR GEORGE ARTHUR, K.C.H.

&c. &c. &c.

#### SCHEDULE A.

AMOUNT of the Crown Revenues in Upper Canada, for the year 1836.

	£	s.	D.
Canada Company's payment.....	20,000	0	0
Rents of Mines, Ferries, &c. ....	381	19	5
Fines.....	106	2	9
Seizures.....	864	19	4
Sales of Timber.....	7,795	18	7
Rents of Crown Reserves.....	20	16	3
Sales of Military Reserve at Toronto.....	2,961	18	10
Sales of Crown Lands.....	581	18	1
Fees on Commissions.....	37	16	0
Fees on Grants of Land, and Leases.....	2,645	18	2
	£ 35,399	7	5

## SCHEDULE B.

## SCHEDULE of the Expenditure charged on the Crown Revenues of Upper Canada, in 1836.

Ordinary and fixed Expenses of the Departments of Government—1836.	Contingent Expenses.		TOTAL.			
	£	s. D.	£	s. D.	£	s. D.
Lieutenant-Governor .....	1034	3 0			1034	3 0
Government Office .....			210	16 2	210	16 2
Executive Council .....	200	0 0			200	0 0
Receiver-General .....	200	0 0			200	0 0
Secretary and Registrar .....	936	11 4	191	8 4	1127	19 8
Inspector-General .....	200	0 0			200	0 0
Surveyor-General .....	366	17 6	2482	13 11	2849	11 5
Commissioner of Crown Lands .....	500	0 0			500	0 0
Surveyor-General of Woods .....	500	0 0			500	0 0
Administration of Justice .....			47	14 3	47	14 3
					6870	4 6
Canals, Roads and Bridges .....					1023	15 0
Location and subsistence of Emigrants and Commuted Pensioners .....					8621	17 9
Government Printer .....					479	6 11
Payment for Indian Lands ceded to Government .....					5947	6 9
The Government proportion of the expense of Surveys by the Canada Company ..					309	8 7
Speaker of the Legislative Council .....					360	0 0
Upper Canada College .....					1000	0 0
Central School of Toronto .....					353	15 0
Government School at Peterboro' .....					67	10 0
Maps for the Surveyor-General .....					180	0 0
Missionaries of the Church of England .....					2565	12 6
Ministers of the Church of Scotland .....					1541	10 0
Ministers of the United Presbyterian Synod of Upper Canada .....					699	19 11
Priests of the Roman Catholic Clergy .....					1500	0 0
House-rent, Lord Bishop of Quebec .....					180	0 0
Grant to Wesleyan Methodist Missions .....					700	0 0
					20530	2 5
Pension to the Honourable T. Talbot .....					400	0 0
Do. Roman Catholic Bishop of Regiopolis .....					100	0 0
Do. Sir David W. Smith .....					200	0 0
Do. William Chewett .....					360	0 0
Do. Family of the late Major-General Shaw .....					100	0 0
Do. Officers of the late Incorporated Militia .....					176	10 9
Do. Oneida Joseph—Indian Chief .....					15	0 0
Do. Thomas Merritt .....					47	0 0
Do. Samuel Ridout .....					200	0 0
					1598	10 9
Uncertain Charges, viz :—						
Repairs to Government House .....					1305	0 0
Writs of Election .....					442	4 1
Compensation for Land surveyed .....					495	0 0
Explorations .....					370	1 2
Miscellaneous .....					394	2 3
					3006	7 6
Total charge .....					82005	5 2

## SCHEDULE C.

AVERAGE CHARGE in 1834, 1835, and 1836, for the Items to be at once excluded from the Civil List of Upper Canada.

	1834.			1835.			1836.			AVERAGE.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Salary of Clerk of Executive Council.....	401	1	10	278	16	9	200	0	0	200	0	0
Do. Receiver General.....	200	0	0	200	0	0	200	0	0	200	0	0
Do. Inspector General.....	150	0	0	250	0	0	200	0	0	200	0	0
Do. Government Printer.....	780	16	8	53	6	7	479	6	11	479	6	11
Do. Speaker of Legislative Council....	540	0	0	360	0	0	360	0	0	360	0	0
Contingencies of Secretary & Registrar's Office:	0	0	0	0	0	0	191	8	4	191	8	4
Do. of Administration of Justice....	442	15	3	679	8	0	47	14	3	47	14	3
Canals, Roads and Bridges.....	1673	13	3	1467	19	6	1023	15	0	1023	15	0
Location, &c. of Emigrants.....	3596	12	5	4421	2	0	3621	17	9	3621	17	9
Surveys by the Canada Company.....	0	0	0	1518	7	0	309	8	7	309	8	7
Upper Canada College.....	1000	0	0	1000	0	0	1000	0	0	1000	0	0
Central School of Toronto.....	230	0	0	317	14	0	353	15	0	353	15	0
Government School at Peterboro'.....	67	10	0	67	10	0	67	10	0	67	10	0
Maps for the Surveyor General.....	0	0	0	0	0	0	180	0	0	180	0	0
Repairs, &c. of Public Buildings and Works..	630	13	4	2012	0	4	1305	0	0	1305	0	0
Costs attending Writs of Elections.....	0	0	0	0	0	0	442	4	1	442	4	1
Compensation for Land surrendered by individuals to the Government.....	0	0	0	0	0	0	495	0	0	495	0	0
Explorations.....	0	0	0	1135	3	6	370	1	2	370	1	2
Miscellaneous.....	379	19	7	1999	14	2	394	2	3	394	2	3
£	10093	2	4	15761	1	10	11241	3	4	12565	2	6

1834..... £10,093 2 4

1835..... 15,761 1 10

1836..... 11,241 3 4

3 ) 37,095 7 6

£ 12,565 2 6

## SCHEDULE D.

CHARGES to be permanently defrayed out of the proposed Civil List.

	£	s.	d.	£	s.	d.
Salary of Lieutenant Governor.....	1500	0	0			
Do. Secretary and Registrar.....	600	0	0			
Do. Commissioner of Crown Lands, and Surveyor General of Woods....	500	0	0			
Do. Surveyor General.....	600	0	0			
Payments to Indians.....	5405	0	0			
Contingencies.....	395	0	0			
<i>Charges to be placed temporarily on the Civil List, but to be hereafter discontinued.</i>						9000 0 0
Additional Salary of Secretary and Registrar.....						336 0 0
Pension to the Honorable Thomas Talbot.....	400	0	0			
Do. Roman Catholic Bishop of Regiopolis.....	100	0	0			
Do. Sir D. W. Smith.....	200	0	0			
Do. William Chewett.....	360	0	0			
Do. The Family of the late Major General Shaw.....	100	0	0			
Do. Officers of Incorporated Militia.....	176	10	9			
Do. Oneida Joseph.....	15	0	0			
Do. Thomas Merritt.....	47	0	0			
Do. Samuel Ridout.....	200	0	0			
Missionaries of the Church of England.....	2565	0	0			1598 10 9
House Rent for the Bishop.....	180	0	0			
Ministers of the Church of Scotland.....	1350	0	0			
United Synod of Upper Canada.....	700	0	0			
Roman Catholic Bishop.....	500	0	0			
Do. Priests.....	1000	0	0			
Wesleyan Methodists.....	700	0	0			
£						6995 0 0
£	17829	10	9			

(Copy.)

No. 96.

Government House,  
Toronto, 22nd August, 1837.

MY LORD,

THE object of this Despatch is, to request your Lordship to be so good as to furnish me with such Instructions respecting the surrender of Her Majesty's Casual and Territorial Revenues, as may enable me to bring that important subject satisfactorily before the Legislature, at the next Session.

The general views of Her Majesty's Government on this subject, have already been clearly explained to me, in your Lordship's Despatch of the 30th September, 1836, inclosing copies of your Lordship's Instructions to the Lieutenant-Governor of New-Brunswick: which Instructions having been promulgated by Sir A. Campbell, made their appearance in all the Newspapers of this Province; but as your Lordship's Despatch enclosing them to me was marked confidential, I did not feel myself at liberty to disclose them: which refusal created to me no small embarrassment. However, being desirous promptly to carry the wishes of Her Majesty's Government into effect, I sent to both Houses of the Legislature, in the form of a Message, (a copy of which is enclosed) a declaration, that I should feel myself authorized to assent to a measure for the placing the Royal Revenue at the disposal of the Provincial Government, provided a provision should be made granting to Her Majesty certain expenses for the Civil Government, which I named, "together with such sum as will enable Her Majesty to meet the actual charges upon the Fund, for which Her Majesty may graciously consider the faith of the Government pledged."

I considered that this Message, first, would give the House of Assembly a fair and ample opportunity of explaining their views; secondly, that it would explain my proposals, so far as I was authorized to offer any; and lastly, that it would secure to Her Majesty's Government, power to make such alterations in the proposed bargain, as they might consider themselves pledged to require.

The subject, however, after a short discussion in the House of Assembly, fell to the ground; and it has therefore become advisable that Her Majesty's Government should consider, and finally determine the precise terms of the offer which should be made to the Legislature, at their next meeting.

To enable your Lordship to decide on this question, I beg to inclose a letter from the Receiver General's Office, shewing—

*First.*—Balance appearing in the hands of the Receiver General, of Crown Revenues, on the 30th June, 1837, deducting the sum appropriated towards the War-losses.

*Second.*—Real balance, deducting Warrants on the Clergy Fund, actually paid out of the Crown Revenues.

*Third.*—Amount of Crown Revenue, independent of the Canada Company, for the following periods—during the years 1834, 1835, 1836, 1837.

*Fourth.*—Amount of the Canada Company Fund for the same time, during the years 1834, 1835, 1836, 1837.

*Fifth.*—Amount of the debt from the Clergy to the Crown Fund.

From the foregoing statements, I beg to submit to your Lordship the following observations:—

*First.*—In the Province of Upper Canada, the yearly amount of the Casual and Territorial Revenue is small, and hardly equal to the charges upon it.

*Second.*—The Indian Annuities, (which amount to £5,405) form a charge, from which it is not likely the Province will be relieved for many years.

*Third.*—The charges for Ecclesiastical purposes, (which amount to a large sum yearly) depend upon the settlement of the Clergy Reserve question. As far as relates to the Church of England, if that Establishment is to continue in the receipt of the whole of the interest to arise from proceeds of the Clergy Reserves, it is probable it will be gradually lessened; if otherwise, not, as the Government would not probably consent to have the Missionaries (formerly supported by Parliamentary appropriations in England, and latterly from the Clergy Reserve Interest and the Crown Revenue jointly) cast off without provision.

*Fourth.*—If the Crown Lands, Clergy Reserves, and Woods and Forests, are to be in one Office—(an arrangement which I have already effected, and which only awaits your Lordship's confirmation)—a charge of £500 a-year will be saved.

*Fifth.*—The funds arising from the Canada Company, amounting at present to £20,000, per annum, will cease in 1843, at which time, the amount to be received from the Crown Revenues will probably not be sufficient to pay the charges upon it.

*Sixth.*—The sum of £20,000 has been paid for war-losses, out of the Crown Revenue, which, so far from leaving any balance, brings the Fund in debt;—and thus, the Casual and Territorial Revenue in this Province has been fully expended.

Your Lordship will perceive that all these circumstances make the New-Brunswick bill completely inapplicable to the Province of Upper Canada, and account for the indifference of the Assembly in not at once accepting an offer, which in their opinion, might turn out to them a losing bargain.

The Land Granting Bill sufficiently explains what the views of the House of Assembly of this Province are, upon that part of the New-Brunswick bill relating to the disposal of Lands.

I am not aware that I can afford your Lordship any further explanation on this important subject. Her Majesty's Government will retrospectively have to determine the amount of my salary, (which your Lordship is aware has been under their consideration since the day of my appointment) and also what sum it would be desirable for the Executive Government to retain in its hands, for the purpose of meeting contingent expenses. Both these questions I would wish to leave to the decision of your Lordship; and I have only respectfully to request that your Lordship will be so good as to furnish me with an early reply to this Despatch, in order that I may be enabled distinctly to explain to the Legislature, at their next meeting, the precise terms on which Her Majesty's Casual and Territorial Revenues of this Province, will irrevocably be surrendered.

I have, &c.

(Signed) F. B. HEAD.

The Right Honourable  
THE LORD GLENELG.

(Copy.)

Receiver General's Office,  
Toronto, 24th August, 1837.

SIR,

In obedience to His Excellency the Lieutenant-Governor's commands of this date, I have the honour to transmit the following for His Excellency's information, viz:—

*First*—Balance appearing in the hands of the Receiver-General, of Crown Revenues, on the 30th June, 1837, deducting the sum appropriated towards the war-losses:

Fund D. ....	£64,768	16	3 $\frac{3}{4}$
Fund F. ....	477	4	10 $\frac{1}{2}$

Total balance appearing on hand. ....	£65,246	1	5 $\frac{1}{4}$
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DEDUCT—Balance in advance on Fund K. on

30th June, 1837. ....	£54,368	15	5 $\frac{7}{10}$
Balance on Clergy Fund E. ....	4,303	4	6 $\frac{1}{2}$

	58,672	0	0 $\frac{7}{10}$
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*Second*—Real balance, deducting Warrants on the Clergy Fund, actually paid out of the Crown Reserves. .... 6,574 1 4 $\frac{3}{10}$

*Third*—Amount of Crown Revenue, independent of Canada Company, for the following periods, viz:

During the year 1834. ....	10,348	14	31 $\frac{3}{10}$
Do. do. 1835. ....	13,032	13	21 $\frac{7}{10}$
Including £2,961 18s. 10 $\frac{1}{2}$ d. proceeds of sales of part of the Garrison Reserve, 1836. ....	15,421	8	41 $\frac{1}{10}$
To 30th June, 1837. ....	8,879	4	41 $\frac{3}{10}$

*Fourth*—Amount of the Canada Company Fund, for the same time, viz :

During the year 1834, .....	19,500	0	0
Do. do. 1835, .....	20,000	0	0
Do. do. 1836, .....	20,000	0	0
To 30th June, 1837, .....	10,000	0	0

*Fifth*—Amount of the debt due from the Clergy to the Crown Fund ... 8,772 1 8 sq.  
Errors Excepted.

The foregoing does not include the sums paid from the above Funds since the first July last ; they are as follows :

From Fund D, .....	£1,771	15	8
Do. do. E, .....	485	0	0
Do. do. K, .....	5,457	2	8

And the receipts have been trifling.

I have, &c.

(Signed) B. TURQUAND,  
*Senior Clerk.*

**MEMORANDA.**

*Explanatory of LORD GLENELG'S Despatch of the 28th December, 1837.*

IN reference to that part of Lord Glenelg's Despatch of the 28th December, 1837, which relates to the expense of surveying the block of one million of acres, and of making a road through the blocks of Clergy Reserves in the District of Gore, agreeably to the 8th clause of the definitive treaty with the Canada Company, it is be observed that those charges have already been defrayed ; and consequently, that no further expense will be incurred under the stipulations of that article. A very small expenditure may, however, still arise under the 4th article of the third agreement with the Company, but it will certainly be of an extremely limited amount.

In the Schedule D. annexed to Lord Glenelg's Despatch, an item of £600 sterling, is included in the proposed Civil List, as the annual salary of the Surveyor-General. It becomes necessary, therefore, in reference to it, to offer the following explanation :

In conformity to the suggestion of the Finance Committee of the last year, the office of Surveyor General has been amalgamated or incorporated with that of Commissioner for Crown Lands, under an arrangement which deprives the person holding the consolidated office, of any claims to the salary of Surveyor General, so long as he shall enjoy the salaries he now receives from his appointments as Commissioner for Crown Lands, and Agent for the sale of Clergy Reserves. This arrangement having been entered into subsequently to the date of Lord Glenelg's Despatch, will relieve the Civil List, at all events for a time, and perhaps permanently, from the charge of £600 a-year, included in His Lordship's estimate of the salary of the Surveyor General.

*Crown Lands Office,  
Toronto, 30th April, 1839.*

SIR,

I have the honour to send herewith, a duplicate copy of the general statement of the Military Reserve at this place, furnished by this Office, on the 20th ultimo, for the information of His Excellency the Lieutenant Governor.

I have the honour, &c.

R. B. SULLIVAN.

Honourable Mr. Secretary MACAULAY.

## STATEMENT

Shewing the number of Lots sold in the different Sections in the Military Reserve, adjoining the City of Toronto; the amount sold for; and the number of Lots remaining unsold; with their estimated value.

	SECTION.	Number of Lots sold.	And sold for			Number of Lots unsold.	Estimated value.	REMARKS.
			£	s.	D.			
MEMORANDUM. 1. Gross amount of Sales, . . . . £18,457 0 0, on account of Government Reservation. 2. Amount received thereon, . . . 9,498 19 9 Cy.—Of this amount, 1457 7 4, ditto, do. 3. Balance remaining due . . . . 8,958 0 10 Cy.—Of this amount, 150 0 0, ditto, do.	A . . . .	17	5379	10	0	6	1000 0 0	
	B . . . .	5	934	5	0	13	3200 0 0	
	C . . . .	4	1287	0	0	9	2250 0 0	
	D . . . .	5	559	15	0	0	0 0 0	None unsold.
	E . . . .	12	1305	10	0	0	0 0 0	None unsold.
	F . . . .	18	1793	10	0	2	200 0 0	
	G . . . .	15	1700	0	0	9	900 0 0	
	H . . . .	12	950	0	0	8	800 0 0	
	I . . . .	10	537	10	0	14	1100 0 0	
	K . . . .	0	0	0	0	29	2750 0 0	None sold.
	L . . . .	6	725	0	0	22	3200 0 0	
	M . . . .	6	369	10	0	0	0 0 0	None unsold.
	N . . . .	5	815	0	0	4	650 0 0	
	O . . . .	5	1300	0	0	3	800 0 0	
P . . . .	1	300	0	0	3	700 0 0		
Q . . . .	1	500	0	0	0	0 0 0		
Total,		122	£18,457	0	0	122	£17,550 0 0	
Balance remaining due on Lots sold . . . . .						8958	0 10	
Balance in my hands . . . . .						2400	0 4	
Estimated value of land purchased from C. A. Hagerman, Esq. . .						2000	0 0	
Total value of Military Reserve, proposed to be surrendered . .						£30,908	1 2	

(Signed) R. B. SULLIVAN,

Crown Lands Office,  
Toronto, 30th April, 1839.

NOTE.—To the amount of the above Statement, viz. . . . . £30,908 1 2  
May be added 100 acres, west of the Ravine, not yet laid out, averaging £200 per  
acre, as estimated by Major Bonnycastle, of the Royal Engineers, in 1835. . . . 20,000 0 0  
£50,908 1 2

EXTRACT FROM DESPATCH

ON

FURNISHING GOVERNMENT HOUSE.

EXTRACT from a Despatch from the Secretary of State for the Colonies, to Lieut.-Governor Sir F. B. Head, (No. 234) dated 4th October, 1837.

"So, also, with regard to the sums paid by you on account of Furniture, I regret that I cannot feel myself justified in suggesting to the Lords of the Treasury to assume any portion of that expenditure. At the same time, I am of opinion that, without reference to your particular case, it would be expedient to extend to other Colonies the rule which has already been applied in the case of some of the West India Colonies, in which the furniture of the rooms in the Governor's residence, required and used for public receptions, is provided, not at the expense of each successive Governor, but from Colonial funds. On the same principle on which a residence is provided for the Officer administering the Government, at the public expense, the requisite furniture for so much at least of that residence as is employed for public purposes, should also, as it appears to me, be supplied. I have, therefore, to authorise you to suggest to the Legislature of Upper Canada, the propriety of purchasing for the public service, such part of the furniture at present in use in the Government House, as comes within this description. If, as I confidently anticipate, they should accede to this suggestion, it will be for them to take the necessary steps for ascertaining its value, and to decide in what manner provision should be made for its future safe custody, for the use of the Lieutenant-Governor for the time being."

Truly extracted.

JOHN MACAULAY.

(For Message of His Excellency, see Journal, page 121.)

CORRESPONDENCE

WITH MR. FOX,

ON THE INVASION OF THE CANADAS.

GEO. ARTHUR.

IN compliance with the Address of the House of Assembly, the Lieutenant-Governor now transmits copies of such communications from Her Majesty's Minister at Washington, relating to the invasion of the Canadas by people from the United States of America, as he considers himself at liberty to publish.

Government House,

8th April, 1859.

## SIR GEORGE ARTHUR TO MR. FOX.

(Copy.)

*Government House,  
Toronto, 22nd October, 1838.*

SIR,

ON my return to Toronto from Quebec, on the 18th instant, I had the honour to receive your Excellency's letter, marked "confidential," of the 4th instant.

The information it contains, of the extensive preparation for the invasion of this Province, is indeed sufficiently alarming; it is amply borne out by statements which have reached me from other quarters, and of which copies are enclosed.

The documents Nos. 1 and 2, are still more particular than the statements which your Excellency had received; of their entire accuracy I have no doubt. You will perceive that the information they contain, is remarkably corroborated by the statement No. 3; and, indeed, there are many other statements before the Government, which tend to shew this deponent's accuracy.

I have despatched an Officer to Major-General Macomb, earnestly requesting him to prevent the arms in the public Arsenals, from falling into the hands of the Brigands: which is inevitable, unless decisive measures be adopted, and carried into effect with promptitude and vigour.

I have further earnestly desired him to take such other steps as are within his power, to avert the calamities which must follow, if the Brigands cross into Canada.

I appeal to you also, Sir, to urge upon the American Government, the solemn obligation they are under, as a civilized State, to prevent these lawless aggressions from being carried on upon the frontier.

It would appear that riflemen, from Kentucky, have been brought to Cleveland, to take part in this wicked crusade; that Indians have been engaged to co-operate, who are still in a savage state; and that a Bank has been established, to provide funds, in which numbers of American citizens appear to have taken shares.

These are proceedings which, it may be expected, the Government of the United States should suppress, now that they have a perfect knowledge of their existence; and I do trust, that in Her most gracious Majesty's name, your Excellency will demand of them so to do.

I enclose a memorandum, (a copy of which has also been sent to Major-General Macomb,) containing the names of the most prominent leaders in the conspiracy, and their immediate arrest might have a most beneficial tendency. I have also addressed Governor Marcy.

Having taken these measures to avert the threatened calamity, I have called out a Militia force to act in conjunction with Her Majesty's Regular Troops, in opposing such an enemy; and if it must come to blows, I have no doubt but we shall be able to strike an effective one, to deliver the country from such a band of ruffians.

I have, &amp;c.

(Signed) GEO. ARTHUR.

## MR. FOX TO MR. ADRON VAIL.

*Washington, November 3rd, 1838.*

SIR,

THE alarming reports which had reached the United States Government, respecting apprehended hostile movements against Canada, from within the American territory, and which are communicated to me by the friendly orders of the President, have been amply confirmed by intelligence conveyed to Her Majesty's Colonial Authorities, through various other channels; and I am sorry to add, that the mischief appears to be far more serious and extensive, and the danger of hostile disturbance more imminent, than had been represented in the information received at Washington.

It is now ascertained, beyond the possibility of doubt, that a secret combination or conspiracy, of vast extent, and possessed of great resources in money and military provisions, has been formed, and is at this moment in active progress, within the confines and jurisdiction of the United States, for the purpose of waging war upon Her Majesty's Provinces of Upper and Lower Canada. The combination extends along the whole line of the Canadian frontier, from Maine and Vermont to the State of Michigan; it extends also far into the interior of the States of New York, Pennsylvania, and Ohio—and likewise into the neighbouring State of Kentucky. It is affirmed and believed, that 40,000 American citizens are already enrolled in this criminal association. The above is the lowest estimate: the depositions of some of the informants carry the numbers to a much greater extent. To these are joined a few vagrant Canadian refugees; the number of the American conspirators is daily and hourly increasing. The plot is carried on by means of masonic lodges, secretly established in almost every town along the frontier, the members of which communicate with each other by private signs, and are divided into several grades of initiation. A complete system of these secret signs, as well as the cypher or secret alphabet, by means of which the associates correspond in writing, is in the hands of Her Majesty's Authorities. The regular organization has been completed of a pretended Provisional Government for Upper Canada, with assumed official rank and commissions, both civil and military. The names, description and residences of the chief individuals composing this pretended Government, who are American citizens, are also in the possession of the British Authorities.

A pretended National Bank of Canada has also been organized—to be established and maintained by the seizure and plunder of the public property. The superior lodges of the association are believed to be situated in the towns of Rochester, Buffalo and Detroit; a grand central lodge, or convention of delegates, is held at Cleveland; another considerable lodge is situated at Cincinnati. Arms and warlike stores are secreted at various points; and the conspirators also reckon, that with their present force and number, and complete organization, they will have no difficulty in again forcing and plundering the United States and State Arsenals, whenever the time for showing themselves in arms shall have arrived. No less than nine Steam-boats, of those that ply regularly upon Lake Erie, the names of which are in the possession of the British Authorities, have been engaged for the service of the conspirators. I am afraid there is no doubt that a number of Magistrates, Justices of the Peace, and State Officers of the above-mentioned States, are involved in the present flagitious enterprise.

The direct objects of this vast combination are, to invade and conquer Upper and Lower Canada: to subvert and revolutionize the established Government of those Provinces—and to wrest them from the rightful dominion of the British Crown. These are the designs of the chief directors of the plot; but it is probable that a large majority of their followers have enlisted in the scheme, for the sole purpose of rapine and plunder. The particular mode and time of operation do not appear to have been yet determined upon by the conspirators, but will be made to depend upon circumstances, and the accidental course of events.

The above particulars, a large portion of which is already known to the United States Government, are derived from private information, received through various channels by Her Majesty's Authorities in Canada. The evidence which has been already submitted to Her Majesty's Authorities, and also to myself, is of such a nature, that we can entertain no doubt whatever of its truth. There may, possibly, be error and exaggeration in some of the details, which must usually happen when secret machinations are to be detected and dealt with, but the general truth of the information admits of no doubt whatever.

In this critical state of things, the immediate interference of the supreme authority of the Republic, can alone avert the most terrible and afflicting consequences; and I do solemnly appeal to the President and Government of the United States, effectually to suppress this lawless association, which is plotting the destruction of Her Majesty's Provinces, and fearfully hazarding the peace of both countries. Vast hordes of banditti and assassins are maturing their plans for the desolation and ruin of a British Territory: they are engaged in this work within the jurisdiction of the United States, where no British authority can reach them—but where Her Majesty's authorities rely confidently upon the friendship and honour of the United States themselves, to exert the necessary power. It would not be fit for me to suggest modes of proceeding; but surely there must reside somewhere, in every well-constituted State, the power to prevent those who live under its laws, from persisting in the perpetration of violent and atrocious wrong against a friendly foreign people.

I must observe, that the present crisis in no way resembles an ordinary case of neutrality between contending foes—between parties contending in open and legitimate war. Neither

is this a case of neutrality as between a Government and its rebellious subjects. No rebellion or civil war is now raging in Canada, nor has been for nearly a twelve-month past. The insurrection of last winter, in Lower Canada, was suppressed in a few weeks; the insurrection in Upper Canada was suppressed in a few days;—yet, from that time to this, Her Majesty's Provinces have been kept in an almost constant state of warlike alarm, by attempts and projects of invasion from abroad: the invaders being the citizens of a friendly Republic—of a country with whose Government Great Britain is at peace. Her Majesty's subjects are exposed to the inconvenience and expense, the hazard and suffering, of a state of war, while they are precluded from retaliating or making just reprisal upon their enemy. That enemy is enabled, again and again, to mature his plans of aggression within the confines of a friendly power, whose laws, from some incomprehensible reason, he still continues to evade or over-rule. I have here presented no exaggerated picture of the extraordinary state of things, which we have witnessed during the last twelve months upon the Canadian frontier. It is true, that whenever actual invasion has been attempted, the attempt has been quickly repelled by the firmness of Her Majesty's troops, and by the high courage and heroic loyalty of the British population of Canada. But it is not just that all these hazards should again be encountered, and the burthen again forced upon Her Majesty's subjects, of defending themselves in arms against the hostile citizens of a friendly State.

If the invasion which is now meditated be allowed to take place, disastrous consequences will ensue. If the American invaders, proceeding from within the jurisdiction of the Republic, should obtain a transient success, and overrun a portion of British territory, the United States would necessarily become answerable to Great Britain for the whole amount of the damage sustained, both public and private—for the recovery of the territory, and the reparation of individual loss. If, on the other hand—which is more probable—the invading armament be impulsed, is it possible to suppose that the victorious party, exposed to such unheard of and enormous provocation, will always have the forbearance to respect the American boundary, from within which such a lawless and unprincipled enemy will have been enabled to advance? Is it possible to believe that a horde of ruffians and brigands shall be permitted, again and again, to issue forth from within the territory of the United States, for the ruin of Her Majesty's subjects, and still, when repulsed, to shelter themselves at pleasure beneath the same extorted and abused protection? I allude not to these things for the purpose of arguing, prematurely, the question either of the right of self defence, or of national reparation: I speak only of the probability of events; and out of either of the cases above supposed, there would arise national discussions and disputes, of which it is painful to contemplate the issue—painful to those who desire as cordially as I do, to behold a long continuance of peace and friendship between England and America. It is by timely and instant measures of prevention, under the authority of the Supreme Government, that the mutual calamities now imminent, may be averted.

I have the honour to be,

&c. &c.

(Signed) H. S. FOX.

ADRON VAIL, Esquire,  
Acting Secretary of State.

MR. FORSYTH TO MR. FOX.

(Copy.)

Washington, November 15th, 1838.

SIR,

THE President, to whom has been submitted the note addressed by you to the Acting Secretary of State, of the 3rd instant, conveying information of a secret conspiracy supposed to exist within the confines and jurisdiction of the United States, for the purpose of waging war upon the British Provinces of Upper and Lower Canada,—has instructed me to make the following reply to it:

The Government of the United States has regarded with the deepest anxiety, the unfortunate disturbances which have recently taken place in Her Majesty's possessions adjoining the northern frontier of these States, and has spared no exertions, whilst enjoining upon their citizens a proper sense of their obligations, to prevent, by all legitimate means, any interference on their part in the affairs of their Canadian neighbours. That measures of

this nature were promptly adopted by the President, upon the occasion referred to, you are well aware, as also how far they have proved successful. Prompted by the same feeling, the reports which have reached this city, of apprehended hostile movements against Canada, from within the American Territory, whether received through official or other channels, have been scanned with lively interest by the Executive; and although the examination has resulted in a conviction that the circumstances detailed in them are of a highly exaggerated character, every precaution that the most watchful prudence can suggest, and perfect good faith towards a friendly nation dictate, has been, and will continue to be taken, to avert the threatened mischief.

If an organized combination, against any foreign Government entertaining the lawless designs attributed to that described in your note of the 3rd instant, exists within the jurisdiction of this Government, it is the duty of the United States, as well to themselves as to that foreign Government, to use their best endeavours to suppress it. In the determination to fulfil this acknowledged obligation, the Government of the United States cannot, with propriety, take into consideration the contingent consequences on discussions to which you have alluded; and the President is pleased to find, that you have properly omitted to argue, so prematurely, questions of the right of self-defence, or national reparation, in reference to circumstances that have not happened, and which, it is hoped, will never occur.

From the evidence in the possession of this department, highly coloured in its details as much of it unquestionably is, there is certainly room to fear that some attempts may be made during the approaching winter, to excite disturbances in Her Majesty's Canadian Provinces. No serious uneasiness as to their result can well be entertained. Such attempts must necessarily prove abortive. And the President is unwilling to believe it possible that any difficulties in the friendly relations subsisting between the United States and Great Britain, will be permitted to spring from such a source. Every thing in the power of this Government to do, will be done, to prevent a result so much to be deprecated; and the President is quite sure that our efforts to that end will meet with the cordial and efficient co-operation of Her Majesty's Authorities. It will require the exercise of great discretion, as well as the utmost vigilance of the officers of both Governments, to counteract the design apparently existing to involve the two countries in a war. Predatory incursions, and acts of violence on each side of the boundary, will probably be the principal means resorted to, to effect this criminal purpose. The utter impracticability of placing a Frontier, extending nearly one thousand miles, in a military attitude sufficiently imposing and effective, to prevent such enterprizes is evident. Regular military armaments, and the movement of armed bands to any considerable extent from the American side of the line, will, I think, be successfully repressed; and all other hostile preparations will be diverted, as far as that object can be accomplished by the active employment of the means at the disposal of this Government. Whilst thus performing all its duties in this regard, it will expect that under no pretext whatever, will the officers in command of Her Majesty's forces permit a violation of the Territory of the United States. Such a step could not fail to have a most injurious effect on the friendly relations at present so happily subsisting between the two countries; and might to the deep regret of both parties, lead to their entire disruption. If any armed bodies of men should take refuge within or otherwise enter the Territory of the United States, they will be immediately disarmed, or expelled by force; and if any American citizen shall have so far forgotten his duty, as to enrol himself among armed bands that shall have crossed our frontier, after being disarmed, he will be arrested, and delivered over to the civil authorities for trial and punishment. Orders to this effect have already been given to our officers, and they will, I doubt not, be promptly and efficiently executed. No depredations committed by the insurgents on our citizens, will be regarded by American officers as justifying retaliation upon Her Majesty's peaceable subjects; and with the application of a similar rule on the part of Her Majesty's Authorities, in respect to such unauthorized and lawless incursions from our side of the line, as may be made in despite of the vigilance of our officers, civil and military, and the exercise of great forbearance in all things on both sides, the President allows himself to hope that the two Governments will be able to overcome difficulties which he feels to be of the most threatening character.

I have the honor to be,

&c. &c.

(Signed) JOHN FORSYTH.

H. S. Fox, Esquire,

&c. &c. &c.

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MR. FOX TO SIR GEORGE ARTHUR.

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(Copy.)

(OFFICIAL.)

SIR,

Washington, November 30th, 1838.

I herewith enclose to your Excellency the copy of an official Note, which I addressed to the United States Government on the 3rd instant, upon the subject of the extensive conspiracy, which it has been ascertained exists within the territory and jurisdiction of the United States, for the prosecution of lawless and piratical hostility against Her Majesty's North American Provinces. I also enclose a copy of the official reply, dated the 15th instant, which I have received from the United States' Secretary of State.

I further transmit to you, a Proclamation by the President of the United States, which was issued on the 21st instant, after the intelligence had been received at Washington, of the actual invasion of Her Majesty's Province of Upper Canada, in the direction of Prescott, by an armed body of Americans, proceeding from Oswego and Ogdensburgh, in the State of New-York. It will be well if this earnest exhortation addressed to his fellow-citizens by the Supreme Magistrate of the Republic, shall succeed, before it be too late for the peace of both countries, in arresting the present atrocious course of violence and crime.

I continue to receive from the President, and from his Government, distinct assurances of their resolution to employ all means which the law permits, for the prevention or punishment of those acts of hostility which are now being perpetrated against the peace of Her Majesty's possessions.

It is my duty, however, to add, that it becomes each day more manifest and certain, that the authority which the laws and institutions of the United States place in the hands of the Executive Government, is not sufficient to enable that Government, in the crisis which we are now witnessing, to fulfil its national duties towards the Crown of Great Britain.

We must still mainly rely for the defence of Her Majesty's Provinces, upon the firmness and valour of Her Majesty's troops, and upon the well-tryed honour, courage and loyalty, of the inhabitants of British race in Canada. And we may all rest secure in the heartfelt and proud conviction, that the whole strength of the British Empire will be exerted, when necessary, to guard or to avenge the attached and faithful subjects of Her Majesty in North America.

I have the honour to be,

With high regard and consideration,

Your Excellency's, &amp;c. &amp;c.

H. S. FOX.

His Excellency Major General

SIR GEORGE ARTHUR, K. C. H.

&amp;c. &amp;c. &amp;c.

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## ORDINANCES OF LOWER CANADA.

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GEO. ARTHUR.

THE Lieutenant-Governor transmits to the House of Assembly, in conformity to the provisions of the Imperial Statute, 3rd Geo. IV. chap. 119, copies of the accompanying Ordinances, enacted by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, and respectively entitled—"An Ordinance to remove certain doubts as to the extension of the benefit of the Warehousing System, established by a certain Act of the Imperial Parliament, passed in the third and fourth years of His late Majesty's reign, to duties imposed by Provincial Acts;" and "An Ordinance to suspend in part certain Acts therein mentioned, and to consolidate the laws relating to duties levied under the authority of the Provincial Legislature."

Government House,  
15th April, 1839.



(Signed) J. COLBORNE.

AN ORDINANCE to remove certain doubts as to the extension of the benefit of the Warehousing System, established by a certain Act of the Imperial Parliament, passed in the third and fourth years of His late Majesty's reign, to duties imposed by Provincial Acts.

WHEREAS doubts have arisen whether the provisions and enactments of the sections hereinafter mentioned, of a certain Act of the Parliament of Great Britain, made and passed in the third and fourth years of the reign of His late Majesty King William the Fourth, chapter fifty-nine, entitled, "An Act to regulate the trade of the British Possessions abroad," do, or do not extend to duties payable under any Act of the Provincial Legislature, on any goods or merchandize arriving from sea in any vessel entered at the Custom-House of the Port of Quebec, or the Port of Montreal: to remove such doubts: to promote the objects for which the said Act was passed: and for the great facility and encouragement of the trade of this Province: *Be it declared, ordained and enacted*, by His Excellency the Governor of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, entitled, "An Act to make temporary provision for the Government of Lower Canada," and it is hereby ordained and enacted by the authority of the same, That each and every of the provisions and enactments of the thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth and forty-seventh sections of the said Act, herein first above cited, and entitled, "An Act to regulate the trade of the British Possessions abroad," (which said sections relate to the warehousing of goods, the appointment of proper warehouses, and the regulations to be observed with regard to goods so warehoused,) do extend, and are hereby extended to all duties payable under any Act of the Provincial Legislature, on any goods, wares or merchandize, arriving from sea in any vessel entered at the Custom-House of the Port of Quebec or of Montreal, or brought by land or inland navigation, and forwarded, under the provisions of the said thirty-eighth section, from any frontier Port, to be entered and warehoused at either of the said Ports, any thing in the fifty-seventh section of the said Act to the contrary notwithstanding; and no such duty shall be payable on such goods, wares or merchandize, which were warehoused under the provisions of the said sections of the said Act, or if they be exported in the manner therein required: *Provided always*, that if any such goods, wares or merchandize, or any part thereof, shall be taken out of any such warehouse by the person or persons who entered the same, and the amount of the duties imposed on the goods so taken out at any one time by the second and third sections of the Ordinance, passed during the present Session of the Provincial Legislature, entitled, "An Ordinance to suspend in part certain Acts therein-mentioned, and to consolidate the laws relating to duties levied under the authority of the Provincial Legislature," shall be fifty pounds, currency, or more, or if the amount of the duties imposed on the said goods so taken out at any one time by the fourth section of the said Ordinance, shall amount to one hundred pounds, currency, or more, a bond may in either case be given for the said duties respectively, as it might have been given if such goods had not been warehoused; but the time at which such bond shall be made payable shall be the same as if it had been given on the day when the goods were entered to be so warehoused, for which day the credit to be allowed, under the said Ordinance for the payment of the duties, shall be reckoned.

*Provided always, and be it further ordained and enacted by the authority aforesaid*, That this Ordinance shall have no force or effect unless (after a copy thereof shall have been transmitted to the Governor, Lieutenant-Governor, or person administering the Government of the Province of Upper Canada,) the concurrence of the Legislative Council and Assembly of that Province, shall be signified to the Governor, Lieutenant-Governor, or person administering the Government of this Province, in the manner provided by the Act of the Imperial Parliament, passed in the third year of the reign of King George the Fourth, and entitled, "An Act to regulate the trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces," nor until such concurrence shall have been proclaimed by the Governor, Lieutenant-Governor, or person administering the Government of this Province.

(Signed) J. COLBORNE.

Ordnained and enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the third day of April, in the second year of the reign of our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of our Lord one thousand eight hundred and thirty-nine.

By His Excellency's Command.

(Signed) W. B. LINDSAY,  
*Clerk, Special Council.*

I hereby certify the above to be a true copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, on the third day of April, one thousand eight hundred and thirty-nine, and in the second year of Her Majesty's reign.

(Signed) W. B. LINDSAY,  
*Clerk of the  
Special Council.*

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L. C. (Signed) J. COLBORNE.  
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AN ORDINANCE *to suspend in part certain Acts therein mentioned, and to consolidate the Laws relating to Duties levied under the authority of the Provincial Legislature.*

WHEREAS great inconvenience hath arisen from the multiplicity and complication of the Acts under which the several duties and draw-backs imposed and allowed by the Provincial Legislature, on certain goods and articles imported into or exported from this Province, have hitherto been levied and paid, and by which the exemptions, abatements, conditions, and modes of collection and payment, allowances, fines, penalties, and other matters and things relating to the said duties have been hitherto prescribed, regulated and provided for; and it is therefore highly expedient that such of the provisions of the said Acts as are now in force, should be consolidated into one Act or Ordinance of the present Legislature, under which all the duties so imposed on such goods and articles as aforesaid, but no other or greater duties, may hereafter be levied, with such amendments to certain provisions of the said Acts, with regard to the delay granted for the payment of the said duties, in certain cases, and to the collection thereof, as will facilitate commerce, and advance the public good: *Be it therefore ordained and enacted*, by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, entitled, "An Act to make temporary provision for the Government of Lower Canada," and it is hereby ordained and enacted, by the authority of the same, That a certain Act, passed in the thirty-third year of the reign of His Majesty King George the Third, chapter eight, entitled "An Act to establish a fund for defraying the salaries of the different officers of the Legislative Council and Assembly, together with the contingent expenses thereof;" and another certain Act, passed in the thirty-fifth year of the reign of His said Majesty, chapter nine, entitled "An Act for granting to His Majesty an additional and new duties, on certain goods, wares and merchandizes, and for appropriating the same towards further defraying the charges of the administration of Justice, and the support of the Civil Government within this Province, and for other purposes therein mentioned;" and another certain Act, passed in the forty-first year of the reign of His said Majesty, chapter fourteen, entitled "An Act for granting to His Majesty certain new duties, on the importation into this Province of all manufactured tobacco and snuff, and for disallowing the draw-back on tobacco manufactured within this Province;" and another certain Act, passed in the fifty-third year of the reign of His said Majesty, chapter eleven, entitled "An Act to grant certain duties to His Majesty, towards supplying the wants of the Province during the present war with the United States of America, and for other purposes;" and another certain Act, passed in the fifty-fifth year of the reign of His said Majesty,

chapter two, entitled "An Act to repeal part of an Act to amend an Act passed in the fifty-third year of His Majesty's reign, entitled 'An Act to grant certain duties to His Majesty, towards supplying the wants of the Province during the present war with the United States of America, and for other purposes;' and another certain Act, passed in the year of His Majesty's reign last aforesaid, chapter three, entitled "An Act to grant new duties to His Majesty, to supply the wants of the Province;"—(which said three last-mentioned Acts were rendered permanent, by an Act of the Parliament of Great Britain and Ireland, passed in the third year of the reign of King George the Fourth, entitled "An Act to regulate the trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces, until repealed or altered in the manner therein provided"); and another certain Act, passed in the fifty-ninth year of the reign of His said Majesty, chapter seventeen, entitled "An Act to discontinue certain duties therein mentioned"—shall be, and the said Acts are hereby suspended, during the time this Ordinance shall remain in force, in so far as they relate to any goods, wares, merchandize, or other articles imported into this Province, after this Ordinance shall be in force; but the said Acts shall be and remain in force, as if this Ordinance had not been passed, with regard to all goods, wares, merchandize, and other articles imported into this Province before this Ordinance shall be in force, and to all duties thereon, and bonds given for the payment of such duties, and to any thing done in pursuance of, or in contravention of the said Acts, or any of them, before this Ordinance shall be in force, as aforesaid.

*And be it further ordained and enacted by the authority aforesaid,* That from and after the time when this Ordinance shall come into force, there shall be raised, levied, collected and paid, to and for the use of Her Majesty, Her Heirs and Successors, for and upon the several goods, wares and merchandize, and other articles hereinafter mentioned, respectively, which shall be imported or brought into this Province from any place or places whence the same may be lawfully imported, over and above all other duties payable thereon in this Province, under any Act or Acts of the Parliament of Great Britain, or of the United Kingdom of Great Britain and Ireland, the several rates and duties following, that is to say:—

- For every gallon, wine measure, of Madeira wine—nine-pence, currency.
- For every such gallon of wine from any other place—six-pence, currency.
- For every such gallon of foreign brandy, or spirits of foreign manufacture—six-pence, currency.
- For every such gallon of rum, or other spirits, or other strong liquors, except British manufactured spirits, imported from Great Britain or Ireland—six-pence, currency.
- For every such gallon of molasses or syrups—five-pence, currency.
- For every pound, ovoidupois, of loaf or lump sugar—one penny, currency.
- For every such pound of muscovado or clayed sugar, one half-penny, currency.
- For every such pound of coffee—two-pence, currency.
- For every such pound of leaf tobacco—two-pence, currency.
- For every pack of playing-cards—two-pence, currency.
- For every minot of salt—four-pence, currency.
- For every such pound of bohea tea—two-pence, currency.
- For every such pound of suchong, or other black tea—four-pence, currency.
- For every such pound of hyson tea—six-pence, currency.
- For every such pound of any other kind of green tea—four-pence, currency.
- For every such pound of snuff, or flour of tobacco, or powder of tobacco—four-pence, currency.
- For every such pound of tobacco, manufactured in any other way than into snuff, or flour, or powder, as already recited; or that may have undergone any process, change or alteration, for the purpose of preparing it for the more easy manufacture into any other form; or altering its nature from the leaf in any degree—three-pence, currency.

*And be it further ordained and enacted by the authority aforesaid,* That from and after the time when this Ordinance shall come into force, there shall be raised, levied, collected and paid, to and for the use of Her Majesty, Her Heirs and Successors, for and upon each and every gallon, wine measure, of any kind of spirits, or other strong liquors, of British manufacture, imported or brought into this Province from Great Britain or Ireland—three pence, currency, over and above all other duties payable thereon in this Province, under any Act or Acts of the Parliament of Great Britain, or of the United Kingdom of Great Britain and Ireland.

*And be it further ordained and enacted by the authority aforesaid,* That from and after the time when this Ordinance shall come into force, there shall be raised, levied, collected and paid, to and for the use of Her Majesty, Her Heirs and Successors, for and upon all kinds of goods, wares and merchandizes, of what kind or nature soever, (except as hereinafter excepted; and excepting also those upon which certain duties are imposed by any law in force in this Province, after this Ordinance shall come into force; or upon which certain other duties are imposed by the foregoing sections of this Ordinance) which shall be imported or brought into this Province from any place or country whatsoever, whence the same may be lawfully imported, a duty of two pounds ten shillings on every hundred pounds worth of such goods, wares and merchandize so imported as aforesaid, by any person or persons whomsoever, which said duty shall be calculated on the first or sterling cost of each one hundred pounds worth of such goods, wares and merchandize as aforesaid, and so in proportion for a greater or less quantity thereof.

*And be it further ordained and enacted by the authority aforesaid,* That all and every person or persons whomsoever, who shall import or bring within this Province, during the time when this Ordinance shall be in force, any goods, wares or merchandize, on which such duty of two pounds ten shillings for every hundred pounds worth thereof is hereby imposed, shall immediately produce to the Collector of the Customs of the Port wherein such importation shall be made, the original invoice of such goods, wares or merchandize, and the importer or importers thereof shall make and subscribe the following declaration, which such Collector or principal officer is hereby empowered to take:—I, A. B., of —, in the County of —, do declare that the account or accounts, invoice or invoices, now by me produced, is just and true, and that it contains or they contain the exact quantity of all the articles by me imported in the —, from —, which are made subject to a duty of two pounds ten shillings on each hundred pounds worth thereof, and so in proportion for any greater or less quantity, by an Ordinance passed by the Legislature of this Province, entitled, "An Ordinance to suspend in part certain Acts therein-mentioned, and to consolidate the laws relating to duties levied under the authority of the Provincial Legislature," and I do further declare that the prices annexed to each article are just and true, and agreeable to the first or sterling cost thereof, and that I am the owner thereof, or the consignee who has the principal care, disposal or management of the same, or the principal Clerk or Agent of such owner or consignee, as the case may be; and all and any such goods, wares or merchandize which shall be imported or brought into this Province as aforesaid, while this Ordinance shall be in force, and shall be found in the custody or possession of any person or persons whomsoever, after the said publication, without having been entered and accounted for as aforesaid, and the duties thereon paid or secured in the manner hereinafter mentioned, the whole and every part thereof shall be seized, forfeited, condemned and distributed, in the manner prescribed by law: *Provided always,* that in case of the absence of the importer of such goods, wares and merchandize, it shall and may be lawful for the principal Clerk or Agent of the importer, or of such consignee as aforesaid, to declare agreeable to the tenor of the above declaration: *Provided always,* that no article imported from Upper Canada shall be liable to the payment of the duty mentioned in this section, and imposed by the fourth section of this Ordinance.

*And be it further ordained and enacted by the authority aforesaid,* That in all cases where no invoice shall have been received at the time of the arrival of any goods, wares or merchandize, whereon the said duty of two and a half per cent is imposed by this Ordinance, and the importer or importers thereof, or such person as by the foregoing section is authorized to make the declaration thereby required, with regard to such goods, wares or merchandize, shall make and subscribe a declaration before the Collector, or principal officer, who is hereby empowered to take the same, that he cannot, for want of full information, make perfect entry thereof, it shall be lawful for the Collector, or principal officer, to cause such goods, wares and merchandize, to be landed on a bill of sight for the packages and parcels thereof, by the best description that can be given, and to be seen and examined by such person and at his expense, and in the presence of the Collector, or such officer of the Customs as he shall appoint, and to be delivered to such person, on his depositing in the hands of the Collector such sum of money as shall, in judgment of the Collector, be fully sufficient to pay the duties thereon, and engaging to make perfect entry thereof, and to pay the deficiency of such duty thereof (if any) within one month, from the date of the bill of sight, (on which the sum deposited shall be mentioned, with such other particulars as the Collector may deem necessary); and the said engagement shall be written and signed by such person, who shall incur a penalty of fifty pounds, currency, if he shall fail to fulfil such engagement, which shall be held to be fulfilled either by the production of the invoice, and compliance with the other requirements of this

Ordinance for cases where an invoice is produced, or by a declaration made and subscribed as aforesaid, at the expiration of one month as aforesaid, that no invoice has been received, in which case the money deposited shall be retained by the Collector, as the amount of the duties; but if the invoice is produced, and the other requirements of this Ordinance complied with within the said delay, the overplus (if any) shall be returned to the importer or person as aforesaid, or the deficiency made good as hereinbefore ordained.

*Provided always, and be it further ordained and enacted by the authority aforesaid,* That when the invoice is produced, and the value declared as aforesaid, it shall, upon view and examination of the said goods, wares and merchandize, by the proper officer or officers of the Customs, appear to him or them that the same are not valued according to the true price or value thereof, and according to the true intent and meaning of this Ordinance, then it shall and may be lawful for the proper officer or officers of the Customs to detain such goods, wares or merchandize, and to cause the same to be properly secured, and to take such goods, wares and merchandize, for the benefit of the Crown, within fifteen days from the landing thereof; and the Collector of the Customs at the Port of Quebec or at the Port of Montreal shall, out of any monies in his hands, arising by Customs or other duties, belonging to the Crown, pay to the importer or proprietor, on demand, the value declared to, together with the costs and charges of importation, and an addition of ten pounds per centum thereon, and also the Customs and other duties which shall have been paid for such goods, taking a receipt for the same from such proprietor or importer in full satisfaction for the said goods, as if they had been sold; and it shall be lawful for the said Collectors of the said Customs respectively, whether the value of the goods, with costs and charges, and ten pounds per centum thereon, and the duties which shall have been paid on such goods be demanded or not, and whether the receipt herein ordered to be taken be given or not, to cause the said goods to be publicly sold to the best advantage; and out of the produce thereof the money so as aforesaid directed to be paid for such goods, shall be paid to such Collector respectively, to be replaced to such funds whence he borrowed the same, provided the same shall have been paid by him, but if it has not, then the same shall remain in the hands of the said Collector of the Customs, until the importer or proprietor shall demand the same, and give a receipt as hereinbefore directed; and after deducting from the overplus (if any) the charges arising by the detaining, securing and sale of such goods, the said Collector of the Customs shall pay to the officer or officers of the Customs, concerned in the view of such goods, as an encouragement for the discharge of their duty thereon, one moiety of the remainder of such overplus, (if any,) and the other moiety shall be paid into the hands of the Receiver-General of this Province, to be accounted for by him.

*And be it further ordained and enacted by the authority aforesaid,—*That if any Contractor or Contractors, Commissary or Commissaries actually in Her Majesty's service or employment, shall import or bring into this Province for the use of Her Majesty's Army or Navy, or for the use of the Indian Nations in the Provinces of Lower and Upper Canada any clothing or other article whatsoever, such Contractor or Contractors, Commissary or Commissaries, or their principal agent, shall produce to the Collector an invoice thereof as aforesaid; and in addition to the affidavit hereinbefore appointed to be made by an importer shall declare and subscribe the declaration that all the articles contained in such invoices were actually imported for the use of Her Majesty's Army or Navy, or for the use of the Indian nations in the Provinces of Lower and Upper Canada, to be issued to the same for and on account of Her Majesty, and for no other use or purpose whatsoever, and such goods shall be exempted from the payment of the said duty.

*And be it further ordained and enacted by the authority aforesaid,* That all salt beef and pork, salt fish and fish oil, flour, wheat and peas, furs and skins, seeds, rye, oats, barley, potatoes, Indian corn, beans, pease, rice and grain of all kinds; horses, neat cattle, sheeps, hogs, poultry and other live stock, and live provisions of all kinds; pitch, tar, turpentine, rosin, hemp and flax, butter, cheese and honey, and all clothing and apparel imported for the private use of the importer or owner, and the packages containing the same, and also the packages in which dutiable articles are contained, shall be exempt from the payment of the said duty provided that the importer or consignee thereof shall make a special entry of all such articles, and shall state the amount of the invoice or invoices thereof in the manner prescribed for other articles, in order that the real amount of goods imported into this Province may be ascertained.

*And be it further ordained and enacted by the authority aforesaid,* That if any person or persons whomsoever shall come within this Province, or any part thereof for the purpose of actually settling therein, it shall and may be lawful for the said Collectors to exempt from

the said duty of two pounds ten shillings per centum all household goods and necessaries of all kinds, which such person or persons shall import or bring with them for their own use and the use of their families; but it shall not be lawful to exempt any goods, wares or merchandize of any kind whatsoever brought or imported by such person or persons for the purpose of trade or for sale.

*Provided always, and be it further ordained and enacted by the authority aforesaid,* That no Collector of the Customs shall claim, have or retain any fee, profit or emolument for the collection of the duties imposed by this ordinance.

*And be it further ordained and enacted by the authority aforesaid,* That if any salt shall be landed in this Province below the east bank of the river Saguenay, on the north shore, and the east bank of the river of Great Metis on the south shore of the St. Lawrence, no duty shall be charged or payable thereon, anything herein contained to the contrary notwithstanding.

*And be it further ordained and enacted by the authority aforesaid,* That if any goods, wares, or merchandize shall be landed from any ship or vessel coming from sea above the said limits of the east bank of the river Saguenay and Great Metis, before the same shall be entered at the Custom House at Quebec, and if any salt permitted by this ordinance to be landed as aforesaid duty free, shall be afterwards put on board any ship or vessel, boat or other conveyance, and be carried above the aforesaid limits and there relanded without being first entered at the Custom House at Quebec, and the duties thereon paid or secured to be paid as hereinafter directed, the said goods, wares and merchandize or salt, shall be forfeited to Her Majesty Her Heirs and Successors, and shall be sued for, recovered and divided in the same manner as other forfeitures under this ordinance.

*And be it further ordained and enacted by the authority aforesaid,* That there shall be allowed and paid by the Collectors of the Customs of the Ports of Quebec and Montreal respectively, out of the duties which shall be by them received under this ordinance, a drawback of four pence currency for every minot of salt which shall be exported from the Port of Quebec or from the Port of Montreal, to any port or place beyond or below the limits hereinbefore mentioned; and there shall be allowed and paid by the said Collectors respectively, seven-pence for every tierce of salted salmon, and four-pence for every barrel of salted beef or pork, or of salted fish of any kind, and so in proportion for any greater or less package exported from the Port of Quebec or from the Port of Montreal to any port or place out of the limits of this Province.

*Provided always, and be it further ordained and enacted by the authority aforesaid,* That in order to entitle the exporter or exporters, or his, her or their agent or agents to the benefit of the said drawback or allowances on any such articles, he, she or they shall, previous to putting or lading the same on board of any ship or vessel for exportation, give notice to the Collector of the Customs where the same is intended to be shipped, of his, her or their intention to export the same as aforesaid, and of the quantities thereof; and before the same shall be cleared out of the Custom House at Quebec or at Montreal respectively, a declaration shall be made and signed by the exporter, his, her, or their agent, before the Collector of the Customs for the place (which declaration they, or either of them, are hereby required and are authorized to take) that he or she verily believes that the duty of four-pence per minot by this ordinance imposed, was paid for the said salt, and that the said salted beef, pork or fish so to be exported as aforesaid, was cured with salt upon which the said duty had been paid.

*Provided also, and be it further ordained and enacted by the authority aforesaid,* That the exporter or exporters, or his, her or their agent or agents, shall before receiving payment from the Collector of the drawbacks and allowances aforesaid, enter into bond, with good and sufficient surety, to the satisfaction of the Collector, in a sum of double the amount of such drawbacks and allowances, that such salt shall not be relanded above the limits aforesaid, and that such salt, beef, pork or fish shall not be relanded in this Province; and every such bond shall be deemed null and void if no suit or action shall be had thereupon in three years from the date thereof.

*And be it further ordained and enacted by the authority aforesaid,* That from the gross weight there shall be deducted by the Collector for the tare of packages containing goods subject to any of the aforesaid duties by weight as follows, that is to say: On Coffee in bags or bales, three pounds on every hundred pounds; on Coffee in casks, twelve pounds on every hundred pounds; on Muscovada or clayed Sugar, in casks or boxes, twelve pounds

on every hundred pounds; on loaf or lump Sugar in casks or boxes, fifteen pounds on every hundred pounds; and on leaf Tobacco in casks, twelve pounds on every hundred pounds; and an allowance shall be made for leakage on all wines, spirituous liquors and molasses, of three gallons on every hundred gallons; and for the waste of articles subject to any of the duties aforesaid by weight, an allowance shall be made of three pounds upon every one hundred pounds; and on salt an allowance shall be made for waste of three minots on every hundred minots thereof; which said allowances shall be respectively deducted by the Collector from the true and real gauge or nett weight or measure of the said goods respectively at the time of their being landed.

*Provided always, and be it further ordained and enacted by the authority aforesaid,* That where the original invoice of any of the articles mentioned in this section shall be produced, and a declaration of the correctness thereof made by the importer or importers, consignee or consignees, or his, her or their agent (which declaration the Collector of the Customs is hereby authorised and empowered to take) it shall in such case be lawful to deduct the tare according to such invoice from the real gross weight of such goods respectively, instead of deducting the aforesaid allowances for the tare of packages.

*And be it further ordained and enacted by the authority aforesaid,* That when any ship or vessel shall be entered at the Custom House at Quebec, or at Montreal, on board of which there shall be any goods, wares or merchandize subject to duty under this Ordinance, and on which the duties shall have been paid, deposited or secured to be paid, in the manner hereinafter provided for, and that thereafter the said goods, wares or merchandize shall be lost or destroyed before the same shall be landed from such ship or vessel, or from any vessel or craft employed to lighten such ship or vessel, either at Quebec or on the voyage to Montreal, that then on proof being made upon the oath of one or more credible witness or witnesses, before the Collector of the Customs for the time being, (which oath he is hereby authorised and required to administer,) that such goods, wares or merchandize, or any part thereof, specifying the same, have been so lost or destroyed before the landing of the same, the duties on the whole or the part thereof so proved to be lost or destroyed, shall, if the same have been paid or deposited, be repaid or returned to the owner or his agent, or if secured to be paid the security or a proportionable part thereof, as the case may be, shall be cancelled and discharged accordingly.

*And be it further ordained and enacted by the authority aforesaid,* That if any goods, wares or merchandize, on which duties are made payable by this Ordinance, and which shall be imported into this Province after this Ordinance shall come into force, shall receive any damage by salt water or otherwise during the course of the voyage, after such goods, wares or merchandize shall have been laden or shipped in foreign parts, and before the same shall be unshipped or discharged from the ship or vessel in which they shall be imported into this Province, so that the owner or owners thereof shall be prejudiced in the sale of such goods, wares or merchandize, the two principal officers of the Customs, at the place where the same shall be landed, if there are two, and otherwise the principal officer shall have power to choose three indifferent Merchants, experienced in the value of such goods, wares and merchandize, who or any two of them upon viewing the same, shall certify and declare, upon their corporal oaths first administered by the said officers, or one of them, who is and are hereby authorised and empowered to administer the same, what damage such goods, wares or merchandizes have received, and how much the same are lessened in their true value by such damage, in relation to the duties imposed on them by this Ordinance; and thereupon the principal officers of Her Majesty's Customs at Quebec, or at Montreal, whereof the Collector for the time being shall be one, shall and they are hereby authorized and required to make a proportionable allowance to the merchant by way of return or repayment out of the duties due or which shall have actually been paid upon the same.

*And be it further ordained and enacted by the authority aforesaid,* That before the unloading of any goods, wares or merchandize, on which any rates or duties are imposed by this ordinance, the said rates or duties shall be paid or secured to be paid to the Collector of the Customs at the port at which the same shall be entered in the manner following, that is to say; where the amount of the duties imposed by the second and third sections of this ordinance on any of the goods, wares or merchandize therein named, imported in any ship or vessel on account of or consigned to one person only, or several persons jointly interested, shall not exceed the sum of fifty pounds currency, the same shall be immediately deposited in money; and where the said amount shall exceed the sum of fifty pounds currency, the

same may, at the option of the proprietor or proprietors, or his, her or their agent or agents, be either immediately deposited in money or secured to be paid by bond to Her Majesty Her Heirs and Successors, payable to such Collector of the Customs for the time being with condition for the payment of so much as such duties shall be found to amount to (when the same shall be ascertained by the return and certificate of the proper officer who shall gauge, weigh, measure or tell the said goods, wares and merchandize so subject to the payment of duties) in six months from the date of such bond, if the same shall be dated on or before the first day of November in any year, or if the same shall be dated after the first day of November, then with condition of payment as aforesaid, on the first day of May next following; which bond shall be executed by the proprietor or proprietors, or his, her or their agent or agents, and one or more sureties, to the satisfaction of the aforesaid Collector of the Customs; and the officer or officers who shall gauge, weigh, measure or tell such goods, wares or merchandize, whereon the duties shall have been so deposited in money, or secured to be paid, shall, if required, give to the proprietor or proprietors thereof, or to his, her or their agent or agents, without fee or reward, a duplicate of the return or certificate he shall make of such gauge, weight, measurement or telling, and the duties shall be calculated agreeably to such return or certificate, the allowances for leakage, waste and tare, as hereinbefore ordained, being first respectively deducted; and the amount thereof shall be indorsed by the Collector on the bond so given for such duties, which indorsation shall cancel and make void the surplus of such bond, and if the duties have been deposited in money, such return and certificate shall entitle the proprietor or proprietors, or his, her or their agent or agents, to demand and receive back the overplus, if any there be, of the money so deposited for such duties,—but if the duties, when so calculated, shall be found to exceed the amount so deposited in money, or secured to be paid, such excess shall immediately be paid to the Collector accordingly, and where the amount of the *ad valorem* duty of two and a half per centum, imposed by the fourth section of this Ordinance, on any goods, wares or merchandize, imported in any one ship or vessel, on account of or consigned to one person only, or several persons jointly interested, shall not exceed the sum of one hundred pounds, currency, the same shall be immediately deposited and paid in money; and when the said amount shall exceed the sum of one hundred pounds, currency, the same may, at the option of the proprietor or proprietors, or his, her or their agent or agents, be immediately deposited and paid in money, or secured to be paid by bond as aforesaid, on the first day of January then next, if the bond shall be dated before the first day of September in any year, and on the first day of May then next, if the bond shall be dated after such first day of September: *Provided always*, that no person or persons whose bond for the payment of any rates or duties, shall be due and unsatisfied, after the time therein limited for payment, shall be allowed a future credit for duties, until such bond shall be fully paid and discharged.

*And be it further ordained and enacted by the authority aforesaid*, That the person or persons who shall give any such bond as aforesaid for the payment of any duties under this Ordinance, shall subscribe the following declaration, which shall be entered at the foot thereof: "I" (or "we") "declare that the goods, wares and merchandize, for the payment of the duties on which the bond above written is given, and all of them, were imported into this Province for and on account of — alone, and of no other person or persons whomsoever, and that no part thereof, or any invoice of any part, hath been transferred to the said —, in order that the payment of the duties thereon, in ready money, might be avoided, but that the said — (am, is or are) truly entitled to the credit given in the said bond, according to the true intent and meaning of an Ordinance, entitled, 'An Ordinance to suspend in part certain Acts therein-mentioned, and to consolidate the laws relating to duties levied under the authority of the Provincial Legislature,' and this declaration is true."

*And be it further ordained and enacted by the authority aforesaid*, That the said duties and rates imposed by this Ordinance, shall be deemed and are hereby declared to be current money of this Province, payable at and after the rate of five shillings to the Spanish dollar, or in silver or gold coin, as nominally proportioned thereunto, according to the laws of this Province enacted or to be enacted, and the said duties shall be levied, collected, paid and recovered, in the same manner and form, and in the same Courts, and by such rates, ways and means, and under such penalties and forfeitures, as any other duties payable to Her Majesty upon any goods imported into this Province under any Act or Acts of the Parliament of Great Britain hitherto enacted, as fully and effectually, to all intents and purposes, as if the several clauses, powers, directions, penalties and forfeitures relating thereto, were herein repeated and re-enacted; and that all moneys that shall arise by the said duties, shall be paid by the Collector of Her Majesty's Customs into the hands of the Receiver-General of

this Province for the time being, and shall remain in his hands for the public uses of the Province.

*And be it further ordained and enacted by the authority aforesaid,* That all such moneys as are paid as aforesaid to the Receiver General of this Province, shall be by him paid in discharge of such warrant or warrants as shall from time to time be issued by the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, and not otherwise; and the duties aforesaid, together with all fines, penalties, and confiscations that shall be incurred under this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct.

*Provided always, and be it further ordained and enacted by the authority aforesaid,* That the proportions of the moneys arising from the duties levied under this Ordinance, to be paid to and for the use of the Province of Upper Canada, shall be in all respects the same, and shall be awarded and paid in the same manner as if such duties had been levied under the authority of the Acts hereby suspended, or any of them.

*And be it further ordained and enacted by the authority aforesaid,* That an account of all the moneys which shall arise by the aforesaid rates and duties, shall be made up quarterly by the Collector or Collectors of the Customs, and signed by them, and sworn to by the Collectors of the Customs for the Ports of Quebec and Montreal respectively, before one of the Justices of the Courts of King's Bench, and by the Collectors at any other place, before any Justice of the Peace for the District, and transmitted to the Governor, Lieutenant Governor, or person administering the Government, and all such moneys shall be paid at the end of every quarter into the hands of the Receiver General, without any deduction, excepting all such sum or sums of money as shall have been paid by the Collector for the drawback on salt, and the allowances on the exportation of salted beef, pork and fish, and excepting also such sum or sums of money as shall have been re-paid or returned by him for duties on goods, wares and merchandizes which shall have been lost, destroyed or damaged before landing as aforesaid; and there shall also be made up quarterly, an account of the incidents incurred, and the same shall be sworn to by the said Collectors, in the manner before directed, and shall also be transmitted to the Governor, Lieutenant Governor, or person administering the Government, and being by him approved in Her Majesty's Executive Council, a warrant shall issue, directed to the Receiver General, for the payment thereof to the said Collectors.

*And be it further ordained and enacted by the authority aforesaid,* That each and every Act of the Legislature of this Province, relating to the officers of the Customs, or the mode of collecting such Customs, or the places where they may be paid, or in any way affecting the same and not hereby repealed, or contrary to the provisions hereof, shall be and are extended to the duties hereby imposed, and the officers employed in collecting the same.

*And be it further ordained and enacted by the authority aforesaid,* That if any declaration required by this Ordinance, shall be wilfully made untrue, in any particular, the person making the same shall over and above every other penalty to which such person may become subject, incur a penalty of one hundred pounds, currency.

*And be it further ordained and enacted by the authority aforesaid,* That the penalties and forfeitures by this Ordinance imposed, shall and may be sued for in any of Her Majesty's Courts of Record, or in any Court of Admiralty or Vice-Admiralty having jurisdiction in this Province; and the same shall and may be recovered and divided in the same manner and form, and by the same rules and regulations, in all respects, as other penalties or forfeitures for offences against the laws relating to the Customs and trade of Her Majesty's Colonies in America, may by any Act or Acts of Parliament now in force, be sued for, prosecuted, recovered and divided.

*And be it further ordained and enacted by the authority aforesaid,* That any person or persons who shall be convicted of wilfully taking a false oath in any of the cases in which an oath is required to be taken by virtue of this Ordinance, shall be liable to the pains and penalties to which by law persons are liable for wilful and corrupt perjury.

*And be it further ordained and enacted by the authority aforesaid,* That if any action or suit shall be brought or commenced against any person or persons, for any matter or thing by him or them done or executed, by virtue of and in pursuance of this Ordinance, notice of such action or suit shall be given to such person, conformably to the seventieth section of

the Act of the Parliament of the United Kingdom, entitled, "An Act to regulate the trade of the British possessions abroad," passed in the third and fourth years of the reign of King William the Fourth; and that such action or suit shall be commenced within three months after the matter or thing done, and not afterwards; and the defendant or defendants in such action or suit, shall and may plead the general issue, and give this Ordinance, and the special matter, in evidence, at any trial to be had thereon, and that the same was done in pursuance of and under the authority of this Ordinance; and if afterwards judgment shall be given for the defendant or defendants, or the plaintiff or plaintiffs shall become non-suited, or shall discontinue his, her or their action or prosecution, after the defendant or defendants shall have appeared, then such defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have to recover costs in other cases at law.

*And be it further ordained and enacted by the authority aforesaid, That this Ordinance shall have no force or effect, until after a copy thereof has been transmitted to the Governor, Lieutenant-Governor, or person administering the Government of the Province of Upper Canada, conformably to a certain Act of the Parliament of the United Kingdom of Great Britain and Ireland, entitled, "An Act to regulate the trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces," and that the concurrence of the Legislative Council and Assembly of Upper Canada shall have been obtained, and shall have been signified to the Governor, Lieutenant-Governor, or person administering the Government of this Province, as provided by the said Act, and by him proclaimed therein.*

(Signed) J. COLBORNE.

ORDAINED AND ENACTED by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the nineteenth day of March, in the second year of the reign of our Sovereign Lady VICTORIA, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of our Lord one thousand eight hundred and thirty-nine.

By His Excellency's Command.

(Signed) W. B. LINDSAY,  
*Clerk, Special Council.*

I hereby certify the above to be a true copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, on the nineteenth day of March, one thousand eight hundred and thirty-nine, and in the second year of Her Majesty's reign.

(Signed) W. B. LINDSAY,  
*Clerk of the  
Special Council.*

## CORRESPONDENCE,

ON THE

# SUBJECT OF SUSPENSION OF SPECIE PAYMENTS.

GEO. ARTHUR.

In compliance with the Address of the House of Assembly, the Lieutenant-Governor herewith transmits copies of such communications from the Officers of the Chartered Banks, on the subject of their suspension of specie payments, as have not already been brought under the consideration of the House; and to those communications he has also directed other documents to be annexed, calculated to convey additional information on the question to which they relate.

*Government House,*  
16th April, 1839.

(Copy.)

No. 53.

*Toronto, 8th August, 1838.*

MY LORD,

I have the honour to acknowledge your Lordship's Despatches (Nos. 14 and 98) of the dates stated in the margin, together with a copy of the letter of the Assistant Secretary of the Board of Trade, dated 18th December, from which I learn, that Her Majesty's Government considers it indispensable that any permission for suspending cash payments, without forfeiture of Charters, should be conceded to such of the Incorporated Banks as might apply for it, only on condition that during the suspension no dividend shall be paid to the shareholders; and I am instructed to take such steps, by the issue of revised Orders in Council, or otherwise, as may ensure a speedy return to the system of redeeming bank notes in specie, on demand.

26th January, 1838.  
19th June, 1838.

On referring to the Statute-book, I perceive that the Banks of this Province found no difficulty in observing the conditions of the Charter, respecting cash payments, until the extraordinary commercial crisis which occurred last year, when the Legislature found it expedient to provide for the contingencies of a suspension, by passing, on the 11th July, the Act named in the margin, (7th and 8th Wm. IV. chap. 7,) by which the Banks were permitted, under certain conditions, to issue notes while they did not redeem them in specie.

In this Act, though the propriety of prohibiting the payment of dividends during the continuance of suspension, became a subject of debate, no provision to that effect was actually introduced—but the duration of the Act was restricted to the close of the next ensuing Session of Parliament.

In the Session which terminated on the sixth day of March last, two sections of the Act were repealed, which restricted the Banks to a circulation not exceeding the amount of their respective capitals, and prohibited the disposal of the specie in their vaults; and by the Act to continue expiring laws, the existence of the original Act (7th and 8th Wm. IV. chap. 7,) was prolonged until the close of the next Session.

As I did not arrive in the Colony until the Session of last winter had been closed, your Lordship's Despatch (No. 14) could not be brought under the notice of the Legislature; and it does not appear that my Predecessor was aware of the views entertained on this point by Her Majesty's Government.

Had the Legislature been in Session when your Lordship's Despatch reached me, I should have been careful not to allow the continuance of the Act beyond the existence originally assigned to it, unless it were amended by the addition of such a provision for the suspension of dividends, during the suspension of cash payments, as your Lordship considers

indispensable. As it is, however, too late now to bring this matter under the notice of the Legislature, I have to consider in what other manner an unnecessary postponement of specie payments, on the part of the Banks, may be prevented.

The Act of the 11th July, 1837, has left it entirely in the discretion of the Governor and Council, to determine when the suspension of specie payments may commence, but has intentionally kept from them any sort of controul over the period of resumption—which is to be determined by the period of duration of the law itself, or by the early voluntary act of the Banks themselves.

I have reason to believe, that the Legislature would not confide to the Government any power over the Banks, with respect to the time of resuming cash payments. They preferred that the question of resumption should be reserved for Legislative deliberation at the ensuing Session, if the Banks themselves should not, of their own accord, set it at rest.

Under these circumstances, your Lordship will observe, that I cannot revise the Order in Council under which the suspension has been sanctioned—and that consequently, no other mode of bringing about a resumption remains, than the voluntary compliance of the Banks with the wish of the Government, or the disallowance of the Act of 11th July, 1837, by Her Majesty's Government.

Upon the latter measure I shall not offer many remarks, for I do not suppose it will be entertained by your Lordship—since another Session would be near at hand, before Her Majesty's disallowance of the Act could be proclaimed in this Province.

With respect to the former, I have to inform your Lordship, that I have taken steps for its accomplishment, by addressing a circular letter to the three Chartered Institutions, inviting them to discuss with me, privately, the expediency of an early return to sound Banking principles.

I have the honour to transmit to your Lordship, a copy of this circular, together with the replies made on the part of the Banks—and the Despatch (No. 14) in which I have acquainted the Earl of Durham with my proceedings on this point.

I shall avail myself of the earliest opportunity of communicating to your Lordship, the final result of my correspondence with the Banks.

I have, &c.

(Signed) GEO. ARTHUR.

THE LORD GLENELG,  
&c. &c. &c.

(Copy.)

(Duplicate.)

No. 14.

Downing Street,  
24th January, 1838.

SIR,

WITH reference to my Despatch to Sir Francis Head (No. 222) of the 26th August last, I have now the honour to transmit to you an Order passed by the Queen in Council, on the 20th ultimo, leaving to their operation three Acts passed by the Legislature of Upper Canada, on the 11th July last, and numbered 1081, 2 and 4.

With reference to the Act 1082, relating to the suspension of cash payments by the Provincial Banks, I have the honour to inclose, for your information and guidance, the copy of a letter received from the Assistant Secretary to the Board of Trade.

I have, &c.

(Signed) GLENELG.

SIR GEORGE ARTHUR,  
&c. &c. &c.

(Copy.)

Office of Committee of Privy Council for Trade,  
Whitehall, 18th December, 1837.

SIR,

In reference to Lord Glenelg's minute of the 13th September, upon the Canada Act, (No. 1082) and the minute of the President of this Board, of this date, I am directed to request that you will inform Lord Glenelg, that the Lords of the Committee of Privy Council for Trade, are desirous that instructions should be given to the Governor of Upper Canada, that he should, in the exercise of powers entrusted to him under this Act, take care to introduce, as one of the conditions under which he will permit the suspension of cash payments by any Bank, a prohibition against the payment of any dividend by the same Bank, so long as the suspension of its payments in specie shall endure.

And further: their Lordships would wish that this provision should be made to apply to the Commercial Bank, in favour of which the Governor has already exercised his discretionary power.

Their Lordships consider a provision of this nature indispensably necessary, as a check against a wilful prolongation of the time during which so dangerous a practice as the non-payment of its paper engagements in specie by any Bank, may continue.

I am, &amp;c.

(Signed) D. LE MARCHANT.

SIR GEORGE ARTHUR,  
&c. &c. &c.

(Copy.)

No. 98.

Downing Street,  
19th June, 1838.

SIR,

I HAVE had the honour to receive Sir Francis Head's despatch of the 20th March last, (No. 41) explaining at considerable length, the grounds on which he had consented to issue Orders in Council, authorizing the continuance of business by the Bank of Upper Canada, and the Gore Bank, notwithstanding their suspension of specie payments.

Having submitted this despatch, and its enclosures, for the consideration of the Lords Commissioners of the Treasury, their Lordships have informed me, that, adverting to the very peculiar circumstances in which the Banks in Upper Canada were placed, as explained in their several applications to Sir Francis Head, and in his despatch, they are not disposed to disapprove the course adopted by that Officer, in complying with those applications.

At the same time, Her Majesty's Government consider it indispensable, that any permission for suspending cash payments without forfeiture of charter, should be conceded to the Bank applying for it only on condition that, during the period of suspension, no dividend shall be paid to the Shareholders. With a view, therefore, to guard against any unnecessary delay in the resumption of cash payments by the Banks—more especially as one of the channels for obtaining specie has now become available, by the opening of the navigation—you will take such steps, by the issue of revised minutes of Council, or otherwise, as may ensure the observance of the condition above stated.

I have, &amp;c.

(Signed) GLENELG.

Major-General SIR GEORGE ARTHUR, K. C. H.  
&c. &c. &c.

(Copy.)

Government House,  
17th July, 1838.

SIR,

HIS Excellency the Lieutenant-Governor desires me to invite the attention of the Directors of the Bank of Upper Canada, to the question of resumption of specie payments, without unnecessary delay. His Excellency feels that he need not inform the Bank Directors,

that the state of the currency, in all parts of the Empire, is a matter in which Her Majesty's Government takes a peculiar interest; and the Directors must be aware, that nothing can affect the money transactions of the people, and of the Government, more seriously, than the use of a circulating medium which does not command a redemption in specie, and which therefore cannot be considered as having any fixed intrinsic value.

His Excellency is fully aware, that the Upper Canada Banks did not adopt the measure of suspension from any undue apprehensions of the consequences to themselves, of maintaining their obligations with the public inviolate; and I am commanded to say, that the proof of the solvency and credit of those institutions which has been afforded, by their maintaining specie payments during times of unparalleled commercial difficulty, is much to the honour of the Banks, and affords the best evidence of the wisdom of the Legislature, when it left a discretionary power in the hands of these important corporations, to suspend the redemption of their notes in specie, should necessity occur, arising from unforeseen or extraneous circumstances.

His Excellency is most desirous of restoring all public transactions, as soon as possible, to their ordinary course; and the conduct of the Upper Canada Banks, hitherto, offers him the strongest assurance, that they will co-operate with him in the very important point, of once more equalizing the value of the current coin of the realm, with the Bank Note currency commonly in use.

His Excellency trusts that the Banks will see the difficulty in which the Government is placed, in using a currency not redeemable in specie, at the same time that he is aware of the public and private inconvenience which must ensue, were the Government to make a difference between the commonly used currency and the legal coin of the Province, which, in strictness, ought only to be used in public transactions.

From the large importations of specie for the use of the Government, and from the present low rate of Exchange in England, as well as from the comparative state of quiet on the American frontier, His Excellency is induced to draw the conclusion, that the time has arrived when the Banks in this Province can resume, without serious inconvenience; and as those institutions declined to suspend from interested motives, His Excellency does not anticipate that these motives will have more weight now than heretofore.

His Excellency, therefore, invites the Banks to an early and private communication with him, for the purpose of arranging a simultaneous resumption of specie payments throughout the Province.

I have, &c.

(Signed) JOHN MACAULAY.

To the President of the Bank of *Upper Canada*,  
*Midland and Gore.*

(Copy.)

*Bank of Upper Canada,*  
*Toronto, 18th August, 1838.*

SIR,

THE Board of Directors having taken into the fullest consideration the subject of your letter of the 17th July last, respecting the resumption of specie payments, I have the honour to enclose a report thereon, for the information of His Excellency the Lieutenant-Governor, which report the Board hopes will prove satisfactory to Government.

I have, &c.

(Signed) THOS. G. RIDOUT,  
CASHIER.

The Honourable JOHN MACAULAY,  
*Secretary, &c. &c. &c.*

(Copy.)

STATEMENT of the causes which led to the suspension of specie payments on the part of the Bank of Upper Canada, and the reasons that may be assigned for continuing that suspension at the present time.

When the general suspension of specie payments throughout the United States and Lower Canada took place in May, 1837, this Bank had £204,000 of notes in circulation; but being confident of their ability to redeem their paper, the Board determined to do so, and not to suspend, and at the same time they granted the public every indulgence in the way of renewals; and so well was the Bank prepared for the emergency, that when the insurrection broke out last December, it had £140,000 in specie in its vaults, and only £80,000 of notes in circulation.

In the above state of affairs the exigencies of the public service suddenly required a large outlay of money which the Commissary General was quite unable to meet; and although he had some months before withdrawn his account, and the Bank did not contemplate its renewal, yet it at once came forward and advanced him in bulk £50,000 in dollars, leaving £90,000 of specie in its vaults; and offered besides to furnish money for the military disbursements in all parts of the Province where posts were established; which proposals were accepted, and consequently those payments amounted in January to £34,417; in February to £96,618; and in March to £88,892; by which means the issue of bank notes was increased to £154,000, and its specie in the vault reduced to £60,000; and finding every probability of a continuance of those payments, and it being notorious from the disturbed state of the American Frontier that it would be impracticable to import specie from New York to replenish our coffers, which were rapidly being drained by the joint attacks of the Commercial and other suspended Banks of this Province, who, taking advantage of the great issues made for Government by the Bank of Upper Canada, collected its notes in large sums, and demanded their redemption in specie, at the same time refusing to take any part of their own notes in exchange; so that feeling the contest to be unequal and unfair, the Board of Directors finally determined on the sixth of March last to petition the Lieutenant-Governor for leave to suspend, and it was immediately granted; and which we have reason to think was concurred in by the Commissary General, as it insured him the means of carrying on the service until he could receive his supplies of specie from abroad on the opening of the navigation, being well satisfied that the notes of the Bank in the meantime would afford a sound currency by its well established reputation; and he was also aware that its late extraordinary issues were based upon his Treasury Bills sold to the Bank and which it had remitted to London to the amount of more than £200,000 Sterling, being an actual gold deposit more than equal to meet the entire circulation of its notes; and that the suspension of the Bank was not under any inability to pay its debts, but was entirely owing to political events of a most extraordinary nature; also, that there was a physical impossibility both on his part and on the part of the Bank to supply the country with specie.

The Bank of Upper Canada consequently suspended specie payments with £60,000 in gold and silver coins in its vaults, and upwards of £200,000 Sterling in London against a circulation of £154,000 of its notes in this Province; notwithstanding which, and not from a desire to hoard up its specie, but to afford every facility to the public service, it was communicated to the Commissary General that the Bank would still continue to pay the troops, staff, and department in dollars, and would pay the same to his contractors if required; this the Bank has faithfully performed not only here, but at the various posts in Upper Canada and at a considerable cost for transport.

The affairs of the Bank of Upper Canada having been brought down to the present time, it remains to discuss the expediency of resuming specie payments or the disadvantages that would be the result of such a measure at this juncture. His Excellency the Lieutenant Governor having lately ordered the three chartered Banks to take the matter into their earliest consideration.

To the foregoing requisition the Commercial Bank has quickly answered, that they were ready at any moment that the Upper Canada and Gore Banks first shewed the example; such an indefinite reply needs no comment, and if the other two Banks had answered in like manner, only reversing the order of names, it would be impossible ever to arrive at a conclusion. The Board of Directors of this Bank have not however thus endeavoured to evade

the question, but have maturely considered it and have requested a meeting of the three Banks by a delegation of their Presidents to take the matter into their fullest consideration; to this request the President of the Commercial Bank has replied to the effect that as that Bank would be ready to resume specie payments as soon as the Upper Canada Bank would set the example, it was quite useless for him to attend the meeting, which he therefore declined; it remains therefore with the Bank of Upper Canada and the Gore Bank to state their own opinion and to be guided thereby.

The Board of Directors of the Bank of Upper Canada having maturely weighed all the circumstances attending this question are of opinion as follows:

That an immediate resumption of specie payments, in the present distressed state of this country, owing to the late political events, and the general want of confidence in trade, would compel the Bank to stop all further discounts, and to call in their debts as fast as possible; and should recourse be had to suits at law—which, in most cases, would be necessary—it is a well-known fact, that no money can be realized at Sheriff's sales, without bringing ruin on the debtors—for neither goods or chattels, lands or houses, will now bring one-third of former prices; and so well are the public aware of this, that there does not appear to be any general wish to enforce specie payments. In stopping discounts, the advantages likely to arise from the rich crop of wheat now coming into market, would be, in a great measure, paralyzed; for, in consequence of the scarcity of money, prices would, of course, fall to ruinous rates, or else there would be no sales for a foreign market;—at the same time, the country would be drained of its specie, by those who are daily selling off their farms, and removing to the United States. It is therefore suggested, as an act of prudence on the part of Government, and of consideration for the state of the country, not to call upon the Banks to resume specie payments, until the present crop shall have been brought to market, and that a new impulse shall have been given to the prosperity of the Province, by the renewal of our usual emigration from Europe, and the additional capital derived from that source.

Besides the foregoing, this Province labours under many other disadvantages, which might justly be brought under His Excellency's notice, particularly as Mr. Secretary Macaulay, in his letter, intimates that the state of the currency in all parts of the Empire, is a matter in which Her Majesty's Government takes a peculiar interest. Such being the case, it may be fairly urged that the currency of Upper and Lower Canada should be placed upon an equal footing—which it never can be, until the circulation of the French half-crown shall be totally abolished in the latter Province, as it is in this, and that it shall no longer be a legal tender at 2s. 9d.—when, in fact, it is an old worn-out smooth coin, and is not recognized as a coin in any other country excepting Lower Canada; and its intrinsic value as bullion, in the United States, is only about 1s. 10½d. or 2s.—equal to 38 or 40 cents.

*Secondly.*—That the base copper coinage now existing, be entirely prohibited from circulation, and that it be replaced by a Provincial coinage of good copper.

*Thirdly.*—It may likewise be suggested, that there shall be established, by an Imperial Act, a certain silver coinage, for the use of the British Colonies on this Continent, consisting of dollars and its parts, of equal weight and fineness to the United States dollar,—as such a measure would put an end at once to the Banks of this Province drawing their supplies of specie from the mint of the United States, at Philadelphia—it being a profit to the Bankers, of 1 or 1½ per cent. to melt down the Mexican dollar, and have it re-coined into American halves.

*Fourthly.*—A silver coinage for the Colonies will be the more acceptable—for, besides abolishing the French half-crown, it will also abolish the circulation of the British silver coins in this Province, against which the Lower Canadians complain, and which has already been brought under the notice of the Lords of the Treasury, by Mr. Commissary-General Routh, as having been fixed by our Legislature at too high a rate. The Act, however, will expire in about another year.

It is unquestionable, that at the present moment the Banks of this Province are quite able to resume specie payments,—the effect of which would be, the withdrawal of the greater part of their notes from circulation, and so deprive the country of a circulating medium of its own, as silver and gold, in the present political state of men's minds, would either be hoarded up or carried out of the Province. The bank notes of Lower Canada, which are redeemable in French half-crowns, would then take the place of our notes, and all the real

inconveniences of a bad and inconvertible currency, would be immediately felt, although as yet it is little known, as our Banks are in the daily course of redeeming their notes by bills on London and New-York, within one per cent. of the Montreal rates, and that to any amount that may be offered.

It is not only from the depressed state of trade, and the great difficulty of collecting debts, that the Upper Canada Bank suffers inconvenience, and would be unable to afford the country any new discounts on a resumption of cash payments, but the well known embarrassed state of the Provincial finances tends very materially to press upon the public credit, and has become burthensome to this Bank: as the holders of Government Debentures having, for several months past, been alarmed for the safety of their property in those investments, have insisted upon the Bank to redeem them at par, under a claim that as they bought them from the Bank, so ought they to be re-purchased by the Institution. This feeling has proved to be very extensive, and within the last six months the Bank of Upper Canada, in order to uphold and maintain the credit of Government, has actually re-purchased £40,700 of the Provincial Bonds, which are now unsalable—and consequently, remain a dead weight on its hands. To this may be added the further sum of £37,500 sterling, of Government Debentures, unsold and unsalable, in the hands of its agents in London—our last advices being, that capitalists will have nothing to do with Canada Bonds during the unsettled state of that country. The Board, therefore, respectfully submit, whether, under all the circumstances hereinbefore stated, and whilst this Bank is encumbered with £80,000 of unsalable Government Debentures, many thousand pounds of which are now due, but which the Receiver-General is unable to pay, it can be considered prudent or proper, at the present time, to resume specie payments in this Province.

(Signed) THOMAS G. RIDOUT,  
Cashier.

*Bank of Upper Canada,  
Toronto, 18th August, 1838.*

The Honourable JOHN MACAULAY,  
Secretary,  
&c. &c. &c.

*Bank of Upper Canada,  
Toronto, 20th July, 1838.*

SIR,

I have the honour to own the receipt of your letter of the 17th instant, wherein you intimate that His Excellency the Lieutenant-Governor wishes to invite the Banks of this Province to the consideration of a speedy resumption of specie payments; and in reply, for the present, I beg to inform you, that I have called a full meeting of the Board, on Wednesday next, for that purpose, when the subject of your letter shall have the most serious attention.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

(Signed) WM. PROUDFOOT,  
President.

The Honourable JOHN MACAULAY,  
Secretary,  
&c. &c. &c.

*Gore Bank,  
Hamilton, 24th July, 1838.*

SIR,

I have had the honour to receive your letter of the 17th instant, conveying His Excellency the Lieutenant-Governor's suggestions in regard to the speedy resumption of specie payments, on the part of the Chartered Banks. These have been respectfully considered by the Directors of this Institution; and I am instructed by them to say, that they will immediately enter into communication with the other Banks of the Province, with a sincere wish to give effect, if possible, to His Excellency's views on this important subject.

I have the honour to be,

SIR,

Your most obedient Servant,

(Signed) J. M. WHYTE,  
*President.*

The Honourable JOHN MACAULAY,  
*Civil Secretary,  
&c. &c. &c.  
Toronto.*

*Commercial Bank, Midland District,  
Kingston, 23rd July, 1838.*

SIR,

I beg to inform you, that I, this morning, submitted your communication of the 17th instant, respecting the resumption of specie payments, to the Board of Directors.

The Board direct me to communicate to His Excellency the Lieutenant-Governor, their desire to meet the views of the Executive Government, and to inform His Excellency that this Institution will be prepared to resume specie payments as soon as His Excellency shall communicate to the President, the period at which the other Chartered Institutions shall advise him of their intention to do so, in order that a simultaneous resumption may take place, as recommended by His Excellency.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

(Signed) JOHN S. CARTWRIGHT,  
*President.*

Honourable J. MACAULAY,  
*&c. &c. &c.  
Toronto.*

(Copy.)

No. 14.

*Government House,  
Toronto, 8th August, 1838.*

MY LORD,

FOR your Lordship's information upon a question of some importance to the mercantile interest of both the Canadian Provinces, I have the honour to transmit a copy of the letter which I have caused to be addressed to the three Incorporated Banks of Upper Canada, inviting them to an amicable discussion of the expediency of their immediately resuming cash payments.

I also inclose copies of the answers which, up to the present date, I have received from those Institutions.

In further elucidation, I transmit a copy of the original Act, authorising the suspension of specie payments, passed on the 11th July, 1837, which has been continued by an Act for extending the duration of expiring laws, dated 12th January, 1838, until the close of the next ensuing Session of Parliament.

By another Act passed on the 6th March last, the sixth and seventh clauses of the Act of 11th July, 1837, have been repealed—and power has been granted to Banks, having suspended specie payments under that Act, to put into circulation their notes to any amount not exceeding twice the amount of their paid-up capital.

Your Lordship will perceive, on examination of the Act of 11th July, 1837, that after having permitted the suspension of specie payments by any Banking Company, the Government of this Province is allowed no further control over the question. The resumption of cash payments cannot be insisted upon by the Government in any revised minute of Council, for the law preserves the original minute in full force, until the Banks themselves shall choose, voluntarily, to recur to the redemption of their notes in specie, or until the expiration of the Act, by the terms of its limitation, if the Banks should choose to avail themselves of the temporary advantage given them by the law, and decline resuming specie payments, in accordance with the wish of the Government.

Since the excitements have subsided along the American frontier, the prices of the precious metals in the New York market have fallen, and preparations seriously commenced for the resumption of cash payments in the leading States of the neighbouring Republic: the necessity of resuming also in this Province appears urgent and unquestionable. I therefore hope, that the three Chartered Banks of Upper Canada will concur in a simultaneous return to specie payments, without any further delay.

I have, &c.

(Signed) GEO. ARTHUR.

The Right Honourable

THE EARL OF DURHAM,

&c. &c. &c.

(Copy.)

No. 70.

Toronto, 28th September, 1838.

MY LORD,

WITH reference to my Despatch, (No. 53,) dated 8th August, in which I informed your Lordship that I would transmit the earliest intelligence of the final result of my endeavours to bring about the resumption of cash payments by the Banks of this Province. I have now the honour to state, that no progress has been made in accomplishing that very desirable object; and that it is questionable whether the Banks will heartily endeavour to resume cash payments, until they shall be compelled to do so by the expiration, at the ensuing Legislative Session, of the Act by which the suspension of cash payments was sanctioned.

The statement made by the Bank of Upper Canada, on the 18th August, of which I have the honour to enclose a copy, will explain the views of that institution, on the question of an immediate resumption.

I avail myself of the present opportunity, to transmit to your Lordship my despatch (No. 21) addressed to the Earl of Durham, on this subject.

Your Lordship may depend upon my continued endeavours to restore the currency of this Province to a satisfactory condition.

I have, &c.

(Signed) GEO. ARTHUR.

THE LORD GLENELG,

&c. &c. &c.

(Copy.)

No. 21.

Government House,

Toronto, 28th September, 1838.

MY LORD,

WITH reference to my despatch to your Lordship of the 8th of August, (No. 14) containing copies of certain Acts of the Legislature of this Province, relative to the suspension of specie payments by the three chartered Banks, and of the correspondence which had taken place with those institutions, for the purpose of bringing about a speedy resumption—I have now

the honour to transmit to your Lordship, a letter from the Cashier of the Bank of Upper Canada, dated 18th August, accompanied with a statement explanatory of the causes by which that establishment was originally led to suspend cash payments, and are now induced to to desire that suspension to be prolonged.

As no further communications have been made to me by the two other Banks, since the date of my despatch above referred to, and as the Board of Directors of the Bank of Upper Canada have expressed their opinion, that it would not be prudent for the Banks to return to specie payments, under existing circumstances—I am led to infer, that there is but little probability of any change taking place in the course of business pursued by the Banks, before the next meeting of the Legislature, when the Act authorizing the suspension will expire,—unless, indeed, the Cashier of the Bank of Upper Canada, who is at present in New-York, should bring with him, on his return, such favourable information respecting the state of monetary affairs in the Atlantic cities of the United States, as would induce the Directors of that Bank to consider an earlier resumption in the Province both safe and practicable.

I should further invite the attention of your Lordship to that part of the accompanying statement having reference to the metallic currency of Upper and Lower Canada, and suggesting that it should be placed upon an equal footing in both Provinces, so as to obviate effectually the mutual inconvenience arising from the present inconvertibility of certain denominations of coins into a medium of inter-provincial exchange, in consequence of their local value being fixed at a higher rate than is warranted by the rates at which they are elsewhere current.

As the state of the currency in all parts of the Empire, is a subject which has engrossed much of the interest and attention of Her Majesty's Government, I have considered that it would not be unwelcome to your Lordship to receive these observations at the present juncture; and I beg to assure your Lordship of my entire readiness to co-operate in any measures which your Lordship may deem it expedient to adopt, with a view to facilitate a satisfactory adjustment of the relations of the two Provinces, in regard to their monied transactions.

I have the honour to be,

&c. &c. &c.

(Signed) GEO. ARTHUR.

The Right Honourable

THE EARL OF DURHAM,

&c. &c. &c.

(Copy.)

No. 29.

Upper Canada,  
Toronto, 15th February, 1839.

My LORD,

I HAVE perused with much attention, the observations contained in your Lordship's despatch of the 13th December last, (No. 182) on the subject of the Act passed by the Legislature of Upper Canada during their last session, respecting which Her Majesty's pleasure has not yet been signified, entitled, "An Act to repeal and amend part of an Act passed in the last session, entitled, 'An Act to authorize the chartered Banks in this Province to suspend the redemption of their notes in specie, under certain regulations, for a limited time, and for other purposes therein mentioned.'"

Your Lordship informs me, that this Act having been referred for the consideration of the Lords Commissioners of the Treasury, and the Lords of the Committee of the Privy Council for Trade, their Lordships had observed, that however circumstances might have existed in 1837, to render necessary the passing of the Act, there did not appear to them sufficient cause for its renewal in 1838, and still less for the removal of the restrictions that were imposed by it.

On reference to my despatches of the 8th August and 28th September, (Nos. 53 & 70) your Lordship will perceive, by my efforts to induce the Banks to resume specie payments, that I fully concurred in the opinion entertained by the Lords Commissioners of the Treasury, and the Lords of the Committee of Trade, as to the impropriety of legalizing a system of inconvertible paper money, and that I was equally sensible with their Lordships, of the necessity of the Banks reverting to their usual practice, so soon as they could safely do so.

The peculiar circumstances of the country, have hitherto acted as an inducement to the Banks to avail themselves, to the full extent, of the privilege granted to them by the Legislature, with which, your Lordship is aware, the Executive had not the power to interfere,—while the second suspension of the Bank in the Lower Province, from the pressure of events, has furnished an additional argument for the suspension in Upper Canada to be continued until now.

From present indications, it is my belief the Banks will not apply to the Legislature for a renewal of the Act granting them immunity, which will expire with the termination of the ensuing session. I am further of opinion, that should they set the imitative of resuming cash payments, their example would be speedily followed in Lower Canada; and your Lordship will readily appreciate the advantages to be derived from the banking institutions of the two Provinces acting, as much as possible, in concert, in a matter so important.

Your Lordship having fully explained to me the course which, under ordinary circumstances, Her Majesty's Government consider that it would be proper to adopt, with reference to this subject, and left me the discretionary power of not acting on your instructions, should the present position of affairs in Canada require its exercise, I shall be quite able, in the event of the question being again mooted, to decide upon it.

The provisions of the Act 1st Victoria, c. 4.—to which, at the request of the Lords Commissioners of the Treasury, your Lordship has especially directed my attention—shall receive from me every consideration; and I am too much impressed with the soundness of your Lordship's views, as to the indiscriminate extension of expiring laws, passed for special objects, not to be desirous of acting in strict accordance with them.

I have, &c.

(Signed)

GEO. ARTHUR.

THE LORD GLENELG,  
&c. &c. &c.

(Copy.)

No. 63.

*Upper Canada,*  
*Toronto, 15th March, 1839.*

MY LORD,

REFERRING to my despatch to your Lordship, of the 15th ultimo, (No. 29) relative to the question of the resumption of specie payments by the chartered Banks of the Province, I have the honour to transmit herewith, a copy of a communication on the same subject, which I addressed to the Governor-General a few days since; and wherein, in connection with it, I took occasion to advert to the anomalous state of the metallic currency of the two Provinces.

To the remarks contained in this enclosure, respecting the latter topic, I beg especially to invite your Lordship's attention; and I trust that they may prove to be in accordance with your Lordship's views.

I have, &c.

(Signed)

GEO. ARTHUR.

THE LORD GLENELG,  
&c. &c. &c.

(Copy.)

(No. 8)

*Government House,*  
*Toronto, 9th March, 1839.*

SIR,

Your Excellency having recently inquired whether the Banks of this Province evinced any inclination to resume cash payments in the month of May next, when, it is understood, the Banks in Lower Canada will be prepared for that desirable measure—I think it proper to request your Excellency's attention to despatches upon this subject, (Nos. 14 and 21) addressed, last summer, to the Earl of Durham, and to his Lordship's reply, contained in his despatch No. 11.

With my despatch No. 21, I transmitted an able paper by Mr. Ridout, the Cashier of the Bank of Upper Canada, dated 18th August, giving a clear statement of the grounds upon which the suspension of cash payments in this Province originally rested, and upon which it was found necessary that it should be continued for some time longer. Your Excellency will observe, that the Bank of Upper Canada, at the period when this letter was written, proposed that the resumption of the ordinary course of business, should only be deferred until the harvest had been secured. It however occurred, that on the arrival of that period, a new and formidable difficulty presented itself, in the suddenly increased hostility of the whole American frontier, and the consequent interruption of that secure and ready intercourse between Canada and the city of New-York, the great money-market of this continent, which is indispensable to the maintenance, in this country, of a paper currency convertible into specie at the pleasure of the holder.

Under these peculiar circumstances, I forebore to urge upon the Banks the propriety of their voluntarily relinquishing the privilege of suspending specie payments, conferred on them by the Act, until the close of the present Session; but on meeting the two Houses of the Legislature, a few days since, I took occasion in my Speech (of which I have already inclosed your Excellency a copy) to advert to the importance of an early resumption of cash payments, and expressed a hope that no difficulty would be found to interpose and prevent it.

On the day after the opening of the Session, the Bank of Upper Canada addressed to me a letter, of which I enclose a copy, bearing upon points intimately connected with the resumption of specie payments by the Banks of this Province, viz. the policy of continuing as a legal tender, at their original nominal value, certain depreciated French coins now current in Lower Canada, and the expediency of providing a new and convenient silver coinage for the use of Her Majesty's North American Provinces.

Without entering at present into the discussion of the latter question, which however is far from being unimportant, I am anxious to call your Excellency's attention to the propriety of abolishing the use of the depreciated French half-crown as a current coin in Lower Canada. The reasons on which this proceeding would be founded, are fully exhibited in Mr. Ridout's letters, and they appear to me conclusive. Thinking that they will also satisfy your Excellency's mind, I indulge a hope that you will deem the subject worthy the immediate consideration of the Special Council of Lower Canada, which I believe is still in Session. If, upon your Excellency's submitting the matter to the Special Council, it should be decided that the proposed reform of the circulating medium of Lower Canada is for good reasons inexpedient at the present time, I would then suggest to your Excellency, as a concession due to the interests of Upper Canada, that an Ordinance should be passed, declaring that the old depreciated French half-crown had ceased to be a legal tender when offered by the Banks of the Lower Province, in payment for their own notes, to the Banks of this Province. By a measure of this nature, a just and reasonable degree of protection would be afforded to the Banks of this Province; and I propose it to your Excellency, on a presumption that the Bank of Upper Canada has not over-rated the quantity of depreciated coin actually current in the Lower Province.

I feel particularly solicitous to bring this subject under your Excellency's earliest consideration, because it is my impression, that the course to be pursued by the Legislature of this Province, during its present Session, respecting the resumption of cash payments, will be shaped, to a certain degree, by the conclusion at which your Excellency's Special Council may arrive upon the question, whether depreciated silver coin shall continue to form a large portion of the currency of Lower Canada.

I would further invite your Excellency's attention to the equalization, in value, of British silver coin in the Upper and Lower Provinces, which forms one of the topics discussed by the Bank of Upper Canada, and is, in my opinion, much to be desired.

The greater current value of that description of coin in Upper Canada, under the authority of the Act passed in 1836, may certainly be objected to, on the ground of its inconveniently affecting the common interests of the trading community in both Provinces; but it is not clear that it has a very material affect as a protection to the Banks of this Province against the fair demands of the Banks of Lower Canada—for I understand, that of the large quantities of British silver imported into this Province within the last three years by the Banks of Upper Canada, exceeding I understand £150,000, a considerable portion has already been collected by the merchants of the Lower Province, and used with advantage for remitting, in the course of business, to England.

There are weighty objections to the enhancement in the nominal value of British coins to the extent sanctioned by the Act now in force in this Province; and I greatly doubt whether, under any circumstances, that Act should be renewed.

The measure best adapted to overcome the difficulties experienced in preserving a convenient metallic currency, seems to be the issue of a peculiar coinage, such as Mr. Ridout has suggested; and if the question of providing such a currency were favourably entertained, it would appear advisable, in proceeding with any measure in Lower Canada upon the subject, to allow the late Act regulating the current coin of this Province to expire, by virtue of its limitation, next year, and in the mean while to prepare for the due substitution of the better currency.

It is stated that Her Majesty's Government have under consideration the question of providing a gold, as well as a silver coinage, for Colonial circulation; and as your Excellency may have also directed the deliberations of your Special Council to that subject, I would suggest to your Excellency, whether, before the adoption of any other measure, it may not be expedient to recognize, by an Act in both Provinces, the exact American tariff on all the gold and silver coins current on this Continent, which was established by an Act of Congress in the year 1835.

For your Excellency's information, I enclose a copy of a Despatch from the Secretary of State for the Colonies, (No. 124,) relating to the Act of this Province for the regulation of its current coins.

I have, &c.

(Signed) GEO. ARTHUR.

His Excellency Lieutenant-General

SIR JOHN COLBORNE,

&c. &c. &c.

(Copy.)

*Bank of Upper Canada,  
Toronto, 28th February, 1839.*

SIR,

As the Act will shortly expire which authorizes the suspension of specie payments by the Banks of this Province, and as the Board of Directors of this Institution are desirous to ascertain, as early as possible, the views of Her Majesty's Government on this subject, I have been directed most respectfully to request that you will be pleased to inform me if any proceedings have been had on the Report which the Board had the honour to submit to His Excellency the Lieutenant-Governor, on the 18th of August last, more particularly on that part of it which relates to the abolishing of the French half Crown of Lower Canada,—a coin which is so utterly worthless in its intrinsic value, that it has been, for many years past, a bar to the freedom of exchanges between Upper and Lower Canada; serving in all times as a virtual suspension of specie payments on the part of the Banks of Montreal and Quebec, so far as respected the people or Banks of this Province—being strictly a loss on exchange of twenty-seven per cent., as the nominal value of the half Crown is 2s. 9d., whereas it is only worth 2s. in other parts of this Continent, and then only as bullion, not being recognised as a coin out of Lower Canada.

The Board are anxious to call His Excellency's attention to this point, as they have lately understood that the Banks of Lower Canada are provided with large sums of this kind of money, which is inconvertible in all other countries, and on which they may with impunity rest a resumption of specie payments, whilst, on the other hand, the Banks of this Province would be exposed to an unequal contest, and from the course of trade would, in a great measure, be compelled to furnish specie for the commercial transactions of both Provinces, in which case the notes of the Lower Canada Banks will again form a very considerable portion of the circulating medium of this country.

Under these circumstances, the Board pray that His Excellency will be pleased to take into his consideration the expediency of communicating with the Government of Lower Canada on the subject of the currency of both Provinces, and they trust that the result will be that the French half Crown will no longer be suffered to form the legal coin of any portion of

British America. The Board are more particularly led to hope for this conclusion, by advert-  
ing to that part of your letter of the 17th July last, in which you intimate that the state of the  
currency, in all parts of the Empire, is a matter in which Her Majesty's Government takes a  
peculiar interest. The Board are the more induced to hope for such a favourable determina-  
tion, from having observed that, within a few days, an ordinance has been passed at Montreal,  
to exclude from circulation all coins of copper of less value than their legal rate, as there can  
be no doubt that a remedy which has been so promptly applied by Government to the lesser  
evil, will not be delayed in removing the greater.

Referring also to that part of the report in which the Board suggested the issue of a  
specified silver coinage, for use of British America, I am further directed to request that you  
will be pleased to inform me if such a measure is in contemplation by Her Majesty's Govern-  
ment—as in that case, this Bank, in common with the other Banks of this Province, would  
solicit a share of the new coin, and would take immediate steps to order their Agents in  
London to purchase a large quantity, for shipment on the opening of the navigation, which  
would materially tend to render an early resumption of specie payments both easy and safe.

In order to provide further for equalizing the exchange between Upper and Lower  
Canada, the Board would beg leave to recommend, that the provisions of the Act of 1836,  
declaring the value, in this Province, of the gold and silver coins of Great Britain, be extended  
in like manner to Lower Canada.

I have, &c.

(Signed) THOMAS G. RIDOUT,  
*Cashier.*

The Honourable JOHN MACAULAY.

(Copy.)

*Government House,  
Montreal, 30th March, 1839.*

SIR,

IN reply to your Excellency's letter of the 9th instant, upon the subject of the resump-  
tion of cash payments by the banks, and adverting to the observations and report of Mr.  
Ridout—I have to acquaint you, that it appears, from the return of the number of French  
half-crowns in possession of the Banks of Lower Canada, a copy of which is annexed, and  
from the accompanying statement of the President of the Bank of Montreal, that the infor-  
mation conveyed to your Excellency by Mr. Ridout, is erroneous, in respect to the extent of  
the circulation of French half-crowns in Montreal, and to the amount in deposit at the Banks,  
and to their value in the United States.

The injurious effects of authorizing the continuance of the deteriorated coin alluded to  
by Mr. Ridout, cannot be denied, and it is highly desirable that these half-crowns should be  
driven out of circulation; but this can be only accomplished by passing an iniquitous and  
impolitic Ordinance, declaring their value reduced, or by redeeming them at a loss—a measure  
which, in consequence of the limited means of the Special Council, may create embar-  
rassment.

The evils, however, resulting from the present currency, are so objectionable, that a  
proposed ordinance for redeeming the French half-crowns, and to regulate the currency of  
this Province, has been for some time under the consideration of the Executive Council, and  
is now before the Special Council; and I hope that should no provision be speedily made  
by Her Majesty's Government, to establish a good silver coinage for the Colonies, that I shall  
be able to submit to the Special Council the measure suggested by your Excellency, that the  
foreign gold coins recognized by the American Congress in the year 1835, should be made  
a legal tender, by an Act in this Province.

I have the honour,

&c. &c.

(Signed) J. COLBORNE.

His Excellency Major-General

SIR GEORGE ARTHUR, K.C.H.

&c. &c. &c.

RETURN of the number of French Half-Crowns in possession of the Banks of Lower Canada.

	French Half-Crowns.	Currency.		
		£	s.	D.
Bank of Montreal .....	4,800	660	0	0
Branch of do. Quebec .....	16,316	2,243	9	0
City Bank of Montreal .....	26,752	3,678	8	0
Banque du Peuple.....	20,545	2,825	0	0
Quebec Bank.....	12,000	1,650	0	0
Bank B. N. America, Quebec.....	636	87	10	0
Bank B. N. America, Montreal.....	7,254	997	8	6
<b>TOTAL.....</b>	<b>\$ 88,303</b>	<b>£ 12,141</b>	<b>15</b>	<b>6</b>

Certified copy.

(Signed)

THOMAS LEIGH GOLDIE,

Civil Secretary.

(Copy.)

Bank of Montreal,  
Montreal, 22nd March, 1839.

WITH reference to the despatch of Sir George Arthur, (No. 8) dated 9th instant, on the subject of a resumption of specie payments by the chartered Banks of Upper Canada—the cause assigned by Mr. Ridout for the suspension on the part of the Bank of Upper Canada—his reasons why that suspension should be continued, and the necessity of assimilating the currency in both Provinces, as a means of facilitating a return to cash payments, so clearly set forth by His Excellency the Lieutenant-Governor of Upper Canada—

It is respectfully submitted—that the erroneous policy pursued by the Bank of Upper Canada, in not suspending specie payments in May, 1837, when that course was adopted generally by other chartered Banks, equally well prepared to meet their engagements, is illustrated by the fact, that when a resumption did take place, in June, 1838, as well in Lower Canada as in the United States, that Institution was, it is believed, the sole obstacle to a resumption by the other chartered Banks in Upper Canada; and so far from its having granted to the public *every indulgence*, it is notorious, that the positive refusal to afford the ordinary and usual accommodation, caused serious injury and embarrassment to the commercial community of the Upper Province, and produced great inconvenience to the Merchants of Lower Canada connected therewith.

This result is clearly observable, even from Mr. Ridout's own statement, wherein he shews the contraction of his issues—the increased specie balance in the vaults, and the decreased liabilities of the public to the Bank—undeniably evidencing a material diminution of the usual accommodation.

The attempt to cast upon the Commercial Bank the odium of a non-resumption of specie payments, in June, 1838, cannot be considered fair or just.

That Bank was, of necessity, compelled to follow in the wake of the Bank of Upper Canada—which possessed the advantage of all the Government deposits; but it was prepared to resume simultaneously with the Bank of Upper Canada, could the Directors of that Institution have been induced or forced to do so; and no reason existed, why a resumption should not have taken place in June, 1838, which was not equally cogent in Lower Canada when all the Banks did resume, though legally authorized to continue the suspension, and to which resumption the Commercial Bank had agreed to become a party provided the Bank of Upper Canada led the way or “shewed the example.”

A resumption having however been procrastinated in Upper Canada until a renewal of the political troubles last fall, more powerful reasons arose than any hitherto adduced in favor of a continued suspension; but these are now happily removed, and unless a war should actually take place between Great Britain and the United States, no valid argument can be urged against a general resumption, in both Provinces, on the first of June next.

But that resumption should be simultaneous and general, and cannot be evaded by the Banks of Upper Canada without inflicting a very serious injury upon the trade of Lower Canada.

The heavy balances due to the Bank of Upper Canada by its London and New York Agents, as lately exhibited by the return made to the Legislature, when compared with the liabilities of the Bank, incontestably prove that it cannot resume without cramping the trade or withdrawing its present comparatively small amount of accommodation from the public; as evidence of which it may be remarked, that when the Bank of Montreal did resume cash payments on the first of June last, it was not under the necessity of contracting its issues; on the contrary, it beneficially extended them, and it is prepared, as are, it is believed, all the chartered Banks in Lower Canada to resume, without urging the necessity of any curtailment in their discounts as a reason for postponing a return to a proper and legitimate course of business. It appears however, imperatively necessary that the Upper Canada Banks should be required to resume cash payments at the same time.

It is a matter of surprise that in adverting to the relative state of the currency in the two Provinces, so much stress should be laid by the Cashier of the Bank of Upper Canada upon an assumed protection afforded in Lower Canada to the Banks in their exchanges with those of Upper Canada, in consequence of the French half Crown being a legal tender, and it is certainly somewhat singular that so barefaced a departure from the fact should have been hazarded in an official statement, purporting to contain the truth, as to affirm or assert that the intrinsic value of the half Crown was only equal to thirty-eight or forty cents.

That the French Crown and half Crown are depreciated coins, is admitted on all hands, and no difference of opinion can, it is conceived, exist with respect to the propriety and justice of reducing their legal value to their intrinsic worth, or of abolishing their circulation altogether as a coin receivable in sale; but though some isolated instances may be found of a French half Crown so worn, as to be intrinsically not worth more than 1s. 10s. to 2s., so also may be found similar instances of the deterioration of the American half dollar.

At the United States mint, however, the Crown is still received at 109 cents, (not one per cent. discount,) and the half Crowns may be paid into the Banks at fifty cents, or two shillings and six-pence, currency; and if taken indiscriminately and weighed against American half dollars, the difference in weight upon two hundred pieces, will be found only equal to about 3s. 4d. currency, not quite one per cent. under the new half dollar; and when that difference is put against the superior purity of the metal, more than one and one half per cent. in favour of the French silver, it is very evident that prejudice and interest combined dictated the assertion.

Mr. Ridout, in his letter of the 28th February, says that it is understood "the Banks of Lower Canada are provided with large amounts of money inconvertible in all other countries, on which they may, with impunity, rest a resumption of specie payments." From what source such unfounded information was obtained, it is impossible to conjecture; but it is a fact, that when the Bank of Upper was urged to resume specie payments in the spring of 1838, he was distinctly informed that the Bank of Montreal possessed very few of that description of coin, and when subsequently it did resume, half Crowns were not tendered, in any amount, in redemption of its paper. In fact, with the exception of a few hundred received and paid away in the daily operations of the Bank, no transactions in deteriorated coins took place; and at the present moment there are not five thousand French half Crowns in the Bank: and it is believed that Your Excellency will find, by the returns which have been required from all the Banks in the Province, and the Receiver General, that the amount in their respective vaults of such description of coin, is comparatively trifling, and cannot shield them from any foreign demand upon them for any considerable sum. It is impossible to estimate correctly the amount of half Crowns which may be in the hands of the French population, but assuredly whatever it may be, it forms a very considerable portion of the circulating medium of the Province.

The poverty which unfortunately prevails throughout the Province, warrants the assumption that there cannot be over £100,000 in French half-crowns in the possession of the whole population, and this must be hoarded up—for it is rare, indeed, to receive any considerable amount in the course of business, in this description of money.

With reference, however, more particularly to the general state of the currency in Lower Canada, it is certainly desirable that the French deteriorated coins should be driven from circulation, and it would be politic and just that provision should be made (in the ordinance

which Your Excellency directed to be prepared some time ago, giving a new legal value to certain gold and silver coins, and which it is understood will soon be submitted to the consideration of the Special Council) for their gradual redemption by the Government, with a view to their being, within a limited time, abolished as a legal tender in tale. But should the finances of the Province not warrant at present the adoption of such a measure, which might involve a loss of 12 to £15,000, some are of opinion that it would be well to reduce their legal value to 2s. 6d., and let individuals sustain the loss, which would not be great, scattered over so great a surface, in like manner as the pistolen or shilling was reduced to 10d. some years since.

It is doubtful, however, if this could be deemed sound or just legislation, and as a choice of evils, until some comprehensive measure can be framed by the Imperial Parliament, establishing an uniform currency throughout the North American Colonies, it might be recommended to the Upper Canada Legislature, to restore the *legal* value of the half Crown to 2s. 9d., though from what has already been said, it is really not necessary to do so for the protection of the interests of the Banks of that Province.

It is stated, and very correctly so, by Sir George Arthur, in his despatch, that there are weighty objections to the enhancement of the nominal value of British coins to the extent sanctioned by the Act now in force in Upper Canada. These objections, it is presumed, have reference more especially to the shillings and sixpences, which are rated at 1s. 3d. and 7½d. currency, while the Crown and half Crown are rated at six shillings and three shillings respectively, and the Sovereign at twenty-four shillings and four-pence, a difference of nearly four per cent.

The inconvenience, however, of establishing a tale value, embracing fractional parts of a penny, in the value of the shillings and six-penny pieces, which are required principally for change, would be such as to overcome any desire to alter the present fixed legal rate of any of these coins; but a limitation should be made as in England, and as it is provided in Your Excellency's ordinance already alluded to, to the amount for which such coins shall be a legal tender.

Your Excellency's proposed ordinance, which will, if it become law, assimilate the legal value of British gold and silver coins in Lower Canada to their established legal value in Upper Canada, has wisely fixed upon the sum of five pounds as the maximum amount of small change which can be legally tendered in payment; and should a clause be added to the same measure, providing for reducing the legal value, or the redemption by the Government of the French deteriorated coin, and the limitation referred to be introduced by Legislative enactment in Upper Canada, the object pressed upon the attention of Your Excellency, by Sir George Arthur, will have been obtained, namely, that of assimilating the currency of the two Provinces, which ought unquestionable to stand in that and every other respect upon perfect terms of equality. Should Your Excellency, nevertheless, not think it expedient to exercise any legislative action upon the French deteriorated coins in the present circumstances of this Province; it ought, it is humbly conceived, to be recommended to the Lieutenant Governor of Upper Canada, to propose an amendment to the Act of 1836, limiting the amount for which small change shall be a legal tender.

Among other unfounded assertions, it would appear to have been represented to Sir George Arthur, that the present discrepancy between the established legal rates of British silver coins, in the two Provinces, affords little or no protection, and does not act as a shield to the Banks of the Upper Province, and that large amounts of British silver have been withdrawn by the merchants of Lower Canada, and advantageously used as a remittance to Britain.

Particular enquiry has been made, and no instance of any such negotiations can be discovered. When the rate of exchange on London, rated so high as from 18 to 20 per cent. premium, during the suspension of the American Banks, and during the absurd and ridiculous endeavours of the Bank of Upper Canada to sustain cash payments; to the manifest and direct injury and prejudice of the best interests of that Province, there can be little doubt but British silver, even at 12½ per cent. premium, was drawn and remitted by brokers and money-changers from New York and its borders, and even by individuals at Toronto; but that drafts were made upon the Banks of Upper Canada by those of Lower Canada, and advantageously remitted or negotiated, has been made with a view rather of making out a case than as establishing a fact, or a sound argument, and it must be notorious that since

the resumption of specie payments in the United States, the rate of exchange has been such in New York and in Lower Canada, as to prevent any abstraction of British coins from the Upper Province, especially of the lesser denominations.

That the Bank of Upper Canada, immediately prior to, and subsequent to its suspension, speculated largely in the debentures of the Province, is a well-known fact; but these debentures were purchased at par, and sold at large premiums by that Bank, in New-York, and remitted to London and drawn against. Having derived large profits from these negotiations, it cannot surely *now* be sufficient to urge the loss which may accrue to the Bank, or the inconvenience of holding £80,000 of unsaleable and unredeemed Debentures, as a successful argument against so necessary and so desirable a measure as a return to cash payments, especially as it may be fairly presumed, that a large proportion of the apparent surplus profits of the Bank has arisen from these investments. Nor should such a reason, it is thought, have any weight with the Executive Government of Upper Canada, should an Act of the Legislature continuing the suspension be presented for its sanction.

Indeed nothing but a return of the border difficulties, or a national war with the United States can justify a longer suspension by the Banks of either Province than the first of June next.

Though the Commissary General has, it is understood, brought the subject of a Colonial coinage under the consideration of the Lords of the Treasury, it is not expected that an early decision on this matter will be come to by their Lordships; and in the meantime it would certainly be desirable that the suggestion of Sir George Arthur should be adopted, namely, to enact a law in both Provinces that all the foreign gold coin, recognized by the American Congress in the year 1834, be made a legal tender by weight at the following weights, viz:

- For Portugal gold, 94s. 10d. currency per ounce, being the same standard as British gold.
- “ French gold, 93s. 2d. currency, per ounce.
- “ Spanish gold, 89s. 11d. currency, per ounce.

Until such time as a colonial coinage, as recommended by the Commissary General, shall have been established, or that the British Imperial coinage, in all its subdivisions, shall be introduced into and made the sole legal circulating medium of the Province, and the pound sterling made the money of account instead of Halifax currency,

## DOCUMENTS,

### SENT DOWN BY MESSAGE

FROM HIS EXCELLENCY THE LIEUTENANT-GOVERNOR,

ON THE SUBJECT OF THE

## PRISONERS TAKEN AT THE SHORT HILLS,

NIAGARA DISTRICT.

GEO. ARTHUR.

In compliance with the address of the Commons of Upper Canada, dated on the 12th of this month, the Lieutenant-Governor now transmits to them copies of the Correspondence between the Earl of Durham and himself, on the subject of the Prisoners taken at the Short Hills.

*Government House,*  
18th April, 1839.

## SCHEDULE

*Of Correspondence, between the EARL OF DURHAM and SIR GEORGE ARTHUR, respecting the disposal of the Short Hills Prisoners.*

- 1.—Lord Durham to Sir George Arthur, No. 7, dated 16th August.
- 2.—Sir George Arthur to Lord Durham, dated Cornwall, 20th August, 1838, (separate.)
- 3.—Lord Durham to Sir George Arthur, No. 8, of the 21st August.
- 4.—Lord Durham to Sir George Arthur, No. 9, of the 24th August.
- 5.—Sir George Arthur to Lord Durham, No. 17, of the 29th August, enclosing Minute of the Executive Council, of the 27th and 29th August.
- 6.—Sir George Arthur to Lord Durham, No. 18, dated 31st August.
- 7.—Sir George Arthur to Lord Durham, No. 20, of the 27th September, 1838.
- 8.—Lord Durham to Sir George Arthur, No. 10, of the 18th September, 1838.
- 9.—Sir George Arthur to Lord Durham, No. 22, of the 29th September.
- 10.—Lord Durham to Sir George Arthur, No. 12, of the 9th October, 1838.

## No. 1.

EARL OF DURHAM TO SIR G. ARTHUR, ON SHORT HILLS PRISONERS.

(Copy.)

No. 7.

*Castle of St. Lewis,  
Quebec, 16th August, 1838.*

SIR,

I HAVE been applied to by members of the family of Samuel Chandler, and Benjamin Waite, now under sentence of death in Upper Canada, for high treason, or under the late Act against Foreigners, for an extension of the Royal Mercy to those persons, and for the grant to them of Her Majesty's pardon.

I am unwilling to interfere with the course, which, in Your Excellency's opinion might seem the most advisable, and I feel that without full information and report of the circumstances, I have no means of forming an accurate judgment whether any person convicted of treason, by a competent court, is, or is not, a fit object of the Royal clemency, or the extent to which it might be proper to grant it. But on a careful and attentive perusal of my commissions and instructions, it appears evident that I am called upon to exercise my judgment as Governor General of British North America, and Her Majesty's High Commissioner in all cases arising out of the recent insurrection in the two Provinces.

You are in possession of a copy of Lord Glenelg's Despatch addressed to me on the 3rd of April last, No. 8, in pursuance of which I opened my commission of Governor General and High Commissioner, as well as that of Governor-in-Chief of Lower Canada, on my arrival here. It is therefore unnecessary to do more than refer Your Excellency, in general terms, to the tenor of that despatch; but I am not aware whether Your Excellency is in possession of any copy of Lord Glenelg's despatch to me of the 21st of April, 1838, No. 21, chiefly upon the subject of the revolt in both the Canadas, it is therefore as well that I should state to Your Excellency some of the passages in that despatch.

Lord Glenelg observes, "the late revolt in the Canadas has been followed by the arrest and imprisonment of a very considerable number of persons, both in the Lower and Upper Province. In regard to Upper Canada, I have not even to this time been informed of the course contemplated by the local authorities for bringing such prisoners to trial." After giving various instructions as to Lower Canada, His Lordship proceeds:—"From the very commencement of the late disturbances, it has been, as Your Lordship is aware, the earnest desire of the Government that the utmost lenity, compatible with public safety, should be exercised towards the insurgents. This is the principle inculcated in my various despatches to the authorities in Lower and Upper Canada. The course of events, and the circumstances in which we may venture to assume you will find the Provinces, will supply, as it appears to us, new facilities, as well as fresh inducements to the carrying of this principle into effect." "In order to enable you to act with promptitude in this respect, you are relieved from the

restriction by which your predecessors were prevented, in the case of treason, from giving an absolute pardon, or granting more than a respite till the Royal pleasure should be known. In your Commission that restriction is omitted."

In consequence of these instructions, I have to request that your Excellency will forward to me a full report of the cases of all the prisoners, with the Judges' report upon them; and that your Excellency will also favour me with your own views upon each particular case, and a statement, as far as in your power, of the previous character and conduct of each of the prisoners, and any recommendation to mercy which the Juries who have tried them may have given.

I have the honour to be,

SIR,

Your Excellency's most obedient,

Humble Servant,

(Signed) DURHAM.

To His Excellency

Major-General SIR GEORGE ARTHUR, K. C. H.

&c. &c. &c.

Toronto.

No. 2.

SIR GEORGE ARTHUR TO THE EARL OF DURHAM, ON SHORT HILL PRISONERS.

(Copy.)

(Separate.)

Cornwall, 20th August, 1838.

MY LORD,

I have the honour to acknowledge the receipt, whilst on a tour of inspection through the Eastern Districts of this Province, of your Lordship's despatch, No. 7, of the 16th instant, framed upon an appeal which has been made to your Lordship by the members of the family of Samuel Chandler and Benjamin Waite.

The measure which your Lordship has considered yourself called upon to adopt, in consequence of this appeal—that of depriving the Officer administering the Government of Upper Canada, of the powers expressly vested in him by the Royal Commission, is so important in its nature, and in its inevitable effects, that I must beg your Lordship will excuse my delaying to reply to it at any length, until my return to Toronto on Monday next.

In the mean time, I beg at once to inform your Lordship of the course it had been, after long and most anxious deliberation in the Executive Council, my determination to pursue towards all the prisoners convicted in the affair on the Niagara frontier.

Moreau, the leader of the expedition, who was an American, has been executed. If any distinction could be made, when all the cases were reported, the worst offender being a subject of Her Majesty, was also to suffer capitally,—the remainder were to be pardoned, on condition of transportation, or some other secondary punishment.

The cases of Waite and Chandler, are very aggravated; but before I left Toronto, I directed their sentences to be respited.

That your Lordship has misapprehended the intention of the instruction of the Secretary of State, which you have quoted, I think may be deduced from the whole tenor of Lord Glenelg's correspondence with me respecting the cases of the persons convicted of treason—and more especially, from a despatch which I have very recently received, dated the 18th ultimo, (July) in which his Lordship conveys to me the gratifying assurance, that Her Majesty's Government entirely coincides in the measures I have adopted, and the views I have expressed myself to entertain in this important matter, and directly refers me to the powers of pardoning for treason, vested in the Officer administering the Government under your Lordship's Commission as Governor-in-Chief.

I have, &c.

(Signed) GEO. ARTHUR.

The Right Honourable

THE EARL OF DURHAM.

No. 3.

**EARL OF DURHAM TO SIR GEORGE ARTHUR.**

No. 8.

*Montreal, August 21st, 1838.*

SIR,

I HAD the honour of receiving here, yesterday, your Excellency's communication of the 20th instant, to which I defer replying, as I am on the point of setting out for Quebec. In the mean time, I enclose your Excellency the copy of a despatch which I have received from the Secretary of State.

I have the honour to be,

SIR,

Your Excellency's most obedient,  
Humble Servant,

(Signed) DURHAM.

His Excellency Major-General

SIR GEORGE ARTHUR, K.C.H.

&c. &c. &c.

No. 68.

*Downing Street,  
14th July, 1838.*

MY LORD,

I HAVE recently had under my consideration various despatches from Sir George Arthur, relative to the disposal of the individuals implicated in the late rebellion in Upper Canada. The general views which Sir George Arthur has adopted in this matter, have met the approval of Her Majesty's Government; but, as it is important that in carrying those views into effect, he should act in concert with your Lordship, I have directed him to transmit to you copies of the correspondence which has passed between himself and Her Majesty's Government.

I have the honour to be,

MY LORD,

Your Lordship's most obedient,  
Humble Servant,

(Signed) GLENELG.

THE EARL OF DURHAM,

&c. &c. &c.

No. 4.

**EARL OF DURHAM TO SIR GEORGE ARTHUR.**

No. 9.

*Castle of St. Lewis,  
Quebec, August 24th, 1838.*

SIR,

IN referring again to your Excellency's Despatch of the 20th instant, I cannot but notice, with very sincere regret, some indications of an absence of that spirit of perfect and cordial co-operation which I have hitherto found, and expected to continue to find, in our communications.

I neither intended, nor was I able, to "deprive your Excellency of the powers expressly vested in you by the Royal Commission." My purpose was simply to exercise that superintending authority, as Governor-General, which is vested in me by my Commissions, and my

Instructions, in terms too clear to admit of discretion or doubt. Nor could I, without, in my own judgment, a direliction of duty, abstain from exercising it in a matter which not only belongs to that class of "more considerable questions," on which I am required to "maintain uniformity of principle in the administration of the different North American Governments," but which has been specifically referred to me in repeated despatches. I cannot agree with your Excellency, in supposing that I could have misapprehended the many passages quoted in my despatch of the 16th instant, or that I could have erred in inferring from the whole tenor of Lord Glenelg's correspondence with me, that the disposal of the political prisoners in Upper, as well as in Lower Canada, was a matter especially committed to my controul. Nor do I think it possible for me to err, in concluding from Lord Glenelg's despatch of July 14th, of which I had the honour of transmitting your Excellency a copy on the 21st instant, that his Lordship's intentions and directions must have been, that you should take no step with regard to the persons implicated in the late rebellion in Upper Canada, without communicating and making sure that you were acting in concert with me.

I am aware of the power of pardoning for treason possessed by you in virtue of that clause in my Commission which devolves on you during my absence all the powers therein entrusted to me, and which consequently invests you with powers of pardon never hitherto committed to the Governors of these Provinces. But I know of nothing which exempts this delegated authority from the general subordination to instructions from the Governor-General.

Your Excellency's explanation of the policy which you had determined on adopting with regard to the prisoners convicted at Niagara, does not immediately strike me as indicating a course so obviously correct that I can dispense with the information which I had required in my despatch of the 16th instant. I cannot quite admit the propriety of selecting some one subject of Her Majesty to share the fate of Moreau, the leader of the expedition, who happened to be a citizen of the United States. The fate of Her Majesty's subjects should be determined on a view of their own conduct, and of the circumstances which have led the Juries to accompany their verdict of "guilty," in every instance, with a recommendation to mercy. I must, therefore, repeat my request for the reports, statements and information, which I previously desired your Excellency to transmit to me, taking it for granted that you will, as a necessary consequence, respite all the prisoners until I shall have had time to make the inquiries which I propose.

I have the honour to be, &c.

(Signed) DURHAM.

To His Excellency Major General

SIR GEORGE ARTHUR,

&c. &c. &c.

**SIR GEORGE ARTHUR TO THE EARL OF DURHAM.**

(Copy.)

No. 17.

GOVERNMENT HOUSE,  
Toronto, 29th August, 1838.

MY LORD,

In my communication of the 20th instant, marked "separate," I had the honour to acknowledge your Lordship's despatch, No. 7, of the 16th instant.

On considering that despatch, my impression was, that the power of extending the Royal clemency to a convict, of whatever offence proved to have been guilty, was distinctly vested in the Officer actually administering the Government, and it seemed to me that your Lordship's assuming that power, whilst your Lordship was absent from the Province, was virtually depriving Upper Canada of her Government, and that it would have the tendency of weakening, materially, the Executive authority in the Province, which, in times like the present, and particularly with reference to the crime of treason, would be full of danger. Moreover, I contemplated the possibility of a difference of opinion in any particular case, either in favour of mercy or otherwise, which could not fail to produce great embarrassment, and even painful consequences.

These considerations, together with a reference to what must be expected to be the feeling of the Legislative bodies with whom I have to act, and who would not fail to inquire, with great strictness, into any innovation upon the Constitution of the Province, and most particularly in respect to the administration of Justice, induced me, whilst I informed your Lordship that the sentence of death upon the convicts Chandler and Waite, (the representation of whose cases had apparently been the occasion on which your Lordship thought it necessary to communicate with me,) had been ordered to be respited before I left Toronto—to request your Lordship would excuse my delaying to reply to your Lordship's despatch until my return.

I took the liberty of remarking what would be the effect of your Lordship's interposition in this matter,—that it would appear to deprive the Officer administering the Government of Upper Canada of a most important power, expressly given under the Royal Commission, and submitted to your Lordship, that from the whole tenor of the correspondence of Her Majesty's Secretary of State with me, I was under the impression that your Lordship had misapprehended those parts of Lord Glenelg's instructions to which my attention was called by your Lordship, in which I was the more confirmed by remarking in the very passage of Lord Glenelg's despatch, which your Lordship quoted, that whilst your Lordship was enjoined to pursue a certain line of policy, the Secretary of State observed that the same course had been pointed out to the authorities in Upper Canada.

In addressing my "separate" despatch to your Lordship, I confess I felt also that, to a certain extent, your Lordship was practically (though I was sure unintentionally) encouraging complaints and endless appeals from this Province; and it occurred to me that it was possible, upon a full re-consideration of the subject, your Lordship might not continue to be under the impression that you were obliged to interpose your decision, "in particular cases," and I entertained the hope that your Lordship might be induced to withdraw the instruction which I thought it possible had been induced by feelings of kindness and humanity towards the petitioners, without fully estimating the want of confidence it implied—the power it suspended, and the prejudice it worked, in taking from the Officer administering the Government the uncontrolled exercise of the prerogative of mercy, which is of particular importance at this moment.

The receipt, on my return to Toronto, on Saturday the 25th instant, of your Lordship's Despatch, No. 8, of the 21st instant, dissipated this expectation; and, therefore, early on Monday the 27th instant, I convened the Executive Council, to take into consideration the Report of Mr. Justice Jones on the prisoners who had been tried at Niagara, and, at the same time, I laid on the Council table your Lordship's Despatches, Nos. 7 and 8, of the 16th and 21st August.

After considering the cases of all the convicts reported, and discussing the whole subjects at great length, the members agreed upon the advice which they thought it their duty to give, and the Council adjourned until this day, and then gave the opinion and advice embodied in the accompanying minute, (27th and 29th August, 1838.)

Your Lordship will perceive that, after considering the advice given, I directed that the sentences passed upon all the prisoners should be respited until the 1st of October, which will afford your Lordship time to consider their cases. The Report of Mr. Justice Jones, and the Petitions in favour of the prisoners, with such other information as is before the Council in these cases, which are the most pressing for decision, has been directed to be prepared to accompany this Despatch; and, as some of the papers are original and important documents, your Lordship will, I hope, excuse my having detained your messenger to be the bearer of them.

Upon the cases of the prisoners implicated in the original revolt, who have not been unconditionally pardoned, I would beg to remark, that, on reporting them to Her Majesty's Government, I suggested that it should be left in the power of this Government to exercise their discretion, so that up to the last moment of the convicts remaining in this Province, a mitigation of sentence might be extended. This suggestion was necessary, because, at that time, I was not acting under your Lordship's Commission, which enables the Officer administering the Government, in your Lordship's absence, to pardon even in cases of treason;—and secondly—because the Act of the Provincial Legislature, which has received the Royal approval, authorized the Lieutenant-Governor to extend mercy to petitioning prisoners *only*, with the advice of the Executive Council; and the members (whose anxiety and desire to do

what they considered was their duty, in justice towards the country, and in mercy towards the prisoners, I cannot too highly commend) could not at that time bring themselves to advise, with reference to the safety and tranquillity of the Province, any further extension of clemency.

Notwithstanding the terms of the Provincial Act to which I have alluded, I have no doubt the Officer administering the Government might extend pardon independently of the Council, but when it is considered that they are all gentlemen of great experience in the Canadas, and are extensively informed as to its political relations, I have considered it prudent that my proceedings should, if possible, be, in every important particular, supported by their unanimous advice.

In my despatches of the 18th and 27th June, (Nos. 3 and 5,) I stated to your Lordship what my views and intentions were, respecting an extension of mercy to a great number of prisoners. Continuing to entertain the same sentiments, I have endeavoured gradually to reconcile the public mind to that view of the subject, and where applications for pardon have been made to me, I have generally suggested, that, in order to warrant the Government in extending its clemency, it would be desirable to procure the interposition of respectable and loyal persons in their behalf.

On the receipt, therefore, of Lord Glenelg's despatch, (No. 111,) of the 12th July last, I intimated to the Executive Council my desire again to go through all the cases of the prisoners under sentence, and requested their attention to the subject during my absence on a tour of inspection; and whilst I was recently at Kingston, I visited all the prisoners in the Fort, and in the Gaol of that town; and, indeed, in the Gaols generally in the Eastern Districts; and afforded each one of them an opportunity of bringing forward any additional favourable features in his case, with the view of fully preparing myself to carry into effect, to the utmost, the wishes of Her Majesty's Government, so far as it can be done with safety, and without giving occasion for strong remonstrances or dissatisfaction in the Province.

I have not yet gone through the list of names which have, in consequence, been under consideration in the Executive Council—and, although I think it proper to allude to the circumstance, I take it for granted that your Lordship does not desire to restrain my powers of action in this proceeding, upon which Her Majesty's Secretary of State has conveyed to me distinct authority.

Your Lordship is already in possession of my despatches of the 30th May, and 7th June, to the Secretary of State, a copy of His Lordship's answer to them I have the honour to enclose, (No. 111, 12th July, 1838,) and I would simply observe upon it, that, even if it be possible that I am mistaken in the opinion I have formed, that it never was intended to take out of the hands of this Government the decision of such cases as those of Waite and Chandler, yet your Lordship will, I am sure, be disposed to admit that the view I entertain, and have expressed in my despatch, marked "separate," might well be drawn from the Secretary of State's reasoning and instructions.

I have the honour,

&c. &c. &c.

(Signed) GEO. ARTHUR.

THE EARL OF DURHAM,

&c. &c. &c.

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LORD GLENELG TO SIR GEORGE ARTHUR.

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(Copy.)

No. 111.

Downing Street,

12th July, 1838.

SIR,

I have received your despatches of the 30th May, (No. 22,) and of the 7th June, (No. 26,) on the subject of the trials of the persons implicated in the late rebellion in Upper Canada, and of the manner in which they should be disposed of. The second of these despatches reached me after I had prepared an answer to the first, and happily relieves me from the

necessity of entering into the prolonged discussion to which that answer was devoted. It is very gratifying to me to find that the conclusion to which I was led by the examination of the voluminous documents accompanying your despatch of the 30th of May, that the number of persons to undergo punishment might be materially lessened, is confirmed by the result of your mature deliberations on the whole question, as reported in your despatch of the 7th of June. The receipt of this despatch has left me hardly any other duty to perform on this occasion, than that of expressing the concurrence of Her Majesty's Government in your opinion, and their adoption of your advice.

In the first place, you will perceive, on referring to the Earl of Durham's Commission, which, during his Lordship's absence from Upper Canada, you are authorised to execute, that the Royal prerogative of mercy is delegated to you, without the exceptions formerly made of the cases of murder and high treason. It is, therefore, in your power either to grant pardons in particular cases, or even to declare a general amnesty. But in any measure of the latter description, it would be obviously very inconvenient that a different principle should be observed in Lower and in Upper Canada. This is consequently one of the subjects on which it is fit that you should act in concert with the Earl of Durham. It would be unnecessary to trouble his Lordship upon any particular case in which no general policy was involved.

I concur in your views as to the inexpediency of merely banishing from the Province British subjects, who have their settled place of abode there. The probable consequence would be that which you anticipate, that is, the increase on the border of a body of men, whose hostility to the British Government would be exasperated by the desire to regain their homes, and whose efforts for its subversion would be more active and dangerous than before.

I am also of your opinion, that banishment may be a very proper mode of disposing of strangers who have invaded the Province, and against whom it may not be necessary to proceed with greater severity. The pardon of such offenders would, of course, be granted on the condition that the judgment or proceedings against them should only be stayed so long as they should not be found again within Her Majesty's dominions in North America.

You have, as it appears to me, correctly distinguished between political offences in which a large number of persons have been engaged, and crimes of ordinary occurrence—such as robbery, or individual acts of violence and outrage. Whatever indulgence it may be just or politic to shew towards the former, there can be no sufficient reason for exempting thieves, robbers or incendiaries, whose aim was plunder, from the penalties due to their offences.—The imprisonment of these persons, with hard labour in the Penitentiary, would, therefore, appear the most judicious course of proceeding. But the grounds of the distinction should be most clearly made known to the public.

There remains the class of prisoners ordered for transportation. It is a great relief to find from your despatch of the 7th June, that there is no danger of any material difference between your judgment and that of Her Majesty's Government on this part of the general question. I adopt your opinion, that in the present instance the good of society will be best consulted by subjecting a few to such penalties as may "mark the sense entertained by Government of the heinousness of the offence, and by mercy and complete indemnity towards all others."

You have pointed out, with great clearness, the obstacles which prevented the application of this general principle to the cases of the numerous prisoners mentioned in your despatch of the 30th of May.

It is vain, as you observe, to "seek for mere shadows of distinction" between different cases, or "where the punishment of a few will answer the hands of justice, to punish many because all are equally guilty." If subtle distinctions were allowed to guide the decision of the Government, or if, without discrimination, the sentence of transportation were carried into effect against all the prisoners who have been selected for that mode of punishment, it would be impossible to escape the imputation of caprice and favour on the one hand, or of undue severity on the other.

I am, therefore, glad to learn that you anticipate the early arrival of a time, when mercy may be extended to many of these without risk of remonstrance or discontent. The gradual

development of favourable circumstances in some of these cases, and the constant sympathy towards some of the prisoners which you report, confirm the expediency of a considerable reduction in the number of the persons marked for transportation.

I agree in your opinion that this reduction should, in appearance as well as in reality, originate rather with the Provincial than with the Home Government.

I have, therefore, to convey to you the authority you require, to relieve from the sentence of transportation, and from the inferior penalties of banishment, imprisonment or confiscation, any persons whom you may think worthy of that indulgence. This you will do as you propose, not as reversing wrong judgments, but as acting upon information which the Executive Council did not possess, and upon views to which the legal tribunals could not advert. It would, however, be a reasonable condition, to attach to such remission that the parties should find securities, at least for a time, for their future good conduct.

You will convey to the Executive Council the expression of Her Majesty's gracious approbation and acknowledgement of the diligence with which they have investigated these cases, and of the spirit by which they appear to have been guided.

As it is necessary that the Earl of Durham should be apprised of what is passing on this subject, you will have the goodness to transmit to him copies of this correspondence.

I have, &c.

(Signed) GLENELG.

Major-General SIR GEORGE ARTHUR,  
 &c. &c. &c.

No. 6.

SIR GEORGE ARTHUR TO THE EARL OF DURHAM.

(Copy.)

(No. 18)

Government House,  
 Toronto, 31st August, 1838.

MY LORD,

I HAD the honour to receive, in the afternoon of the 30th instant, your Lordship's despatch No. 9, of the 24th instant.

It gives me much concern—I can truly say, the deepest concern—to find that your Lordship should have formed the opinion, that my despatch of the 20th instant, indicates an absence of that spirit of perfect and cordial co-operation which your Lordship had hitherto found, (and most justly) expected to find in our communications.

A spirit of an entirely opposite nature, I can assure your Lordship, influenced me in that communication to you. I have felt strongly the importance of a judicious and consistent disposal of the cases of all the prisoners concerned in acts of treason against Her Majesty's authority in this Province, or in attacks made upon it in connection with American citizens, with a due regard to the extreme sufferings, and consequent excited feelings, of the Queen's loyal subjects in the Province, who naturally enough have felt highly exasperated against the authors of their calamities;—this, therefore, has been a duty to which I have devoted days and nights of the most anxious solicitude and labour, during the last five months.

The difficult task has been, to oppose a stern countenance to the crime of treason, which brings such calamitous consequences upon large numbers of the community—to put down marauding parties, who were committing murders and robberies, on the plea of a patriotic enterprize—to distinguish between the comparative degrees of guilt in the criminals, and to extend mercy without doing absolute violence to a just administration of the laws, and thereby rousing the indignant feelings of the loyal inhabitants, on whom the security of this Province, and its connection with Great Britain must ever mainly depend.

On the successful issue of my measures in this arduous undertaking, I have considered that the future peace, welfare, and good government of this Province, greatly depended: for I have no hesitation in saying, that if the crime of treason had been lightly passed over—if the Executive authorities had suddenly and extensively granted pardons—if an Act of general amnesty had been untimely resorted to, the feelings of alarm and dissatisfaction

would have been so strong, and so general throughout the Province, that the great object of restoring tranquillity to the public mind, would have been entirely defeated, and clemency, instead of a healing, would have produced an exasperating effect.

My course has therefore been, an undeviating endeavour gradually to bring over the public mind to regard with some complacency the lenient dealings which Her Majesty's Government have anxiously desired should be pursued towards persons convicted of treason; and although great difficulties of a legal nature have laid in my way, which the Provincial Government never expected to encounter, I have reason to believe that my efforts have not been altogether unsuccessful.

In almost the very last stage of these anxious proceedings, I must confess I was surprised and disappointed, that, on the application of the families of two of the most active and hardened of the traitors who had encouraged and led a band of ruffians into this Province, and secreted themselves in their own neighbourhood, with the view of again raising the standard of rebellion in Upper Canada—your Lordship should have felt it to be necessary to interpose your authority in their behalf, and to stay the ordinary course of the Executive Government, under circumstances that must necessarily create a very great sensation, while they were proceeding according to law, and under the Royal Commission.

I felt it to be a duty to call your Lordship's attention to some of the consequences of this unexpected instruction, which, I thought, possibly, might not have been fully weighed; but I can assure your Lordship, that nothing could be farther from my mind, than to evince the least want of cordial feeling, or of that respectful deference which is due to your Lordship.

I have not, my Lord, doubted for a moment, that—whether a general amnesty should be proclaimed—whether any considerable number of traitors should be transported—or whether capital punishment should be carried into effect against many criminals—and in what manner the American citizens in custody should be disposed of, were all important considerations which fell, unquestionably, within the range of the high and important duties which devolve upon your Lordship; and entertaining this view very strongly, I took an early opportunity of transmitting to your Lordship copies of my despatches to Her Majesty's Secretary of State, detailing all the information within my power to convey to you, respecting the proceedings arising out of the revolt in December last, and especially on the occasion of the aggravated wickedness of the parties concerned in the treason, murder and robberies, on the Niagara and Western frontiers. I conveyed to your Lordship the fullest particulars, and solicited your Lordship's counsel and advice; at the same time, I submitted to your Lordship the course of proceedings which appeared to me to be proper, and the extent of punishment which I thought was necessary, to put a stop to those acts of atrocity.

At the time I addressed your Lordship, it was supposed that there were about forty persons captured, subjects of Her Majesty, and citizens of America, who had taken a prominent part in the renewed attempt at invasion and rebellion in the Niagara and Western frontiers—of these it was my opinion that two should suffer capitally at Niagara, and two in the Western District, and that the rest should be directly transported to a penal Colony, except in individual cases, where favourable circumstances were discerned.

Your Lordship, in acknowledging this communication, deferred any expression of your sentiments until the personal interview which shortly afterwards took place; and I can call to recollection no point on which your Lordship expressed the slightest difference of opinion with me, except that your Lordship thought the offenders should have been more promptly and summarily brought to justice—an observation which your Lordship repeated to the Solicitor General at the very time that officer was engaged in the prosecution of Morreau and others at Niagara.

If then, it really were as your Lordship supposes, from the following observation in your despatch—"nor do I think it possible for me to err in concluding, from Lord Glenelg's despatch of July 14th, of which I had the honour of transmitting your Excellency a copy on the 21st instant, that his Lordship's intentions, and even directions, must have been that you should take no step, with regard to the persons implicated in the late rebellion in Upper Canada, without communicating and making sure that you were acting in concert with me;" my answer is, I have made the most ample communications to your Lordship, and that although they were not replied to in writing, I felt as assured as I could possibly be of any thing, that I was acting in concert with you, so far as I could discover your Lordship's sentiments from your answers to addresses, from your public declarations, and from the personal communications with which you honoured me.

The Secretary of State's Despatch, No. 111, however, of which a copy is enclosed in my communication to your Lordship of 29th instant, conveys no such an instruction to me as your Lordship imagines; but on the contrary, it was what I had done, and what I had decided upon doing, that Lord Glenelg thought it necessary your Lordship should be apprized of—and not knowing that I had already furnished your Lordship with copies of my Despatches, he desired me to do so.

The question of a General Amnesty is one in which my acting in concert with your Lordship is mentioned as being desirable; but particular cases are stated to be subjects on which I need not trouble your Lordship.

This is of serious importance, as regards the case of Morreau: for fully impressed as I was, and still am, that I was acting lawfully and rightly, and in unison with your Lordship's views, I never should have forgiven myself if I had suffered that execution to take place, without particular reference to your Lordship, had such a course been enjoined on me by Her Majesty's Government.

I did myself the honour to address your Lordship very fully the day before yesterday, in answer to your Despatch, No 7. Your Lordship, after having in that Despatch adverted to the application which had been made by the family of "Chandler" and "Waite," for an extension of mercy, and for the grant of a pardon, observes—"I have no means of forming an accurate judgment whether any person convicted of Treason is, or is not, a fit object of Royal clemency, or the extent to which it might be proper to grant it"; and, "on a careful and attentive perusal of my Commission and Instructions, it appears evident, that I am to exercise my judgment as Governor-General, and Her Majesty's Commissioner, in all cases arising out of the recent insurrection in the two Provinces." Your Lordship proceeds to desire, that the Judges' Reports, with every other particular, together with the Lieutenant-Governor's views, may be forwarded to your Lordship. From this I certainly understood, that it was your Lordship's intention to decide upon the case yourself, and in the same light the Council understood it, after a very deliberate consideration of your Lordship's Despatch.

I confess, your Lordship's Despatch, No. 9, does not now, to my mind, place the matter in a different light: for whether your Lordship issues your own warrant for the execution or pardon of a particular criminal—or be pleased to instruct me in each particular case to let the law take its course, or to pardon, the result is just the same—in either case, it is your Lordship's decision, and not the decision of the Officer administering this Government.

The powers of pardon, your Lordship observes, you are aware are possessed by the Officer administering the Government in your Lordship's absence, in virtue of your Lordship's Commission, but that this delegated authority is not exempted from the general subordination to instructions from the Governor-General.

If this be the case, undoubtedly I have laboured under a great misapprehension: for I considered that the power of pardoning for Treason, as well as for every other crime, was given by the Queen to the Governor-in-Chief, or in his absence to the Officer administering the Government of Upper Canada, to be exercised as an act of mercy towards Her subjects, and was in no sense whatever an authority delegated by or in subordination to the authority of the Governor-General. In this sense also the Secretary of State appears to me to regard it, where he uses this language:—"In the first place, you will perceive, on referring to the Earl of Durham's Commission, which, during his Lordship's absence from Upper Canada you are authorised to execute, that the Royal prerogative of mercy is delegated to you, without the exceptions formerly made of the cases of murder and high treason. It is, therefore, in your power either to grant pardons in particular cases, or even to declare a general amnesty; but in any measure of the latter description, it would be obviously very inconvenient that a different principle should be observed in Upper and Lower Canada. This is, consequently, one of the subjects in which it is fit that you should act in concert with the Earl of Durham."

Most earnestly do I entreat your Lordship not to suppose that I am struggling for this power, from any vain pretensions of placing myself on a footing with the exalted station which your Lordship fills; but in my humble sphere I have a duty to perform, not only to the Sovereign, but to the people of this Province, so long as Her Majesty is pleased to continue me in office, which I am conscientiously bound to fulfil; and the preservation of those powers which are graciously given, as part of the Constitution of the country, to the Officer administering the Government, for the benefit of the subjects of the Crown, I feel myself required to maintain unimpaired, so far as it lies in my power.

I do not doubt that, upon consideration of general policy, your Lordship may lay down instruction for my guidance, under the directions contained in the Secretary of State's Circular Despatch, of the 3rd April, to which your Lordship has alluded—"as however the success of your Lordship's mission may, in no light degree, depend on your power of maintaining uniformity of principle in the administration of the different North American Governments, in regard to all the *more* considerable questions which are depending on them, it seems necessary to depart from the existing system, so far as may be necessary for obtaining that object, but no farther."

I shall not only feel it a duty but a pleasure, to follow your Lordship's instructions to the fullest extent of the spirit as well as of the letter of this instruction. But the consideration of and decision upon particular cases of crime, and the exercise of the Royal prerogative of pardoning any offender upon whom judgment has been pronounced, I humbly conceive is solely vested in the Officer administering the Government, is perhaps the most important attribute belonging to the office, and with which I cannot think, under any such general terms, the Secretary of State intended to interfere.

Under the Secretary of State's instructions, I am enjoined to co-operate with your Lordship; and with a due regard to the great distinction in the circumstances, the condition and sentiments of the people of the two Provinces, I feel it to be my duty to follow up your Lordship's policy, wherever I can discover it, to the utmost of my power, and this I have done zealously and earnestly. As an instance of this feeling, from the moment your Lordship issued the Proclamation of amnesty, I have intimated on frequent occasions to the Executive Council, that a measure somewhat corresponding should, as soon as public feeling would admit of it, be resorted to in this Province, and I trust a partial approach to it is not far distant.

A misapprehension, to which I confess I had not thought the language used in my Despatch of the 16th instant, on the subject of the course I had intended to adopt with regard to the criminals convicted of participating in the late treasonable and hostile proceedings in the Niagara District, was open, has given rise to a reflection of so very painful a nature from your Lordship, that I must beg to offer a few observations upon it.

The Banditti who committed the lawless outrages on the Niagara Frontier, were partly citizens of the United States, and partly Subjects of Her Majesty. As Treason is the highest offence known to our laws, Her Majesty's Subjects were, in this sense, the greatest offenders. Supposing, however, all to be equally guilty of the capital offence for which they were respectively tried, and that in the deliberate judgment of the Executive Government, it was thought that at least two culprits should suffer the extreme penalty of the law, it might be, in my opinion, a very proper question of policy for the consideration of the Governor in Council, whether one offender of each description should not be selected to suffer as an example to deter others from the perpetration of the like offence. The citizens of America were tried for the felony, under the "Act to protect the inhabitants of this Province against lawless aggressions, from subjects of foreign countries." Her Majesty's subjects were arraigned for high treason! Never did it enter my mind for one moment, nor was even any notion of the kind hinted at by any Member of the Executive Council, that the fate of any subjects of Her Majesty should be determined upon grounds apart from their own conduct, and without due regard to all the circumstances of their respective cases; and your Lordship has been misinformed as to the Juries having accompanied their verdict of "guilty," in every instance, with recommendation to mercy.

When I left Toronto, on the 13th of August, the cases of all the culprits stood as follows:—

Moreau was tried as a foreigner, under the Provincial Act. He was found guilty—there was no recommendation to mercy. His case was reported on the 26th July, and by the advice of the Council, he was left for execution.

On the 9th August, the cases of the convicts named in the margin\* were reported—of those the first five were American citizens. Their crimes were fully proved; but, although each might be deserving of capital punishment, one example was deemed sufficient, and the rest of the foreigners were conditionally pardoned.

\* AMERICAN CITIZENS.—James Moreau—Linus Wilson Miller—George Cooley—Norman Mallory—William Reynolds.

SUBJECTS.—Samuel Chandler—Benjamin Waite—James Gammill—John Grant—Murdoch McFadden—John James McNalty—Alexander McLeod—David Taylor—James Waggoner—Garret Van Camp—John Vernon—George Buck—Jacob Beemer—Erastus Warner—John W. Brown.

The cases of the other convicts were also fully considered. It was the opinion of the Council that one at least of those convicted of high treason, under such aggravated circumstances, should suffer capitally. The cases of "Wait," "Chandler," and "McLeod," were deemed, under all circumstances, the worst. The Jury had recommended the two former to mercy. In the instance of Wait, no grounds for the recommendation were assigned. On being asked by the Judge, they said they had none—whereas the active part he had taken in enrolling the banditti, of which he was an officer, was an act of notoriety, and the Government was in possession of letters and other papers, which shewed the prominent part he had taken. The grounds in favour of Chandler were, as the Jury said, "his previous good character, and his good feeling and humanity towards his neighbours."

It was within the knowledge of the Council, however, that "Chandler" had in fact been mainly instrumental, with "Wait," in bringing the Banditti into his own neighbourhood of Pelham, and supporting and secreting them there.

The case of "McLeod" was no doubt very aggravated, as having been concerned as a leader or officer in both this incursion and the out-break last winter, under W. L. Mackenzie. He pleaded guilty, however, when he was arraigned—throwing himself upon the mercy of the Government; and it did not appear just to the Council to treat him with greater severity on account of an acknowledgment, which might be considered indicative of penitence, than was shewn to those who were convicted upon clear proof, after denying their guilt, although the Jury convicting showed a desire that mercy should be extended to them.

Whilst these cases were being deliberated upon, it was represented to me, in Council, that there remained other prisoners to be tried at Niagara—one of whom, who had not been arrested till after the opening of the Court, and the time for whose trial had not yet arrived, was supposed to be, if possible, still more deeply implicated than "McLeod."

On Monday, the 13th instant, therefore, before I left Toronto, I issued an order for respiting "Chandler," "Wait," and "McLeod," until Friday, 31st August, and required that the remaining cases should be reported on Monday, the 27th!

I observed that endeavours were made in the United States to excite a strong feeling of sympathy in favour of the culprits, although none had ever been evinced for the Canadian sufferers. Meetings were held, and petitions were in the course of preparation—and as some had been forwarded to me, I thought your Lordship might also have been addressed upon the subject, and it was upon this account, particularly, that I alluded in my Despatch marked "separate," to the circumstance that one other culprit, being a subject of Her Majesty, was intended to be left for execution.

Constrained to take a different view from your Lordship, I have endeavoured to express myself with what I sincerely feel, the utmost respect towards your Lordship—and whilst I utterly disclaim the slightest notion of controversy, I hope and believe you will not think me wrong in endeavouring, in the discharge of a great public trust, to preserve to Her Majesty's Subjects all the advantages which they derive under your Lordship's Commission as Governor-in-Chief of Upper Canada, which Commission, in your Lordship's absence, the Lieutenant-Governor is bound to execute.

I have, &c.

(Signed) GEO. ARTHUR.

NOTE.—With the Schedule marked A. are herewith transmitted to your Lordship, the Reports of the Judge and Solicitor General, and other documents relating to the trials at Niagara, numbered from 1 to 29.

(Copy.)

GOVERNMENT HOUSE, TORONTO,  
Monday, 27th August, 1838.

P R E S E N T :

HIS EXCELLENCY THE LIEUTENANT-GOVERNOR.

THE HONOURABLE ROBERT BALDWIN SULLIVAN.

" WILLIAM ALLAN,

" AUGUSTUS BALDWIN.

" WILLIAM HENRY DRAPER.

His Excellency the Lieutenant-Governor, was pleased to lay before the Council, a Despatch from His Excellency the Earl of Durham, dated 16th August, 1838, on the subject of the conviction of the prisoners, Chandler, Wait, and others, together with His Excellency's answer, dated 20th August, 1838.

His Excellency was pleased also to require the attention of the Council to a Despatch from Her Majesty's Secretary of State for the Colonies, dated 12th July, 1838, (No. 111,) read before the Council on the 9th August, instant, on the subject of the course pursued by this Government towards convicts for crimes arising out of the late rebellion.

His Excellency was also pleased to lay before the Council, copies of two Despatches from His Excellency to the Earl of Durham, inclosing copies of Despatches written by His Excellency to Lord Glenelg, informing His Lordship of the proceedings in cases of Treason, in which Despatches to the Earl of Durham, the Lieutenant-Governor requests from His Lordship advice and assistance as to the treatment of American invaders taken on board the Schooner *Anne*, and at Point Pelée Island.

Also a Despatch from His Excellency the Earl of Durham, inclosing a copy of a Despatch from Lord Glenelg to His Lordship, directing His Excellency the Lieutenant-Governor to inform His Lordship of proceedings against prisoners convicted of Treason, dated respectively the 21st August, and 14th July, 1838.

His Excellency was pleased further to lay before the Council, the notes of evidence in the case of Jacob Beamer, convicted of High Treason at Niagara, and sentenced to be executed on the 31st instant.

Also, the notes of evidence in the case of John W. Brown, convicted of high treason at Niagara, and sentenced to be executed on the 31st instant.

Also, a letter from Mr. Justice Jones, intimating the conviction of the Prisoners above-mentioned, and also that a prisoner named Erastus Warner, on his arraignment for High Treason, pleaded guilty—and that several other prisoners were tried for the same offence, and acquitted.

Also, a report from Her Majesty's Solicitor General, on the subject of the proceedings at Niagara.

Also, three petitions from certain inhabitants of the City and State of New York, in behalf of the prisoners.

Also, a petition from Alexander Hamilton, Esquire, Sheriff of the Niagara District, and others, against further capital punishment.

Also, three petitions from certain inhabitants of the District of Niagara, in favour of Benjamin Wait, and John W. Brown.

The above-mentioned documents having been read, His Excellency was pleased to require the deliberate consideration and advice of the Council on the several important matters submitted; and the Council having deliberated for some hours, adjourned the further consideration of the matters referred until Wednesday, the 29th instant.

*Government House, Toronto,  
Wednesday, 29th August, 1838.*

### P R E S E N T :

HIS EXCELLENCY THE LIEUTENANT GOVERNOR.  
The Honourable ROBERT BALDWIN SULLIVAN,  
“ WILLIAM ALLAN,  
“ AUGUSTUS BALDWIN,  
“ WILLIAM HENRY DRAPER.

The Council having considered the matters referred by His Excellency on the 27th instant, with much care and solicitude, having agreed upon the following Minute of their opinions, which they humbly submit for the consideration of His Excellency:—

His Lordship the Earl of Durham, in the above-mentioned despatch of the 16th August, 1838, mentions that "he had been applied to by members of the family of Samuel Chandler and Benjamin Waite, for the extension to them of the Royal mercy, and for the grant to them of Her Majesty's pardon."

His Lordship observes in another part of the despatch—"but on careful and attentive perusal of my commissions and instructions, it appears evident, that I am *called upon to exercise* my judgment as Governor-General of British North America, and Her Majesty's High Commissioner, in all cases arising out of the recent insurrection in the two Provinces."

His Lordship then adverts to a despatch, dated 3rd April last, in pursuance of which his Lordship's Commission was opened, and makes the following quotation from a despatch of the 21st April received by his Lordship:—The "late revolt in the Canadas has been followed by the arrest and imprisonment of a very considerable number of persons, both in the Lower and Upper Province."

"In regard to Upper Canada, I have not even to this time been informed of the course contemplated by the local authorities for bringing such prisoners to trial." After giving various instructions as to Lower Canada, his Lordship proceeds:—"From the very commencement of the late disturbances it has been, as your Lordship is aware, the earnest desire of the Government that the utmost lenity, compatible with public safety, should be exercised towards the insurgents."

"This is the principle inculcated in my various Despatches to the authorities in Lower and Upper Canada. The course of events, and the circumstances in which we may venture to assume you will find the Provinces, will supply—as it appears to us—new difficulties as well as fresh inducements to the carrying this principle into effect."

"In order to enable you to act with promptitude in this respect, you are relieved from the restrictions by which your predecessors were prevented, in the case of treason, from giving an absolute pardon, or granting more than a respite till the Royal pleasure should be known. In your Commission that restriction is omitted."

His Lordship the Governor-General then proceeds:—"In consequence of these instructions, I have to request that your Excellency will forward to me a full report of the cases of all the prisoners, with the Judge's report thereon; and that your Excellency will also favour me with your own view upon each particular case; and a statement, as far as in your power, of the previous character and conduct of each of the prisoners, and any recommendation to mercy which the Juries who tried them may have given."

It seems, from the terms of this despatch, that his Excellency the Governor-General is under the impression, either that the power of pardon for treason is vested solely in himself, or that the responsibility of directing the exercise of that power, in each particular instance, is imperatively cast upon his Excellency by his instructions, and therefore his Excellency requires in each case information, to enable him to exercise the function of the Government, notwithstanding his absence from the Province.

But, however much it might relieve your Excellency and this Council, from the burden of this most painful and onerous duty, to have the cases of prisoners, convicted of high treason, disposed of by the Governor-General, in his absence from the Province—the Council humbly submit that your Excellency has no strictly legal authority, and that the instructions from Her Majesty's Secretary of State can scarcely be held to direct your Excellency to divest yourself altogether of the responsibility and discretion required in acting according to the Constitution of the Province, under the Commission which, in the absence of his Lordship, your Excellency executes.

The Council feel respectfully desirous that this question may be clearly understood. If the Governor-General, and not your Excellency, has the sole authority and responsibility of dispensing life and death in this Province, in his Lordship's absence, the Council cannot relieve themselves from the heavy charge of having recommended your Excellency to exercise that power, even so far as to affect life, without previously knowing his Lordship's determination; and your Excellency having acted upon that advice; and his Lordship the Governor-General having permitted your Excellency for so long to dispose of the cases of prisoners without remonstrance or interference, would relieve the Council from little of the charge of having trifled with human life, and of having assisted to deprive a fellow creature of the chance of mercy to which Her Majesty's instructions, and Her Royal Commission to the Governor-General, would (if the Council have been mistaken in their construction) have entitled him.

To defer as much as possible to the opinions, and to act in accordance with the policy of the Earl of Durham, is a duty imposed upon your Excellency by Her Majesty's Government, and the Council know how anxiously your Excellency has endeavoured to obey these instructions. The very acts which, as the Council understand his Lordship's despatch, ought in his Lordship's opinion to have awaited his commands, were intended to be in concert with his Lordship's policy, as far as it was understood; and the Council were too well aware of the high trust reposed in his Lordship, and the extensive powers vested in him by Her Majesty, to have advised your Excellency to act in opposition to his Lordship's views, or to assume the heavy and painful responsibility of deciding on cases of life and death, if they conceived that this responsibility could constitutionally and properly be avoided, by awaiting his Lordship's directions.

The despatch from Her Majesty's Secretary of State, of the 12th July, (No. 111) would, however, relieve the Council from all apprehension of having acted in error, if they could have entertained such an apprehension for a moment. His Lordship's words cannot be misunderstood, or be held to admit of doubt or hesitation, as to the views of the Home Government.

In that despatch the following passage occurs:—"In the first place, you will perceive, on referring to the Earl of Durham's Commission—which, *during* his Lordship's absence from Upper Canada, you are authorized to execute—that the Royal Prerogative of mercy is delegated to you, without the exceptions formerly made of cases of murder and treason. It is therefore in your power to grant pardons in particular cases, or even to declare a general amnesty; but in any measure of *the latter description*, it would be obviously very inconvenient that a different principle should be observed in Lower Canada and Upper Canada. This is consequently one of the subjects on which it is fit you should act in concert with the Earl of Durham. It would be unnecessary to trouble his Lordship upon any particular case in which no general policy was involved."

The explicit and reasonable language of this despatch, confirms the construction which it seems obviously proper to give to the letter of Her Majesty's Secretary of State, of the 3rd April last, in which it does not appear to have been contemplated that the Lieutenant-Governors of these Colonies were to receive instructions contrary to former usage, except in regard to questions and measures of general policy. For his Lordship observes, that it will be desirable (even) "to limit the correspondence between the Lieutenant-Governor of the Colony and the Governor-General, to questions of general and permanent interest;" and he adds in the same despatch, that "no positive instruction will be addressed to any of those officers without fully weighing every representation which he may have made, or may wish to make on the subject of it."

These representations, it is respectfully submitted, could only be expected to be made in the course of that correspondence which the Secretary of State suggests, and as that correspondence is desired to be limited to matters of general and permanent interest, it is to be inferred that no instructions were expected to proceed from his Lordship the Governor-General, in respect to individual cases occurring in the administration of justice in the ordinary course.

Her Majesty's Commissions to the Governor-General, and to the Lieutenant-Governor of this Province, indicate no other intention, and authorize no deviation, in this respect, from that course of proceeding which all former usage, and the understood relations between the Governor-General and the Lieutenant-Governor of this Colony, have hitherto established.

This recent Despatch of the Secretary of State, of 12th July last, is irreconcilable with any other construction; and the conduct of His Lordship the Governor-General, in respect to the cases of all the other convicts, had naturally led to the conclusion that he entertained the same opinion.

It appears from your Excellency's Despatches to the Earl of Durham, that your Excellency has not failed to inform His Lordship of not only the general but also of the particular course of this Government, as regards all the convictions arising out of the late rebellion; and the Council are not aware of a single instance, in which the policy of this Government has met with His Lordship's disapprobation, or in which any suggestion has been made of want of concert or cordial co-operation with His Lordship, in his views of Government in the Colonies.

The Despatch from Lord Glenelg, of the 12th July, affords to the Council the gratifying intelligence, that Her Majesty has been graciously pleased to approve of your Excellency's proceedings, and of the advice of this Council—and it has been most gratifying to the Council to think that Her Majesty's High Commissioner also appeared satisfied with the policy pursued by your Excellency, and with the humble exertions of your Excellency's advisers.

However painful the duty of deciding upon questions of life and death, upon the facts appearing in each case, particularly as regards political offences, in which a portion of the community, however small, would naturally disagree with the decision, whatever it may be, the discharge of that duty is required at your Excellency's hands; and although His Lordship's high influence and authority may uphold Your Excellency's policy and give success to your measures, the functions of Governor of the Colony remain to be discharged by Your Excellency according to your oath of office and to the best of your judgment and ability.

It would be painful to the Council to suppose that His Lordship would desire to place Your Excellency in the embarrassing situation which would be the inevitable consequence were every case of murder or treason (to which crimes the new powers referred to by His Lordship apply) publicly considered a subject of appeal from Your Excellency to His Lordship; Your Excellency would thus be placed in the unbecoming position of a party in Court defending your proceedings against the complaints of a petitioning convict, and a reversal of Your Excellency's decision would indeed be fatal to Your Excellency's authority and to the character of your Government.

This appellate jurisdiction has been most sedulously avoided even by Her Majesty's Government, as Your Excellency will perceive by more than one Despatch, which has come under the view of the Council, and in which references to England in cases of life and death are almost positively forbidden. The power of remitting the penalty of death has been always hitherto withheld, while there never was any restriction upon carrying the sentence of the law into effect in such cases.

If a case can be supposed to occur in which His Lordship should direct Her Majesty's pardon to a criminal upon whom Your Excellency had, for the public good, felt it necessary that the sentence of the law should be executed, Your Excellency might indeed look in vain for public confidence or approval in the Colony or in England—or if the still more embarrassing supposition be made of His Excellency's directing a sentence of death to be carried into execution contrary to Your Excellency's decision, that mercy should be extended; how would the question be decided as to which determination should be carried into effect? To show how strictly Your Excellency has been acting in obedience to the instructions of Her Majesty's Government in deferring to the opinions of the Governor General in questions of policy arising out of the late insurrection, the Council may be excused for alluding to His Lordship's public declarations on more than one occasion when His Lordship was in the Province, at which time the people of this Colony were in a state of great alarm and justifiable excitement in consequence of the atrocious attempts and threats to invade and overrun the country.

Your Excellency will remember with what delight His Lordship's pledges of protection to the loyal and of prompt and severe punishment to the criminals were received by the Upper Canadians; Your Excellency will also remember that His Lordship expressed his opinion on more than one occasion, that summary and immediate execution might not improperly have been carried into effect, instead of awaiting the deliberate course of legal proceedings in the case of the invasion in the District of Niagara; with the circumstances of which His Lordship had the opportunity of being fully acquainted from personal inquiries. His Lordship was then of opinion that these marauders were not entitled to the same considerations which would be extended to criminals of another character; and the Council have ever since felt that this government was much more liable to be charged with not acting up to the extent of His Lordship's policy than with going further than His Lordship's general policy warranted. For how could it be supposed that His Lordship would approve of delay and hesitation after legal and deliberate trial, when he stated publicly that he would have approved of summary infliction of punishment. Public opinion went with His Lordship in these declarations which were heard with almost universal acclamation and public gratitude; and the Council could not but see that comparisons were made not always to the advantage of this government between His Lordship's promptness and decision and the more cautious and deliberate course of policy pursued by Your Excellency. His Lordship's expression of

opinion had, however, the beneficial effect of supporting Your Excellency's Government in the necessary infliction of punishment which His Lordship no doubt generously intended it should have.

But the present want of promptitude and apparent uncertainty in the measures of government will, no doubt, until explained, do away with much of the benefit derived from the decision with which his Lordship spoke concerning the atrocious attempt upon the Province.

The government here *are apparently* not acting in accordance with his Lordship's policy, and the public mind is impatient and exasperated because Your Excellency does not fulfil the expectations entertained in consequence of His Lordships most welcome and popular expressions of opinion.

The Council have already informed Your Excellency of their views respecting the late incursions from the United States and the original outbreak in December last. For the last there is some shadow of mitigation, arising from the excitement of political contention and the practices of crafty and evil minded leaders; in that case it was hoped that the great leniency of the Government would conciliate while the two cases of capital punishment would have the effect of deterring prominent leaders from inducing the populace to insurrection.

That rebellion was at an end. But not so was American sympathy. Her Majesty's Government was defied, and her loyal Canadian subjects threatened, for months in continuation, with invasion and conquest; the enemy was safe beyond our boundary, and all we could do was to watch and wait his attack.

The evils which this state of things has produced in this Province, are almost beyond calculation, and which no future events, however fortunate, can entirely obviate. It was in vain that the Government of the United States was appealed to—its power did not seem to extend to protect its own property. The laws passed for what the Americans called neutrality, were contemned and violated with impunity, and even a British vessel was burned in the American waters while lying at an American Island, and the perpetrators of the outrage allowed to escape unpunished, and Her Majesty's subjects to this hour remain wholly undemnified for the great loss they have sustained. A part of the American press openly vindicated these outrageous proceedings, and in the end a number of men armed with deadly weapons, came in hostile array into the Province with the avowed purpose of overthrowing the Government. In the Western District one of the first acts of hostility was murder—in the next robbery. In the Niagara District the brigands commenced with two robberies upon persons of the most inoffensive character, who were not in any sense political partizans; they next fired for half an hour together into, and ultimately set fire to, a house occupied by a small detachment of militia, whom they captured and robbed. The whole country was roused at an enormous expense; the villians were dispersed, pursued and some of them taken; one has been executed who was the leader of the party.

Several more have been tried and condemned to death, some of whom are total strangers to the Province, and others traitors, who are now guilty for the second time, having been engaged in the former rebellion.

In this state of things we find from the petitions before the Council, American sympathy again alive, but with whom? None was shown for the innocent and peaceful inhabitants of the Province who were threatened with the miseries of civil war; none for those whom the rifles belonging to the United States Government were to murder; none for the widows and orphans to be left destitute in Canada no voice was raised; no arm was lifted to preserve national faith or to prevent outrage against the Canadians—but the moment the marauders are subdued and in the hands of justice, the frontier is full of sympathy, and those who looked with apathy on the immediate prospect of murder, rapine and devastation, in a neighbouring friendly country, now are filled with the most lively compassion—and they intercede for the criminals, who are asserted not to be very bad after all. "They only seek," in the language used in of the petitions on this table, "that liberty which we, as Americans, enjoy": in short, they are only guilty of murder, attempts to murder or robbery, and double treason.

The Council continue fixed in the opinion, that prompt and exemplary punishment of the criminals implicated in the late incursion, is necessary for the public safety, and under this impression, recommended that the leader, Moreau, should be left for execution; and had it been a point suggested for their consideration and advice, the Council would not have hesitated to have deliberately recorded, that such a course was in accordance with the

expressed opinions of the Governor-General, as the Council understood them. But not feeling, even in the instance of this extreme outrage, that many capital punishments were absolutely necessary, all the other convicts implicated in the incursion into the Niagara District, were recommended for transportation, or other secondary punishment, except Samuel Chandler, Benjamin Waite, and Alexander McLeod, who were respited by your Excellency until the result of the remaining trials should be known, with the intention of selecting from the whole another convict for capital punishment.

Jacob Beamer was afterwards convicted. At his trial it was proved—and indeed, so far as the evidence on the defence went, was not denied—that he formed one of the invading party under Moreau, and was in company with them holding the rank of Captain. It was further shewn that he was acting as Captain of a party or division on the night of the 20th and morning of the 21st June—that the two Overholts were robbed, the elder of upwards of one thousand dollars, and the other of about three hundred, by this division—that he was identified as having personally taken part in the robbery at the elder Overholt's—that he was present assisting in the attack on the Lancers, one of whom was severely wounded, and was with the insurgents when the Lancers were liberated, after being robbed. The defence was a feeble attempt at alibi, on the morning of the 21st June, which was totally discredited by the Jury, and an attempt to throw some doubt as to his being the identical Captain Beamer of the "Patriot Army." He was found guilty, and there was no recommendation in his favour by the Jury.

Independently of the case proved to the Jury, the following facts are to be considered :

That an indictment was found against him, by the Grand Jury of the London District, last spring, for his participation in the insurrection under Dr. Duncombe; and from statements contained in depositions made affecting other persons, there seems abundant evidence to prove that he formed one of that body of rebels. On the trial of Moreau, and some others of the Short Hills offenders, it was sworn that the attack on the Lancers was resolved on against the advice of Moreau, by the influence and exertions of Beamer. It was also sworn that he had been one of those who had advised the putting the Lancers to death, instead of releasing them; and it came out on a trial which took place subsequently to his, that money had been offered by him, or in his name, to induce some witnesses to give testimony which would throw a doubt on his identity.

The Council are decidedly of opinion, that Jacob Beamer ought to be executed.

Samuel Chandler, one of the convicts respited by your Excellency, as far as the Council can judge, had much of the guilt of originating the expedition against Canada. From some feeling of compassion to an old neighbour, and for his large family, he appears to have been recommended to mercy by the Jury, on the ground, as they stated, of his previous good character, and his good feeling and humanity towards his neighbours. To this recommendation, the Council would desire to give all the weight which it was intended to have; and notwithstanding the deep guilt of the convict, as appearing by the Judge's notes and the report of the Solicitor General, they are of opinion that this sentence may be commuted into transportation for life to one of Her Majesty's penal Colonies.

Benjamin Wait was also tried, convicted and respited. He seems to have been prominent amongst the Brigands, as the evidence detailed on the Judge's notes clearly shews; but he was recommended to mercy, though the Jury were unable, when required, to state any grounds for their recommendation. The Council are, however, desirous of attending to the wish of the Jury, and are of opinion that his sentence may be commuted into transportation for life, into one of Her Majesty's penal Colonies.

Alexander McLeod was also, as above stated, convicted and respited. He pleaded guilty. It is known of him that he was deeply implicated in the rebellion in December last: he bore the rank of Captain in Mackenzie's party: and has, probably, since his escape, continued to act against the Government; for he is found again amongst the rebels and invaders at the Township of Pelham. It seems difficult to find a reason why he should be spared; but the Council not being willing that more should suffer, than the ends of justice actually and imperatively required, are of opinion that his sentence may be commuted into transportation for life to one of Her Majesty's penal Colonies.

John W. Brown was also tried and convicted; but he seems not to have taken a very prominent part. He is a young resident in the Province in his father's family, and joined the invaders a few days before the attack at the Short Hills, at which he was present in arms. The Council therefore think that his sentence may be commuted into imprisonment in the Penitentiary for three years.

Erastus Warner pleaded guilty. He came into the Province with Moreau. It was sworn at the trial of another prisoner, that this convict was one of the persons concerned in the robbery at Overholt's. In his examination, as well as in that of Norman Mallory, will be found a full detail of the proceedings of the party; and they strongly corroborate the information of the accomplices, Hart, Doan and Seymour, who were admitted as evidence for the Crown.

The Council are of opinion, that his sentence may be commuted into confinement in the Penitentiary for fourteen years.

The Council feel themselves bound by a sense of duty to state the strong objections which exist to a respite of the prisoner Beamer, should your Excellency deem it advisable to take this course, in consequence of the Despatch of the Governor-General.

In the first place, the granting of a respite is always looked upon as a precursor of a commutation of the sentence of death, and should therefore be carefully avoided in any case where such commutation is not intended.

But this consideration becomes, in the minds of the Council, of secondary importance, compared with the injurious consequences which they cannot but anticipate will be produced on the feelings of the inhabitants of the frontier by such a proceeding. During the incursion into the Niagara District, the zeal and activity of the Militia, in the pursuit and capture of the Brigands, was only equalled by their profound respect for and observance of the laws; no prisoner was injured or maltreated—and though taken, it may almost be said, *flagrante delicto*, in every instance, they were treated with no greater degree of severity than was necessary for their safe keeping, and were promptly brought before the proper tribunals, to be dealt with according to the due course of law.

It was doubtless the confidence reposed in your Excellency's assurance, that these offenders should be brought to immediate justice, joined to their respect for the regular administration of the laws, which led to this praise-worthy conduct; and it is no light reflection, that this confidence may not merely be shaken, but altogether destroyed, if, by the respite of the execution of the most notorious offenders, reason is given to suppose that they may finally escape the penalty attached to their crimes.

The Council cannot help expressing their fears, that in the event of future incursions or difficulties in this Province, one of two results will follow, either that those who have been zealous and eager in the support of the established institutions of the country heretofore, will remain inactive under the impression that the government will not do its duty to them, or that if again driven to arms by the stern necessity of self-defence, they will make no more prisoners, but take the execution of the offenders into their own hands without the intervention of regular trial.

The Council have not on this occasion recommended any of these prisoners for unconditional pardon; they are of opinion that the punishment of all these criminals is essentially necessary for the preservation of the Colony and for the purpose of deterring those inclined to enmity with the Province from further reiteration of hostile attempts against it.

In conclusion the Council feel it their duty to bring under your Excellency's notice some of the difficulties which they have feared would result from the views apparently entertained by his Lordship, the Earl of Durham, with respect to the administration of public affairs in this Province.

Her Majesty's Secretary of State, in approving of the course recommended by your Excellency of taking advantage of delay, and consequent change in public sentiment towards the State Prisoners, in the despatch of the 12th July makes the following observation: "I have therefore to convey to you the authority you require to relieve from the sentence of transportation, and from the inferior penalties of banishment, imprisonment or confiscation, any persons whom you may think worthy of that indulgence. This you will do as you propose, not as reversing wrong judgments, but as acting upon information which the Executive Council did not possess, and upon views to which the legal tribunals could not advert."

This course of proceeding recommended by the Secretary of State has the evident advantage of conciliating the minds of those of the community who think least unfavourably of the insurgents, of giving the more decided loyalists the opportunity of exercising their natural humanity towards their suffering, though criminal fellow creatures, by petitions in their

favor, thus gradually making the extension of the Royal Mercy popular in all quarters, and proving that all the Executive Government were desirous of from the beginning, was the exercise of the utmost clemency, wherever opportunity should offer.

This desirable result cannot, it is humbly submitted, follow from the course now beginning to be taken of passing by the officer actually administering the government, appealing from his decisions and claiming their contravention as a matter of right, and on the principle that your Excellency's decisions were unnecessarily severe and impolitic; for thus the very same extensions of mercy, which according to your Excellency's proposed mode of proceeding, would strengthen Your Excellency's Government and help to gain it the confidence and respect of all parties, will, if ordered by His Lordship the Governor-in-Chief, become in each instance a direct censure upon Your Excellency and Your Government, and cast upon Your Excellency the necessity of submitting in silence to unmerited stigma, and of driving those who have been concerned in the enactment of law or the administration of justice, into the necessity of defending their own characters, by repeatedly bringing into public view in just colours the guilt of those whose criminal conduct, when they are once considered objects of clemency, should for the sake of all parties, and for the public good, be speedily forgotten.

The Executive Council humbly represent that there can scarcely be a greater evil than the creation of a local party and a Governor General's party; this evil the Council know that Your Excellency has sedulously avoided by taking every means of informing the Upper Canadians of your confidence in and accordance with His Lordship's policy. But the Executive Council cannot but see reason to apprehend that in appeals from Your Excellency to His Lordship in individual cases, and in reversal of Your Excellency's decisions upon these appeals, or even in affirmance of them upon Your Excellency's representation, the recommencement of divisions, animosity and disrespect to the Royal authority exercised by His Lordship and Your Excellency, which neither His Lordship or Your Excellency will, by any means, be able to avoid.

Nor do they less fear that an excitement, perhaps not easily allayed, and at all events to be deprecated, may be created in the Legislature, who, justly considering that the Constitutional Act of 1791 assures to them the administration of the affairs of Upper Canada by a resident Executive Officer, to whom they can at all times refer for information and explanation on subjects affecting the peace, welfare, and good government of this Province, and who thro' the medium of the Home Government and the British Parliament, is held responsible for any course he may pursue in the conduct of public affairs, may consider the control of the Governor General, when not actually administering the Government, as inconsistent with their vested rights; and they further respectfully submit that a general want of confidence and proper respect for the Lieutenant Governor will exist throughout the community when it becomes known that he has not virtually the pre-exercise of the powers contained in the Royal Commission, though nominally and in legal strictness, they continue vested in him, and that as regards some of his most important functions he is limited and restrained; and that the principle of appeal to the Governor General once being established, questions of every description will be pressed upon the notice of his Lordship by parties who may desire to take the chance of obtaining from a distant tribunal decisions more in accordance with their own wishes.

The minute having been read, the Lieutenant Governor stated, that His Excellency the Governor General having expressed himself to be under the obligation of exercising his own judgment whether "any person convicted of treason in Upper Canada by a competent authority, is or is not a fit object of the Royal Clemency or the extent to which it may be proper to grant it," He deemed it right, whatever embarrassing or inconvenient consequences might flow from it, to direct that all prisoners should be respited until the first of October next, and that a copy of the minute of Council, together with the Judge's reports of the cases, with the petitions, and all other information before the Council, should be forthwith prepared for transmission to the Governor General.

The Lieutenant-Governor also desired that the reports upon the other cases lately tried in the Niagara District, should be prepared for transmission to the Earl of Durham.

A true copy.

JOHN BEIKIE,  
Clerk, Executive Council.

(Copy.)

(IMMEDIATE.)

(No. 20.)

*Government House,  
Toronto, 27th September, 1838.*

MY LORD,

I have the honour to invite your Lordship's attention to an Act passed by the Parliament of this Province, at its last Session, entitled, "An Act to provide for the more speedy attainder of persons indicted for High Treason, who have fled from this Province, or remained concealed therein, to escape from Justice," which your Lordship will find contained in the accompanying volume of Statutes.

By this Act it is provided, that immediately upon return being made by any Sheriff, that a person indicted within his District for high treason, or treasonable practices, is not to be found therein, a Proclamation of Attainder shall be issued against such person, if he shall not, within three calendar months, surrender himself to the custody of the Sheriff of the District where the indictment was found.

The Attorney General has prepared some Proclamations against the persons named in the margin,\* whose cases came within the provisions of the Act; but on these instruments being laid before me, I have forborne to direct their issue, until I could refer the matter to your Lordship's consideration, in case the measure should in any way interfere with your Lordship's policy regarding this class of persons.

Among the persons who have fled from justice, are several leading offenders, whom, doubtless, it would be imprudent to include in any amnesty, and against them it will be necessary, therefore, that Proclamations should be issued.

Considering the urgency of the Statute, I have to solicit as early a reply to this communication as your Lordship's convenience may permit to be afforded.

I have, &amp;c.

(Signed) GEO. ARTHUR.

\* John Rolph; William Lyon McKenzie; Silas Fletcher; Jacob Rymal; Richard Graham; Jeremiah Graham; John Mantack; Joseph Borden; Joshua Winn; David Gibson; Landon Wurtz; James Marshall; Alum Marr; Joseph Clarkson; Dudley Wilcox; Edmond Quirk; Thomas Brown; Levi Parsons; Jesse Lloyd; Aaron Munshaw; Henry Stiles; William Fletcher; Daniel Fletcher; David McCarty; Seth McCarty; Nelson Gorham; Alexander McLeod; Cornelius Willis; Erastus Clarke; Charles Duncombe; James Dennis; Eliakim Malcolm; Peter DeLong; Ormus B. Clarke; Lyman Davis; Henry Fisher; James Malcolm; Pelham C. Teeple; Norris Humphrey; Jesse Paulding; Joel P. Doan; Joshua G. Doan; John Talbot; Samuel Edison, the younger; Abraham Sutton; Moses Chapman Nickerson; George Lawton; John Massacre; Elisha Hall; Sol. Hawes; G. A. Clarke; John VanArnam; Michael M. Mills; George Washington Case; Joseph Fletcher; Angus McKenzie.

(Copy.)

No. 10.

*Castle of St. Lewis,  
Quebec, September 18th, 1838.*

SIR,

I have the honour to acknowledge the receipt of two Despatches from your Excellency, bearing date the 29th, and 31st ultimo, enclosing together with other documents, copies of a Despatch from Lord Glenelg, bearing date 12th July, and of a minute of the proceedings of the Executive Council of Upper Canada, on the 27th ult. They all refer to the disposal of the Prisoners lately convicted of high treason and felony, at Niagara; and to my Despatches on that subject of the 16th ult.

I am much pleased to find from your Excellency's Despatch that I have no reason to apprehend any cessation of that cordiality which marked our first communications. Entire co-operation on your part, and on that of the other Lieutenant Governors of British North America, I regard as one of the essentials to success in my most arduous undertaking. And your Excellency may be quite confident I shall not endanger the maintenance of that desirable state of things, by needless interference in the administration of any of the Provinces subject to me as Governor-General, or by calling on the Lieutenant Governors to abandon any public duty, in deference to my instructions.

I wish that I could observe the same tone which pervades your Excellency's Despatch, in all the proceedings of the Government of Upper Canada. But, I regret to find, in the minute of the proceedings of the Executive Council, which you have transmitted me, a tone of criticism, in reference to my policy, which could not, with propriety, have been under any circumstances used by that body, which it was particularly unseemly for it to address to your Excellency, but which shall not tempt me into the controversy which it seems to invite.

I am happy, however, to perceive there is no apparent difference between the view which I have always taken of my powers and duties as Governor-General, and those which are expressed by your Excellency and your Executive Council. My inclination does not prompt me any more than my instructions direct me, to exercise a constant interference in the details of the administration of affairs in the Upper Province. These I have left, and shall continue to leave to your Excellency and the local authorities, wherever the course which you or they may pursue, would not necessarily interfere with the larger policy, which I consider applicable to all the Provinces of British North America. This distinction I have endeavoured consistently to observe in all my acts, with reference to the various applications addressed to me from Upper Canada. Whenever my interposition in the ordinary administration of affairs in that Province has been desired, I have invariably referred the applicant to your Excellency, or informed him that I could not interfere. Nor have I failed to mark my sense of this necessary distinction between your functions and mine, in the very case in which your Excellency appears to think that I have confounded them. When the urgent nature of the cases of Chandler and Wait compelled me to take some instant steps, in order to prevent the practicability of any general policy, with regard to the political prisoners, from being compromised by the adoption of a definite course, with respect to those men, I think that the very mode of my interference showed that it was directed, not to the particular cases, but to the general policy involved in them. For I desired your Excellency to give me the means of considering the proper course to be adopted, with regard not only to those two, but to all the prisoners then under sentence for treasonable offences. I conceived in fact that a period had arrived in which it became imperative on me immediately to consider the cases of all the political prisoners in Upper Canada, in order to avoid the inconvenience, which, as Lord Glenelg has observed in his despatch of the 12th July, must ensue, if "a different principle should be observed in Lower and in Upper Canada." If I intended in compliance with Lord Glenelg's instructions, to consider the question of a "General Amnesty," it was surely but necessary to delay the execution of prisoners who might be included in it.

It is to the great question thus referred to me by Lord Glenelg, in former despatches, as well as in the one which you have transmitted to me, that I wish to invite Your Excellency's serious attention. The question of a "general amnesty," involves the whole policy of the punishment. The extension of pardon on any general principle, implies the determination of the objects, and the degrees to which punishment is to be applied. On this it is that Lord Glenelg desires that the Government of Upper and Lower Canada should act in concert.—Nor should I have waited for such specific reference of this particular question: I should have conceived the consideration of it imposed on me by my duty as Governor-General.—Every hour's experience of passing events, convinces me more and more, that the disposal of the prisoners implicated in the late insurrections, is a matter on which, above all others, the British Government should not appear to be acting on different and conflicting principles in the two Canadas; that it is one of those "more considerable questions" on which I am instructed to "maintain uniformity of principle in the administration of the different North American Governments." My line has already been taken. The whole of the cases arising out of the late insurrection in Lower Canada have been disposed of in one way or other.

The Gaols are emptied—all the punishment that is to be inflicted, has been allotted to the different offenders. No man remains in uncertainty as to the fate that awaits him; and almost the whole of the refugees, whom the apprehension of punishment had made dangerous exiles, have returned in security to their homes.

If any uniformity is to be observed in the two Provinces, it only remains to be seen how far the same results are attainable in Upper, as have already been secured in Lower Canada. The state of feeling in the Upper Province, fortunately, enables your Excellency to enforce the laws, by those ordinary legal means which I have found insufficient in this. You have discharged the painful duty of making a severe example of the most prominent offenders. It now only remains for your Excellency to act in concert with me, by putting an end to that excitement which must continue as long as the fate of any person involved in the late insurrection is left undetermined. With the details of minor punishments, it is not necessary or desirable I should in any wise interfere.

My purpose will be attained, if definitive measures can be adopted, to bring to trial all persons now in custody, and determine their fate, without the infliction of any further capital punishment; and if provision can be made for an amnesty, that shall enable all but a few of the most prominent of those not in the hands of justice, to return in confidence to their homes.

I am certainly very anxious that no further capital punishment should take place. I think I may assume that there can be no intention on the part of the Government of Upper Canada, to inflict such punishment on any of the persons implicated in any of the disturbances prior to that of the Short Hills. Of the latter class it now appears that it has been determined in the Council, to inflict the utmost penalty only on one, namely, Jacob Beamer. Your Excellency has transmitted to me a minute of the proceedings of the Executive Council, on the 9th ult., in which I find that that body had recommended, with Your Excellency's approval, that Chandler, Wait, and McLeod, should all be executed, together with a fourth, whom the Council say in the minute of the 27th, it had been their intention to select out of a batch of untried prisoners, of whose guilt nothing could then be known. I am as much at a loss to understand this principle of anticipative severity, and to conceive why the number four should have been originally fixed upon, as I am to discover, what subsequent information or new view had induced the Council to change its opinion on the 27th, so completely, as to recommend that all the three should be pardoned, and the extreme rigor of the law applied only to Beamer, who having had the bad fortune of being convicted in the interval, had been fixed on as the fourth of those originally destined to suffer together. I entirely approve of the lenity shown towards the three; but I cannot reconcile it with my notions of justice, to doom Beamer to a harder fate. There is one clear rule for the apportionment of punishment amongst rebels. Except where a subordinate happens to have aggravated his offence, by some peculiar act of atrocity, the severest punishment ought always to fall on those who shall appear to have been principal leaders and instigators, and whose influence shall have led others into crime and misfortune. The leader of the Rebel band has already suffered, in the person of Moreau. Common report and the evidence adduced on the trial, agree in pointing out Chandler as the next in influence, activity and guilt. No circumstance of contingent aggravation has been proved against Beamer, for the fact of his being a nominal leader in an act of robbery, concerted with the others, and committed in the company of Moreau, seems to me in no wise to distinguish him from the rest. I cannot but say that it would appear to me the utmost injustice that Beamer should suffer, while Chandler escapes capital punishment.

But be the proportion of Beamer's guilt greater or less, it does not appear that the amount of it is such as to render it impossible to vindicate the authority of the law without his execution. My earnest desire is, that no further capital punishments should be inflicted for past offences. While I give your Excellency credit for the same natural feeling of humanity, your recollection of my conversation with you when I was in Upper Canada, will convince you that I, on the other hand, should not, any more than yourself, hesitate to conquer my repugnance to capital punishment, in those emergencies in which a prompt severity is necessary to the public safety. I expressed my wish, that in the case of piratical outrages, similar to those which have recently harrassed our frontiers, the prompt and rigorous execution of the most summary process known to our law, should strike instant terror into the offenders. I have not changed this opinion; and one of the grounds on which I formed it was, that where severity is advisable, the moment of the commission of the crime, seems to be the only one in which it is possible to apply it. When an insurrection is suppressed—when the offender is helpless—the recollection of the crime weakened by the lapse of time, and the horror of the impending punishment alone vivid, the common feelings of humanity render it impossible to use the severity which would previously have been allowable. That this change of feeling has taken place in this instance, the information supplied to me by your Excellency, leaves no room for doubt. In the very District which has been disturbed by their crimes, the very juries that convicted have recommended the very leaders to mercy; petitions from a large number of persons, and one signed by the Sheriff of the District, have declared the feelings of the neighbourhood against further capital punishment; and those which have been received from inhabitants of the United States, shew that the utmost leniency would be most acceptable to the people of a continent in which the punishment of death is rare and odious.

Even if I thought it just that Beamer alone should suffer death, these evidences of feeling would convince me that it would be unwise and impolitic to mar, by a single exception, the good effect of that general lenity which I think practicable. I trust that your Excellency may be induced to look on this matter in the same light, and commute the sentence of Beamer, as well as of the others, by your own act.

If your opinion should remain unaltered, I will not desire your Excellency, yourself, to carry into effect a course which may be repugnant to your own sense of duty: but I must request that reference be had to Lord Glenelg, and that Beamer be respited until his Lordship shall have decided the point.

With respect to the political prisoners not yet tried, the course which policy and justice alike demand is, that they should be brought to trial or discharged, without loss of time. I fully appreciate your Excellency's reasons for past delay, but as the great excitement has subsided, there appears to be no sufficient objection to the adoption of definitive measures with regard to these persons—a great cause of excitement would be removed by putting an end to the suspense of these persons and their friends.

But a point on which I am still more anxious, is that of the adoption of some measure that shall allay the alarms of such of the refugees as it is not necessary to keep in perpetual banishment. The number of persons who, from a consciousness of guilt, or from a causeless alarm, have fled their homes, and now hang about the frontiers of Upper Canada, is represented as very considerable. Of these, a few are among the most dangerous and guilty of the rebels; a large portion are the more insignificant of their followers and dupes; and probably as large a portion are persons who, without having actually committed treason, were nevertheless so connected with the rebels, or had carried their political opinions so far, as naturally to render them fearful of suspicion and prosecution. It is obviously desirable to separate these two latter classes from the former, to prevent their supplying it with tools—to relieve the frontiers from the cloud of hopeless exiles who menace the Province with their desperation, and awaken the sympathies of our neighbours by the aspect of their wretchedness. With this object, I am desirous of impressing upon your Excellency the policy of adopting some measure of amnesty, excluding from it those prominent and irreclaimable rebels, whose guilt merits no mitigation of punishment, and whose hostility no mercy could disarm. That amnesty might be so extensive as to relieve the Province from the great mass of refugees now crowding the frontiers, and appease the alarms and animosity of their families.

I have the honour to be,

SIR,

Your Excellency's most obedient,

Humble Servant,

(Signed) DURHAM.

His Excellency SIR GEORGE ARTHUR,  
 &c. &c. &c.

(Copy.)

No. 22.

Government House,  
 Toronto, 29th September, 1838.

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch No. 10 of the 18th instant. The Acts of the Provincial Parliament passed in the last Session respecting the disposal of persons implicated in the late revolt refer me directly to the Executive Council, with whose advice I am required by law to act in many cases; I therefore thought it right to lay upon the table for the advice and consideration of the members, your Lordship's Despatch.

I regret very much that any observations made by the Council in the minute of the 27th and 29th August, should have given your Lordship offence, and I ought in behalf of the members to say, that they could not have known that the minute would have been communicated to your Lordship, and therefore cannot have intended it to be controversial. Their intention no doubt was to advise me to a line of conduct which they considered strictly legal and constitutional, and which they believed could be justified to a Legislature extremely and properly jealous of what it considers its right, and to which, though not legally, the Council feels itself to a certain extent nominally responsible.

I therefore entreat your Lordship not to attribute the earnestness of the Council in endeavouring to enable me to keep clear of legal difficulties which might hereafter involve me in discussions fatal to the tranquil exercise of my authority to any wish to make captious objections or to intrude unnecessary or unrequired advice.

I have in obedience to my instructions from Her Majesty's Government, and in pursuance of my wish to make the policy of this Government accord with your Lordship's views, granted a conditional pardon to Jacob Beamer as well as to all the other convicts implicated in the Short Hills incursion whose cases were not already disposed of, and their sentences are now commuted into transportation for life.

I most earnestly hope that your Lordship's policy in this matter may be productive of benefit, and my best endeavours shall not be wanting to produce that tendency; but I ought not to disguise from your Lordship, that, with all the facts before me, I still am strongly inclined to concur in the opinion of the Council, that, it would have been advisable to leave the convict Beamer to suffer pursuant to his sentence; for had this taken place, and could the convicts for transportation be at once removed to England, on their way to their destination, the examples would, I think, have been salutary and in the end would prove to have been humane.

After leading a party in arms against the Government in December last, Beamer escaped into the United States and an indictment for high treason was found against him. Instead of demeaning himself peaceably in the expectation that a time would come when he might be permitted to return as others have done, under the like circumstances, he added to his first offence the greater crime of bringing with him into the Province, then beginning to attain a state of comparative tranquillity, a band of foreign brigands. He was on this occasion prominent in the mid-night robbery of an unoffending individual, without even the poor excuse of that individual being a political opponent. He was also in command at the attack upon a small body of Militia whilst they were in a distant and defenceless position, and continued with his party firing many rounds of musketry into the house and through the slender floor of the room they occupied, and finally set fire to the house to compel the submission of its occupants.

As the facts appear to me, both the robbery, and the attack upon the party of Lancers, in which one of that body was wounded, were alike wanton and wicked, and without excuse or possible palliation. I admit that the conduct of Chandler and Wait was bad, but Beamer was distinguished beyond them by having been actively concerned in the rebellion in December, and in the attack upon the Lancers he was the avowed leader.

Still I could not consent to recommend to Her Majesty's Government that this culprit should at a future time be executed; for three months hence the force of example would be lost, which alone renders capital punishment justifiable.

The recommendations of juries are entitled to the utmost respect and consideration; but there were circumstances connected with the petitions which were signed by the Sheriff and others of the Niagara District which led the Council not to attach very great weight to them, and still less to the petitions sent in from the States, convinced as the Government is that most of the parties who got up and signed the petitions were not respectable citizens of the States, but, generally, had been very active abettors of the brigands, and very naturally felt for their captivity and danger.

Your Lordship's opinion that on such occasions as the piratical outrages on the Niagara Frontier, the most prompt and rigorous execution of the most summary process known to our law, should be resorted to, was strenuously urged upon me by the Executive Council, and at one time I thought myself that it would be the better course—but, the more I reflected upon it and considered what would be the position of the Government when the insurrection was suppressed, and when the excitement of the moment had passed away, the more I became convinced that if the severest punishment were in any case to be resorted to, the offenders should be tried before the ordinary tribunals of the country, and not by any military court.

I offer these observations to Your Lordship, with no intention to oppose myself to Your Lordship's views, but simply to explain my own.

Your Lordship has laboured under an entire mistake, in supposing, that the Council recommended, with my approval, that Chandler, Wait, and McLeod, should all be executed; no such recommendation was offered at any time. It was determined that besides Moreau, another convict should suffer—the Council felt it difficult to decide who was the worst, and finally all their cases were left undisposed of—that is they were left under legal sentence for execution, until the Judges report on the other prisoners should be made, the Solicitor General having represented that on carefully looking into the indictments he was of opinion, that Beamer would be found to have been more deeply implicated than either Chandler Wait, or McLeod.

With regard to the measure of amnesty, which Your Lordship recommends, I do not apprehend any material difference of opinion between Your Lordship and myself. The constitutional objections raised by the Council, appear to be directed against the measure as applied to persons actually indicted and against whom legal proceedings are in progress. It seems to me, that these persons if pardoned, should properly receive the royal mercy, upon individual application, and I have no disposition to limit within narrow bounds the clemency which may be bestowed. There is, however, a great difference of opinion between the mass of the people of Lower Canada, and the majority in the Upper Province, which has induced me to abate the severity of the law, progressively and cautiously, and to seize occasions for shewing mercy as they arise, rather than to attain the same end suddenly by a general measure.

I have lately made an extensive tour through the Districts east of Toronto, and to the westward as far as London, in the course of which I have endeavoured personally to ascertain the state of the public mind, respecting the course of lenity pursued towards persons convicted of treason, and I regret to say that the result of my inquiries has not been satisfactory. There is in fact a very general opinion, that this Government has gone too far in granting pardon to delinquents, and the loyal inhabitants of the province entertain the strong apprehension that the impunity extended to traitors, will in no small degree have the tendency to expose the province to a recurrence of all the miseries through which it has recently passed.

Still this has not prevented me from pursuing the lenient course pointed out by my instructions, and the number of convicts has been reduced so low, that I shall have no difficulty in ascertaining the number to whom I see no prospect of granting pardon, with a due regard to the public safety.

While the opportunity of extending mercy to those actually in the hands of justice, has been used so extensively as to leave but few convicts, I am aware that of those who have escaped, and who, having been indicted, have been proceeded against with a view to outlawry, there may be yet some whom I should be disposed to allow to return to the Province. I think it, however, but a due respect for the law and public opinion, that these persons should individually apply, and exhibit some disposition to return, and promise to demean themselves loyally for the future, before mercy and indemnity shall be offered to them.

This seems to be in accordance with the opinion of the Secretary of State, to whom I had intimated my intention of resorting to some qualified measure of amnesty. In a despatch dated 7th September, instant, his Lordship observes—"I entirely concur in your opinion of the wisdom, as well as the humanity, of encouraging any persons to return to the Province who fled from it under an apprehension of the consequences to which their conduct may have exposed them, & whose return is consistent with the public safety and tranquillity. You are fully aware of the desire of Her Majesty's Government, that the greatest degree of lenity compatible with a due regard to the public interests, should be exercised towards such persons; and it will afford them much satisfaction to learn that you have been enabled to carry into effect your own views on this subject."

Under these considerations, I think it right not to delay the Proclamations calling upon these persons to submit to justice, which was the subject of my despatch to your Lordship, No. 20. These Proclamations I am imperatively required, by an Act of the Provincial Parliament, to issue forthwith; and they will designate the only fugitives from the Province who will be under any necessity to petition for the Royal clemency—and all others will come in under the general amnesty.

I most cordially agree with your Lordship that it is advisable to remove all apprehension of legal proceedings being taken against the implicated persons in the Province or who have fled from fear of prosecution. It has not been my intention at any time to seek out objects for punishment, or to hold the terrors of the law over the heads of persons who have not already actually come under the notice of the tribunals of the country; and although a proclamation of amnesty as regards these men would no doubt be less objectionable, if authorized in the usual form by Act of Provincial Parliament, I shall not delay such a beneficial proceeding by awaiting Legislative sanction, provided your Lordship concurs with me in the immediate removal out of the Province of the prisoners (about —) under commuted sentence of transportation, to whom the Council will not consent to recommend any further extension of mercy.

The names and particulars of these cases are included in the enclosed memorandum.

The Executive Council has explained in the minute the difficulties which stand in the way of disposing of the foreigners who were taken in arms relative to whom I am anxiously

awaiting instructions from Her Majesty's Government. It is undoubtedly desirable that these cases should be immediately disposed of; but the bringing them to trial for high treason, would obviously be useless, considering the opinion of the law authorities here; and their acquittal upon a legal point, or the permitting them to go at large without trial, would amount to a declaration that foreigners levying war against the province, are neither liable to be treated as prisoners of war, nor to be punished as offending against municipal law. The promulgation of such a doctrine, would, I am certain be most dangerous to the peace of the country, and therefore I wait with anxiety and impatience final directions from England.— This matter I assure Your Lordship is very urgent, as the excitement and agitation in the patriot cause are reported at the present moment to be going on along the American shore with great activity.

Your Lordship is aware how all this feeling began to subside when you visited the frontier in July last; but that feeling, from causes perhaps not apparent to the public, has certainly taken a very unfavourable turn.

I have, the honour to be, &c.

(Signed) GEO. ARTHUR.

Right Honourable the EARL OF DURHAM.

(Copy.)

No. 12.

*Castle of St. Lewis,  
Quebec, 9th October, 1838.*

SIR,

I have the honor to acknowledge the receipt of Your Excellency's Despatches, No. 19, and 21, of the 27th and 29th, ultimo, respecting the disposal of the political prisoners in Upper Canada, and written with reference to my Despatch of the 18th.

I am happy to be able to inform you that the measures mentioned therein, as contemplated by Your Excellency, which have been more fully explained to me by you during your late visit to Quebec, entirely meet my views of the exigencies of the case; I have only to express a hope that they will be carried into operation without delay, and in the only matter in which my assistance is requisite, I have already made preparations for co-operation with Your Excellency in the prompt conveyence to England of the persons on whom you propose to carry the sentence of transportation into effect.

I have the honour to be, &c.

(Signed) DURHAM.

Major-General SIR GEORGE ARTHUR,

*&c. &c. &c.*

## DOCUMENTS RELATING TO CLAIMS FOR LOSSES, &c.

TRANSMITTED BY

HIS EXCELLENCY THE LIEUTENANT-GOVERNOR.

GEO. ARTHUR.

THE Lieutenant Governor transmits for the information of the House of Assembly a Report from the Commissioners appointed under the Provincial Statute 1st Victoria ch. 13, to investigate the claims of certain inhabitants of this Province for losses sustained during the late rebellion.

*Government House,*

12th March, 1839.

To His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

THE Commissioners appointed under the Provincial Statute 1st Victoria, chap 13, to investigate the claims of certain inhabitants of this Province for losses sustained during the late unnatural rebellion, respectfully beg leave to Report :

That immediately after their appointment they gave public notice of their being prepared to receive claims for investigation under the Act of the Legislature, with a request that they should be forwarded to Toronto, the place appointed by your Excellency for the sittings of the Board.

In performance of their duties under the Statute, the following claims have been brought before them for investigation, copies of which accompany this Report.

	£	s.	d.
No. 1.—JOHN BUTLER,			
For loss of Household Furniture, &c. burned by the Rebels,.....	102	8	9
No. 2.—ROBERT C. HORNE, Esq.			
For Dwelling House with other buildings and their contents, burned by the Rebels,.....	2369	2	9
No. 3.—Mrs. MARGARET WASHBURN,			
For Dwelling House, Barn and contents, burned by the Rebels,.....	1310	6	5
No. 4.—WILLIAM BURROWS,			
For loss of Furniture, &c. in house burned by the Rebels,.....	448	9	5
No. 5.—NICHOLAS BURROWS,			
For Clothing, &c. in the House burned by the Rebels,.....	33	5	3
No. 6.—MICHAEL MURNAN,			
For Clothing in House burned by the Rebels,.....	7	4	0
No. 7.—JANE MILLIGAN,			
For Clothing in House burned by the Rebels,.....	9	0	0
No. 8.—CLARKE GAMBLE, Esq.,			
As acting executor and trustee for sundry property of the estate of the late Benjamin Whitney, Esq., in House burned by the Rebels,.....	125	0	0

Copy of the evidence adduced on these several claims is also annexed for your Excellency's information.

Taking each claim in its order, with the evidence before them in support of the demands made upon the public by the parties who have suffered loss by the acts of traitors during the late rebellion, the Commissioners respectfully beg leave to submit the following observations for your Excellency's consideration.

No. 1.—JOHN BUTLER.

It appears from the evidence of Richard Butler, who was left in charge of the family, that his father, the claimant, was meritoriously employed in the discharge of his duty as a militia-man on the Niagara Frontier during a threatened invasion of the Province, and that this period of his absence on such an occasion when it is probable too that his fellow loyal subjects and neighbours were called from their homes, and his family left in comparative insecurity, was deemed most opportune by incendiary rebels to deprive them of their shelter and to ensure the complete destruction of their property.

The evidence is not so clear and pointed in this case, as in all the others, as to the act having positively been that of the rebels. In all the other cases no doubt whatever remains on this point, as the acts of destruction took place in open day in the presence of several witnesses; in this however, the dead hour of night, when the inmates were at rest, and the

neighbourhood in repose, seems to have been appropriately chosen for the deed of darkness; the family being first aroused by the fire which speedily accomplished its work of destruction, and from which they escaped with much difficulty. The presumption in the opinion of the Commissioners is strongly in favour of the belief of the witness, that the house was fired by incendiaries from the rebels, and as they see no cause to doubt the reasonableness of the charges made for the several items of property lost, they recommend this claim for payment,..... £102 8 9

No. 2.—ROBERT C. HORNE, Esq.

This gentleman's residence, near Toronto, was burned by the rebels on December 5th, 1837, and involved the destruction of the whole establishment and its contents.

The value of the buildings destroyed is ascertained in a satisfactory manner, not only from the estimate of Dr. Horne himself, but from the testimony of the person from whom he purchased the premises, and that of one of the most respectable practical builders now in Toronto, who was actually employed upon them during their erection.

Of the contents of the dwelling house, &c. the value is ascertained by the evidence of Dr. Horne, and with reference to the ordinary prices of similar articles, appears to be fairly stated.

It has been thought proper however to deduct from this claim certain items for which compensation ought more properly to be sought by other parties.

The total amount of claim submitted by Dr. Horne is £2,369 2 9, subject to the following deductions:

Amount of articles the property of the estate of the late Benjamin Whitney, Esq. ....	£125 0 0
Servant's Clothing.....	16 4 0
and, taking the estimate of Messrs. Ewart & Ritchie as to the value of building,.....	100 0 0
Difference of.....	£ 241 4 0
Leaving the sum of.....	<u>£2127 18 9</u>

which they recommend to be allowed to Dr. Horne as compensation for the losses sustained by him.

No. 3.—MRS MARGARET WASHBURN.

This was a large and valuable property on the River Don, near the City of Toronto, newly built by the late Simon Washburn, Esq. and not quite completed at the time of his death. The evidence will show that the premises were on an extensive scale.

It appears from the report of a Committee of the House of Assembly, last session, that a larger amount was recommended as being due than what is now claimed. The items now specified in detail, give a total of £1310 6s. 5d. with a statement annexed as explanation, that the actual cost was about £1640, "including excavation and other matters"—and this may probably account for the difference in amount, but which the Commissioners did not consider as coming within the view of their investigation.

From the Evidence adduced the following amounts appear to be satisfactorily established:—

Cash payments.....	986 15 0
Wragg, & Co.....	109 1 5
Timber, Hay, Oats, Laths,.....	125 10 0
Amounting to.....	<u>£1221 6 5</u>

and which they would recommend to be allowed to the claimant.

No. 4.—WILLIAM BURROWS.

The claim now submitted by Mr. Burrows is.....	£ 448 9 5
By a former one sent into the House of Assembly, it was.....	304 7 6

The excess of claim now presented being..... £ 144 1 11

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The excess of claim now presented being..... £ 144 1 11

It will be seen from the testimony of the Claimant that he states the difference to have arisen from his having in the first instance being called upon in a hurry to prepare his claim, and that many items have since been called to his recollection.

With respect to this claim, it appears to the Commissioners, that some items are charged at rather high prices—this applies to his own clothing—to some of the books, as well as some other articles.—The evidence of his wife, Mary Burrows, respecting the clothing belonging to herself, and the articles of property in the house more immediately under her care, is considered quite satisfactory.

On an account including such a variety of items, it would be difficult to detail at length the particulars of overcharge. Having, however given the claim their attentive and careful consideration, and making deductions from those items which the Commissioners apprehend to be overcharged, giving at the same time credit to the statement of the claimant, as to the cause of difference in the amount above alluded to, they have thought that this demand should be allowed to the extent of..... £ 350 0 0

No. 5.—NICHOLAS BURROWS.

This claim appears to the Commissioners to be satisfactorily sustained by the evidence and they recommend its allowance as stated ..... £ 33 5 3

No. 6.—MICHAEL MURNAN.

This claim appears to be satisfactorily sustained by the evidence, and is recommended to be allowed as stated..... £ 7 4 0

No. 7.—JAMES MILLIGAN.

This claim appears to be satisfactorily sustained by the evidence, and is recommended to be allowed as stated..... £ 9 0 0

No. 8.—CLARKE GAMBLE, ESQ.

This claim appears to be satisfactorily sustained by the evidence, and is recommended to be allowed as stated..... £ 125 0 0

The amounts thus recommended to be allowed to the respective parties would stand as follows :—

RECAPITULATION.		£	s.	d.
No. 1. John Butler.....		102	0	9
No. 2. Robert C. Horne.....		2127	18	9
No. 3. Mrs. Washburn.....		1221	6	5
No. 4. William Burrows.....		350	0	0
No. 5. Nicholas Burrows.....		33	5	3
No. 6. Michael Murnan.....		7	4	0
No. 7. Jane Milligan.....		9	0	0
No. 8. Clarke Gamble.....		125	0	0
Total.....		£3975	15	2

The Commissioners beg leave to state to Your Excellency, that under the Statute, the power vested in them being limited to the investigation of claims for losses sustained to the date of its becoming a law ; they did not feel themselves authorized, under its provisions, to take into their consideration the claim of a respectable and loyal inhabitant of the province, whose house was damaged at the time of the attack at the Short Hills, in the Niagara District, in the month of June, 1838, subsequent to the passing of the Act.

An account of the disbursements incurred by the Commissioners in the discharge of the duties entrusted to them, and for which they pray Your Excellency's authority for liquidation is annexed to this report.

All of which is most respectfully submitted.

ALEXANDER WOOD, }  
 ROBERT STANTON, } *Commissioners.*  
 THOMAS CARFRAE, }

Toronto, 23rd February, 1839.

(Copy.)

No. 1.

CLAIM OF JOHN BUTLER.

Township of Grimsby.

THE QUEEN,

To JOHN BUTLER, Dr.

To losses sustained during the late rebellion in the destruction of property by fire, (through incendiaries or evil disposed persons, opposed to the Constitutional Government of this Province,) in the following articles:—

	£	s.	d.
5 Tables, value £6; 5 Bedsteads £4.....	10	0	0
1 Clock, £6 5 0; 1 Desk £5.....	11	5	0
2 Barrels Pork £8 0 0; Bedding, &c. £3.....	11	0	0
Wearing apparel £5 0 0; 2 Bls. Salt £1 10 0.....	6	10	0
2½ Dozen Chairs £8 0 0; 4 Bls Flour £7 0 0.....	15	0	0
50 bushels Potatoes, £4 13 9; Books £5 0 0.....	9	13	9
Bank Bills and Pocket Book, .....	30	0	0
Flax-wheels, Yarn, &c. £5 0 0; Cooking Utensils and Delf-ware £4 0 0,...	9	0	0
	£ 102	8	9

We, the undersigned, do certify that we were at the burning on the same night, which was on the 7th February, and that his statement is correct.

(Signed) ORELL SMITH,  
 " DAVID SMITH,  
 " CHARLES ROY,  
 " DANIEL LINES,  
 " JOSEPH MERRITT,  
 " JOHN CUTLER.

The above signers are respectable persons of that neighbourhood.

(Signed) ROB'T. NELLES, J. P.

2nd June, 1838.

Niagara, 4th June, 1838.

We, the undersigned, do certify, that John Butler, a private soldier belonging to the 2nd Company 1st Frontier Light Infantry, was on duty on the night that his house and property were destroyed by fire which is mentioned in his claim. This man has served on the lines since the month of December, 1837.

(Signed) JOHN CLARKE, Lt. Col.  
 Commanding 1st F. Lt. Infantry.

(Signed) LEWIS CLEMENT, Captain,  
 2nd Company 1st F. Lt. Infantry.

Evidence on claim of John Butler.

RICHARD BUTLER, sworn—Is son of the claimant John Butler—resides in the township of Grimsby—resided there on the 7th February, 1838—living in the house there occupied by his father's family, who was then absent on militia duty on the Niagara Frontier. On that night, viz. 7th February, 1838, the house was destroyed by fire by incendiaries, as this deponent suspects and believes from the rebels—the fire broke out about midnight, and was first seen to break out from the stoop in front of the house—himself, his mother and family, in all seven then at home, being aroused by the fire, with difficulty made their escape from the building, which was filled with smoke and burning, found it impossible to save anything from the house, their attention being first directed to get the children out of the house—they

are distant from their nearest neighbours about fifty rods—some of the neighbours came to the fire but could render no assistance in saving the furniture, it being impossible to venture into the burning house, which was eventually totally consumed, his father's household stuff and furniture being burnt in it.

The inventory of articles for which claim is made being read to deponent, he states, that to his knowledge, they were in the house when destroyed—the money he knows was in the house, having had it in his hands the day before the fire—the pocket book contained one hundred and twenty dollars in bank notes—the greater part being in Bank of Upper Canada notes; the articles enumerated, to the best of his knowledge and belief, are fairly valued.

The house was rented by his father from Merritt Paulding, late of Grimsby, yeoman, latterly of the town of Niagara, where he kept a tavern, and who left the Province soon after the rebellion broke out.

(Signed) RICHARD BUTLER.

Sworn before the Commissioners, at Toronto, }  
this 5th November, 1838. }

(Signed) ALEXANDER WOOD, *Commissioner*.  
" ROBERT STANTON, *Commissioner*.  
" THOMAS CARFRAE, *Commissioner*.

(Copy.)

No. 2.

CLAIM OF DR. HORNE.

TORONTO, 20th November, 1838.

*The Commissioners upon Claims for Losses during the late Rebellion.*

GENTLEMEN:

I enclose an estimate of my losses by the rebels, when advancing upon this City, in December last.

The impossibility of accuracy in making such a return, must be obvious, and I trust the Commissioners, taking that into consideration, and the undoubted fact, that the burning of my house saved the whole City from destruction, by exposing to many of the insurgents the true nature of the conspiracy, and by exciting a more determined spirit among the loyalists, will make some allowance in addition, for interest, as it may be several years before the claim is paid.

I have the honour to be,

(Signed) R. C. HORNE.

ESTIMATE of the value of Property belonging to R. C. Horne, destroyed by the Rebels,  
5th December, 1837.

	£	s.	D.
1 large cooking-stove, £11 5s.; 1 box do. £6 3s.; 3 do. a £3 15s.....	28	10	0
3 do. Russia iron dumb stoves, £9 10s.; stove-pipes 60s.....	12	10	0
Chairs—24 a 11s. 3d.; 5 a 7s. 6d.; 12 a 5s.; 6 a 2s. 6d.; benches 10s...	18	17	6
4 arm do. with covers, a 20s.; 2 do. do. a 15s.; work-table, £3.....	5	10	0
Tables—3 a 50s; 6 a 30s; 4 a 11s 3d; 3 a 6s 3d; 2 kitchen do. a 45s...	21	18	9
4 sofas, a £5; hall-clock and case, £18 15s.....	38	15	0
Carpet—54 yds. a 6s 3d; 72 a 5s; 92 a 3s; stair do. rods, £6 10s.....	55	3	6
Wash-hand stand and furniture, 2 dble. a 50s; 1 a 18s 9d.....	5	18	9
Do. do. do. 2 do. a 7s 6d; extra furniture for do. 20s	1	15	0
Side-board and drawers, £12 10s.; chest of drawers, £3.....	15	10	0
4 book-cases, with doors and drawers, £17; 3 writing-desks, £6.....	23	0	0
2 black walnut closets, a £6; 3 wardrobe do. £16.....	22	0	0
Closets—3 a 20s; 2 at 50s; 2 double bedsteads, a £5.....	16	0	0
Carried forward.....	£ 265	8	6

	£	s.	d.
Brought forward,.....	265	8	6
3 double bedsteads, curtains &c. £24; 2 French do. £3 .....	27	0	0
4 single do. 45s.; 6 hair matrasses, 30s.....	32	5	0
3 feather beds, £18; 5 bolsters, 62s 6d; 14 pillow-cases, £4 7s 6d .....	25	10	0
12 quilts, £7 10s; 2 do. 20s; 10 bolster-cases, 37s 6d .....	10	7	6
9 pairs blankets, £15 15s; 6 do. £5 5s; 20 pillow-cases, £4 .....	25	0	0
10 cases for under beds £4; 4 chintz curtains, £5 8s .....	9	8	0
13 moreen curtains, a 30s; table-linen and napkins, £20 .....	39	10	0
Table-covers, £3; dinner sett, £5; 1 double do. £20.....	28	0	0
2 breakfast sets, £9; spar candlesticks, 40s; salts, 50s .....	13	10	0
Decanters, glasses, tumblers, and common crockery.....	8	0	0
4 dressing-glasses, £3 2s 6d; 2 dressing cases, £5.....	8	2	6
1 pair silver-edged plated candlesticks, snuffers and tray.....	4	5	0
1 do. cruit-stand, 25s; toast-rack, 16s 3d; silver ladle, £4 5s .....	6	6	3
12 table spoons, £12; 12 desert do. £8; plate-warmer, £2 .....	22	0	0
2 telescopes, £5 10s; paint-box and drawing instruments, 75s.....	9	5	0
1 India cabinet, furnished, £18 15s; large fender, £3.....	21	15	0
Block tin covers, £5 10s; tea, and other trays, 50s; various tools, £5 ....	13	0	0
Plants and flowers; tubs, pots, shelves, and garden-seeds.....	8	0	0
4 cases surgical instruments, and 2 medicine-chests.....	30	0	0
Medicines and bottles, &c. £15; 2 cases minerals and apparatus, £12 10s.	27	10	0
Fire-irons, pots, kettles, knives and forks, and other iron-ware .....	27	10	0
Stock of store-room and pantry, consisting of flour, meat and other pro- visions; groceries and preserves, in boxes, cannisters, jars, bottles, &c.	50	0	0
Stock of cellars—as vegetables, wine, beer, barrels, casks, bottles, paints, &c. shelves, and other fixtures .....	20	0	0
Stock of stable and yard—as fuel, hay, gig and cart, harness, 2 saddles and bridles, 3 buffalo-ropes, 2 wheel-barrows, axes, saws, wedges, garden and stable tools, .....	30	0	0
Stock of bees and honey, £10; fruit-trees, £2 10s .....	12	10	0
Clothes of self, wife, daughter, son, and nephew, .....	165	0	0
Books, maps, and drawings, .....	250	0	0
Man, and two female servants' clothes and money, .....	30	0	0
	£ 1219	2	9
A two-story dwelling-house, 44 feet square, inclusive of a story and a half log building, weather-boarded, containing pantry and store-room, and servants rooms; a verandah 10 feet wide, and close gallery of the same size; two cisterns; two wood-sheds; smoke and ash-house, and other small buildings; stable and coach-house; cart-shed; poultry-house; gates; division fences, and high weather-boarded front fence.....	1150	0	0
	£ 2369	2	9

Toronto, 19th November, 1838.

The above estimate was made out when the transaction was recent; even at that time it was found impracticable to enumerate every thing lost—many articles being recollected, after making up the account, which were not considered worth while to add to it, as the whole was expected to be paid immediately—the omission cannot now be remedied.

A large quantity of books and furniture, belonging to the estate of the late Mr. Whitney, are included in the above list. I may be mistaken in the value of some of the items, but cannot hesitate to declare, that the whole is within the amount lost by me on that occasion.

(Signed) R. C. HORNE.

**Evidence on Claim of Dr. Horne.**

**ROBERT C. HORNE, sworn**—Says that the house and premises, with their contents, as set forth in the claim which he presents to the Board, were, with the exceptions therein-named, his property; and that the same were destroyed by fire, by the rebels, on the 5th December, 1837. To the best of this deponent's knowledge and belief, the amount claimed by him, as set forth in this, his claim, is just and true in all its particulars; and that the several items therein-mentioned are charged at a fair and reasonable value. The articles noticed as exceptions in his account, were in his house at the time of its destruction; and the two sons (minor children) of the late Benjamin Whitney, Esquire, were residing with deponent, and under his charge at the time. The clothing of these two boys were destroyed in the house: and to the best of this deponent's knowledge, would amount, in value, to the sum of twenty-five pounds, currency. The articles of furniture and books, included in his claim, belonging to the estate of the late Mr. Whitney, would amount, to the best of his belief, to the sum of one hundred pounds, currency—making, in all, the sum of one hundred and twenty-five pounds, currency. With respect to the clothes and money of servants, destroyed in the house, the value of about seven pounds ten shillings, currency, were the personal property of this deponent; the remainder of the items charged in the account, belonged to a male and female servant, in his employ at that time.

(Signed) R. C. HORNE.

Sworn before us, at Toronto, this

24th December, 1838.

(Signed) ALEXANDER WOOD, *Commissioner*.  
 “ ROBERT STANTON, *Commissioner*.  
 “ THOMAS CARFRAE, *Commissioner*.

**JOHN EWART, sworn**—This deponent was formerly owner of the premises set forth in this claim; he sold them to Dr. Horne—delivering him the dwelling-house in a furnished state; it was finished in good style. Deponent was called upon, together with Mr. Ritchie, last winter, to make an estimate of the value, by a Committee of the House of Assembly: their estimate, as he recollects, was stated at nine hundred and fifty pounds, currency, which amount was subsequently increased one hundred pounds, in consideration of additions and improvements made by Dr. Horne, subsequently to his purchase of the premises from this Deponent. The total value of the buildings destroyed by the rebels, to the best of this deponent's knowledge and belief, is of the value of one thousand and fifty pounds, currency.

(Signed) JOHN EWART.

Sworn before us, at Toronto, this

24th December, 1838.

(Signed) ALEXANDER WOOD, *Commissioner*.  
 “ ROBERT STANTON, *Commissioner*.  
 “ THOMAS CARFRAE, *Commissioner*.

**JOHN RITCHIE, sworn**—Knows the premises set forth in this claim; is a carpenter, and worked upon the house previous to its delivery to Dr. Horne; it was well furnished, and with the additions and improvements since made by Dr. Horne, corroborates the value as stated by Mr. Ewart: that to the best of his knowledge and belief, the premises were fairly worth one thousand and fifty pounds, currency.

(Signed) JOHN RITCHIE.

Sworn before us, at Toronto, this

24th December, 1838.

(Signed) ALEXANDER WOOD, *Commissioner*.  
 “ ROBERT STANTON, *Commissioner*.  
 “ THOMAS CARFRAE, *Commissioner*.

(Copy.)

No. 3.

## CLAIM OF MARGARET WASHBURN.

Toronto, 31st January, 1839.

SIR,

Herewith I enclose you the amended statement of the property destroyed, belonging to Mrs. Washburn, signed by herself.

You will perceive I have altered it to a certain extent, on account of circumstances which I was not aware of previously.

JOSEPH C. MORRISON,

*Agent to the Estate of the late**Simon Washburn, Esq.*

To ALEXANDER WOOD, Esq.

*Chairman, Board of Claims.*

STATEMENT of the cost of building the houses, premises and stables, destroyed by the Rebels, near the Don Bridge, on the 7th December, 1837, belonging to the Estate of the late Mr. Washburn.

	£	s.	d.
To amount paid William Burrows, as per receipts .....	986	15	0
To commission charged by him .....	30	0	0
To one year's rent expended on premises .....	60	0	0
To amount paid Wragg & Co. as per account .....	109	1	5
To 3,500 feet hewn timber, at £10 per M .....	35	0	0
To 16 acres of oats, at £4 per acre .....	64	0	0
To 56 bundles laths, at 6s. 3d. per bundle .....	17	10	0
To 3 tons of hay, at £3 per ton .....	9	0	0
	£1310	6	5

The actual cost to the late Mr. Washburn was about £1640, including, on account of excavation and other matters, £520—which, from the loss of the papers relating thereto, cannot now be accounted for.

The excavations are a total loss to the estate, as the land is thereby not intrinsically increased in value. Mrs. Washburn would respectfully draw the attention of the Board to this particular.

The only vouchers that can be furnished are the receipts of Mr. Burrows, who superintended the erection of the buildings, and the account of Messrs. Wragg & Co. for materials, &c.: the papers containing the detailed expenditure having been burnt at the fire. The laths, hay and oats, were burnt in the buildings, and are charged at a lower rate than their value at that time.

The buildings were intended, by the late Mr. Washburn, for a large brewery, distillery, and an inn attached. Mr. Burrows, at the time of the destruction of the premises, occupied the same under a rental of sixty pounds per annum; and under a further agreement, that when Mr. Washburn had completed the inn and stabling, Mr. Burrows should pay at the rate of six per cent on the actual cost, or at the rate of £130 per year for the same.

There were many other articles destroyed, but Mrs. Washburn is unable, from many circumstances, and particularly on account of Mr. Burrows, (who is the only person acquainted with the subject,) and who has shown himself inimical to her interests, to ascertain their description or value.

(Signed) MARGARET WASHBURN,

*Executrix and sole Devisee of the late Mr. Washburn.*

**Evidence on Claim of Margaret Washburn.**

JAMES FITZGIBBON, Esquire, Clerk of the House of Assembly, *sworn*—Says that the claim of Mrs. Washburn was presented to the House of Assembly, and was referred to a Committee, appointed by the House to enquire into the said claim and others of a similar nature, during the last Session; George S. Boulton, Esquire, M. P. P. was Chairman of the Committee. A Report was made to the House by the said Committee, which deponent here presents. The following is an extract therefrom, dated 24th February, 1838:

“ It appears satisfactorily proven, that the house and brewery belonging to Mrs. Washburn, with a number of articles therein, were destroyed by the Rebels during the late rebellion, and that their value was one thousand six hundred and fifty-three pounds three shillings (£1653 3s.) which your Committee consider her entitled to, for such loss as stated in her petition.”

The said Report was placed upon the Journal of the House, in the ordinary manner, but no particular action took place upon it by the House. It was then near the close of the Session—the prorogation having taken place on the 6th day of March following.

(Signed) JAMES FITZGIBBON.

Sworn before us, at Toronto, this  
1st day of February, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
“ ROBERT STANTON, *Commissioner*.  
“ THOMAS CARFRAE, *Commissioner*.

MARY BURROWS, *sworn*—Says that on the 5th December, 1837, her husband, William Burrows, resided in the house on the east side of the Don Bridge, near Toronto, being the property set forth in Mrs. Washburn's claim. On the 7th December, during the rebellion, her husband observing the approach of a body of rebels, left the house to go to Toronto, in order to give the alarm of their approach. The band of rebels, most of them being armed, came to the house not long after her husband had left for the City: a number of them came into the house, desiring her to leave it; on looking out she saw the stable adjoining the house on fire; she was forced out of the house, without time being allowed her to remove any thing out of it, or even to take necessary articles of clothing. In a short time the whole premises were in flames, and were entirely destroyed by the fire; she has no doubt the fire was set by the rebels; she fled to the office of the keeper of the toll-gate, and there saw some of the rebels take a brand from the fire-place, with which they fired the Bridge. In the stable and barn, deponent is aware that a considerable quantity of hay and oats were stored away, as well as a quantity of squared timber and laths.

(Signed) MARY BURROWS.

Sworn before us, at Toronto, this  
1st February, 1838.

(Signed) ALEXANDER WOOD, *Commssioner*.  
“ ROBERT STANTON, *Commissioner*.  
“ THOMAS CARFRAE, *Commissioner*.

WILLIAM BURROWS, *sworn*—Was residing in the house mentioned in this claim, at the time of the rebellion. On the 7th December, 1837, he went up on the top of the house with a spy-glass in his hand, and observed at some distance a body of armed men approaching, whom he believed to be a party of the rebels; he immediately proceeded to Toronto, to give the alarm, and not very long after, he saw the premises on fire, and has no doubt but that they were fired by the rebels whom he had previously seen approaching.

Deponent has resided on the premises from their first construction, and was himself employed in their erection. They consisted of a building constructed with a view to its being subsequently used as a brewery: a dwelling-house, which was used as an inn: granary, stable and shedding, with hay-loft—these latter being three stories in height; they were all

frame buildings on stone foundations; the dwelling-house was two stories in height, and that part of the premises intended for the brewery was to have corresponded with the granary and stables—being three stories in height. The materials for this part of the premises were all prepared, and were on the ground; the dwelling-house and granary above-mentioned were completely finished, and in the occupation of this deponent, who kept an inn there.

Deponent was employed in the erection of the buildings generally, as superintendent of the same by Mr. Washburn, the disbursements were made through this deponent, he receiving from time to time the means of paying the people employed, from Mr. Washburn. Materials, such as timber, stone, nails, iron work, and some other items were disbursed by Mr. Washburn, without reference to this deponent, who has no personal knowledge of such items of expense.

Deponent had kept account of the outlay made by him on account of the buildings, from monies placed in his hand, by Mr. Washburn for that purpose. These accounts as well as all others, his own papers, books, and the articles of property belonging to himself were burned in the house by the rebels, and he cannot now therefore state the particulars.

A book produced to witness containing receipts for monies paid to him by Mr. Washburn, at various times; deponent admits the correctness of these receipts—they are signed by him, and the several amounts were paid into his hands by Mr. Washburn, and by him expended on Mr. Washburn's account, in erection of the premises in question, and in the laying in of the materials to be used as before stated. These sums are exclusive of the excavation of the brewery part of the building, which was a separate job. A commission was charged by this deponent against Mr. Washburn, on the expenditure, amounting to about thirty pounds, independently of the money receipts now produced. The excavation part of the brewery was performed by this deponent, and he was to have continued in possession of the Inn and its appurtenances, as the tenant of Mr. Washburn, at the rate of £65 per annum, till the job was settled up—he remained in actual possession from 13th January, 1837, to the time of the destruction of the premises, being about eleven months. Deponent is aware that a considerable quantity of squared timber and other materials were prepared and on the premises, with a view to the completion of the brewery part; a great part of these were totally consumed by the fire, and other parts damaged—cannot speak positively as to the total quantity of timber, materials, &c. laid down on the premises, but is aware the whole which would have been required for the erection of the brewery were there, for the framing, flooring, and covering it in to the three stories in height; there were also some thousands of Laths, which were totally destroyed by the fire; in the the barn and granary, a quantity of hay and oats were laid in, these were the property of Mr. Washburn, having been brought there from his farm; the produce of about 16 acres of oats was so laid up, and part of the produce of about 12 acres of hay; the value of the oats at a fair and reasonable valuation, the deponent believes would be about £5 the acre; thinks there were about three tons of hay. The whole of the oats and hay on the premises were destroyed by the fire.

The brewery was intended as a building larger than the granary part, which was 80 feet by 40, and to have been as before stated, three stories in height; the materials provided and on the premises, were in accordance with that design, and from his knowledge of building and quantities required for such a purpose, would, he thinks, exceed 3,500 feet squared timber. He is not aware of any other articles being on the premises, the property of Mr. Washburn, than those stated in this his deposition.

(Signed) WILLIAM BURROWS.

Sworn before us, at Toronto, this  
1st February, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
" ROBERT STANTON, *Commissioner*.  
" THOMAS CARFRAE, *Commissioner*.

HENRY LAYTON, *sworn*.—Is a clerk in the employ of Wragg & Company, of this City, hardware merchants; knows the premises at the Don Bridge, the property of the late Mr. Washburn. During the erection of the building, various materials of hardware were furnished, on Mr. Washburn's account, by Wragg & Company, and delivered to William

Burrows, as deponent understood, to be made use of in the erection of the buildings at the Don, the property of Mr. Washburn. The value of materials so procured, on such account, amounts, to the best of deponent's knowledge, to about one hundred pounds.

(Signed) HENRY LAYTON.

Sworn before us, at Toronto, this  
1st February, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
" ROBERT STANTON, *Commissioner*.  
" THOMAS CARFRAE, *Commissioner*.

JOSEPH C. MORRISON, *sworn*—Says that he is employed on the part of Mrs. Washburn, as her agent in the affairs of her late husband—to whose estate she is sole executrix; he was in the employ of Mr. Washburn in his life time, while the buildings in question were in the course of being erected, and knows that William Burrows, as stated in his deposition, was engaged as superintendent of the same—the expenditure passing through his hands, from monies paid to him in various sums, at various times, by Mr. Washburn; deponent has himself at times paid sums to Mr. Burrows, for Mr. Washburn, for this purpose. The book presented contains the receipts of Mr. Burrows for monies paid to him on various occasions, on this account—deponent has added these receipts together, they amount in all to the sum of nine hundred and fifty-nine pounds, fifteen shillings—in addition to which are two sums of twenty-four pounds ten shillings, paid by Mr. Washburn on Burrows' account, and an order of Burrows for two pounds ten shillings, making in all the sum of nine hundred and eighty-six pounds fifteen shillings, as the total sum so paid by Mr. Washburn to Burrows on account of the said premises. Deponent has no personal knowledge of the excavation of the brewery part of the premises, as a separate job, or the agreement made with Burrows by Mr. Washburn on the subject, nor has he any knowledge of the amount which was to be allowed for the same. The detailed accounts connected with the buildings, were, as he believes, destroyed in the house at the Don, when it was fired by the rebels; the book now produced, with Burrows' receipts, and the items included in the statement of claim submitted, being the only data within his power, as the agent of Mrs. Washburn, to exhibit with any degree of certainty. This deponent is aware that a claim was submitted to the House of Assembly last Session, exceeding this in amount, and from deponent's general knowledge of the transaction, as connected with these premises, he has no doubt that the total loss is not short of the sum stated in the report of the Committee.

(Signed) JOSEPH C. MORRISON.

Sworn before us, at Toronto, this  
1st February, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
" ROBERT STANTON, *Commissioner*.  
" THOMAS CARFRAE, *Commissioner*.

(Copy.)

No. 4.

### CLAIM OF WILLIAM BURROWS.

December 7th, 1837.

ESTIMATE of Property burnt by the Rebels, in the Houses belonging to the late Simon Washburn, owned by William Burrows.

	£	s.	d.
Clothing—1 suit, £7 10s; 1 great coat, £6; 3 pairs M. trowsers, £3 12s 6d,	16	2	6
2 pairs cloth trowsers, £5; 1 round-about jacket, £1 10s; 4 waistcoats, £2 10s,	9	0	0
1 hat, £1 10s; 6 shirts, £3 15s; 3 flannel do. £1 10s; 6 handkerchiefs, £1 10s,	8	5	0
4 handkerchiefs, 15s; 1 shawl, 10s; 6 pairs stockings, £1 2s 6d.....	2	7	6
2 pairs gloves, 5s; 2 pairs boots, £2 10s.....	2	15	0
Carried forward .....	£38	10	0

	£	s.	d.
Brought forward,.....	38	10	0
<i>Clothes belonging to Mary Burrows:</i>			
1 dozen linen aprons, £1 14s; 1 dozen cotton do. 15s; ½ dozen blue do. 12s,	3	1	0
1 gown, £2 10s; 1 do. £1 5s; 1 do. £1 5s; 2 do. £2; 1 do. 12s .....	7	12	0
1 do. 15s; 2 do. £1; 6 petticoats, £2; 1 dozen flannel do. £5 10s .....	9	5	0
3 pairs stays, £2; 1 dozen linen shifts, £5 8s; 1 dozen stockings, £2 5s..	9	13	0
2 bonnets, £2 5s; 2 veils, £2; 1 dozen caps, £3; 1 pair boots, 15s.....	8	0	0
2 pairs shoes, 15s; 1 shawl, £2 15s; 1 do. £1 10s; 1 do. £1 5s .....	6	5	0
1 fur tippet, £1 15s.; 3 lace collars, £2 15s.; 2 pairs gloves, 7s 6d .....	4	17	6
Beds and bedding, 7 mattresses and feather beds.....	49	0	0
14 feather pillows, £7; 28 pillow-cases, £2 16s .....	9	16	0
28 pair linen sheets, £35; 2 pair blankets, £4 .....	39	0	0
16 quilts, £24; 9 bedsteads, £9; 1 do. £2 .....	35	0	0
6 table-cloths, £5; 3 table-covers, £2 5s; 1 dozen towels, £1 11s.....	8	16	0
1 dozen glass cloths, £1 4s; ½ dozen roller towels, £1 3s 2d .....	2	7	2
1 dozen kitchen towels, £1 4s; 1 set of drawers, £7 .....	8	4	0
1 writing-desk, £5; 1 clock, £6 15s; 3 black walnut tables, £6 15s .....	18	10	0
1 large kitchen table, £2 15s; 2 common do. £2 15s; 3 dressing do. £2 8s,	7	18	0
3 wash-hand stands, £2 1s 3d; 1 dozen chairs, £3; ½ dozen do. £4 10s,	9	11	3
1 sofa, £3; 1 looking-glass, £1 5s; 3 do. £2 5s .....	6	10	0
Earthenware, £16; 2 large glass lanterns, £1 15s.....	17	15	0
1 glass-drainer, 10s; 1 large sugar-box, 15s .....	1	5	0
Measures—gallons, quarts and pints .....	0	18	0
1 stable lantern, 5s; 1 dozen decanters, £2 5s; 2 dozen wine glasses, 15s,	3	5	0
3 dozen tumblers, 18s; spirituous liquors, £22 .....	22	18	0
1 barrel beer, £1 5s; 1 barrel cider, 18s; 10 kegs, £1 17s 6d .....	4	0	6
8 whiskey and beer barrels, £1 10s; 3 boxes and tubs, £3 7s.....	4	17	0
1 stove and pipes, £10 10s; 1 boiler, £1 10s .....	12	0	0
1 large baking oven, and other pans .....	4	15	0
2 dozen knives and forks, £1 10s; 1 dozen silver tea-spoons, £2 .....	3	10	0
1 dozen common spoons, 10s; 1 sword, £2 .....	2	10	0
Money in the bar .....	4	0	0
7 axes, £3 10s; 2 bibles, £15 15s .....	19	5	0
1 surveying-book and case of instruments .....	7	0	0
1 testament and other books .....	5	10	0
1 set of fleams, 15s; 1 set fire-irons and smoothing do. 15s .....	1	10	0
2 hogs, £6; fowls, £4 10s; 1 double sleigh and box, £8.....	18	10	0
1 pile of wood, £5; 2 harrows, £3.....	8	0	0
1 new pannel and 6 sashes and glass .....	2	10	0
13 barrels plaster, £8 2s. 6d; 1 barrel salt, 12s 6d.....	8	15	0
1 barrel apples, 10s; flour, potatoes and meat, £4 15s .....	5	5	0
4 pickaxes, £1 10s; 2 steel shovels, 15s.....	2	5	0
1 sign .....	6	10	0
	£448	9	5

**Evidence on claim of William Burrows.**

WILLIAM BURROWS, the claimant, sworn—A claim was submitted by him to the House of Assembly, last Session, amounting to three hundred and some odd pounds; the claim he now submits is for £448 9s. 5d. The previous claim was, as stated, in the report of the Committee of the Assembly..... £304 7 6

The difference between the two being..... 144 1 11

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£448 9 5

He endeavours to account for this large difference between the two claims made, from the fact that the one submitted to the Assembly being called for in a hurry, and being handed in without having sufficient time to recall to recollection all the things which were destroyed in the house, it did not contain many items which have since been recalled to his recollection. Of the items contained in the claim now made, deponent swears that most of them are within his own knowledge as having been in the house at the time it was burned by the rebels; he states with certainty the following :

All the clothes belonging to himself;  
 The beds, bedding and bed furniture;  
 The earthenware;  
 Ordinary house furniture;  
 Liquors and bar furniture;

And generally to the other items stated in the account, with the exception of his wife's clothing; the table linen; spoons, and some other things, which were particularly in his wife's charge, and more under her observation. The house was fitted up and furnished for the purposes of an Inn—seven beds were made up in the house for the accommodation of persons calling—the bar was supplied in the ordinary way, with liquors of various kinds—some of the articles enumerated were burned in the barn or stable adjoining the house—by the destruction of the house when fired by the rebels all his property contained in it at the time was totally lost to him. For many of the articles contained in the statement of claim he had paid the accounts of tradesmen, and others, and had their receipts for the amount paid; these documents as well as his other papers were destroyed in the house; for several items he had paid ready money, and for some of these he yet remains indebted; of the earthenware charged at £16, he recollects one blue dinner set for which he paid £7; there were various other articles, necessary in such a house, such as common plates and dishes, tea services, mugs, and measures of different sorts; the glassware he states was of the usual description for an inn, and the items charged he believes to be truly stated. The stock of liquors in his bar, at the time of the burning, consisted of various sorts, brandy, gin, whiskey, some wine, contained in kegs and small barrells. The money in the till, he had not counted for two or three days previous, but on looking at it on the morning of the burning, he recollects that it consisted of bank bills, silver, and small change, and from ordinary receipts of the house, he verily believes the amount to be reasonably stated. To the best of his knowledge and belief the items contained in this his claim, are fairly and truly stated; that they were destroyed by the fire and are a total loss to him, and the prices charged are just and true.

(Signed) WILLIAM BURROWS.

Sworn before us, at Toronto, this  
 6th February, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
 “ ROBERT STANTON, *Commissioner*.  
 “ THOMAS CARFRAE, *Commissioner*.

MARY BURROWS, *sworn*—Is the wife of the claimant, Wm. Burrows, the house in which they resided and kept an inn, was burned by the rebels in December, 1837, and all their property contained in it, and the adjoining stable and barn, were totally destroyed and lost to them in consequence—she was herself not allowed to save any article even of her own clothing, and she was compelled to leave the house to its fate—the whole of her own clothing was destroyed by the fire—it consisted of an ample and comfortable stock, mostly purchased for her by her parents when leaving England, about eighteen months before—many of the articles were yet new as when purchased, not having had occasion to make use of them—some of them were purchased in Toronto, both before and after her marriage to Burrows, and these are charged in statement of claim at the prices actually paid for them, and had been but little in use. This deponent further swears that the several articles being now called over to her, are those actually lost, and that their value is truly and justly stated, having personal knowledge of the prices paid for nearly the whole of them. The inn they kept was supplied with the usual bed and table linen, for most of which she made the purchases. The bed linen consisted of the necessary articles, sheets, pillow and bolster-cases, sufficient for making up and having change for the number of beds they made up, which were seven in

number, with feather beds and mattresses to each. The table linen consisted of diaper table cloths, hand towels, bedroom towels, and towels for kitchen and common use; there were several bed counterpanes, cotton and worsted. The table and bed linen were procured mostly by herself. The articles of bed and table linen, and furniture are read over to the deponent, she knows that the number of each as stated, were in the house at the time of the fire, and destroyed, and having herself purchased several of the articles for the use of the house, believes them to be truly stated as to quantities and prices. The knives and forks, spoons, and kitchen utensils, baking oven pans, and other kitchen furniture, she knows to be truly stated; their house was newly built, a large building, they had been in occupation of it about eleven months, when it was destroyed by the rebels; they had moved into it immediately after their marriage, and commenced fitting it up as an inn; the house for this purpose was comfortably furnished and provided in all respects, as to the bedding, furniture, kitchen utensils, bar room, and the usual requisites in a house of that kind; the purchases were all of new articles, and having been not more than eleven months in use were nearly as good as new; some of them had not been at all used. The whole was lost by the destruction of the house by the rebels.

(Signed) MARY BURROWS.

Sworn before us, at Toronto, this  
6th February, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
" ROBERT STANTON, *Commissioner*.  
" THOMAS CARFRAE, *Commissioner*.

EDWARD FOLEY, *sworn*—Is keeper of the east toll gate at the Don, resided at the toll house in December 1837, when the rebels approached towards Toronto. On their advance he with some other persons, retreated into the city; it was subsequently that the premises in question were fired—his residence was near that of the claimant, William Burrows, who kept an inn in the house built by Mr. Washburn; had frequent opportunities of personally witnessing the manner in which the house was provided and furnished by Burrows for this purpose; it was well and comfortably furnished as a respectable country inn. It was a large house two stories in height, and would require a considerable quantity of furniture to enable Burrows to keep it properly and respectably; and in this respect having been his near neighbour all the time he was there, he had not heard, nor does he believe there could be any ground of complaint as the character of Burrows and his wife was such, as in his opinion, to preclude any ground of complaint, it was a respectable, comfortable and well kept house.

(Signed) EDWARD FOLEY.

Sworn before us, at Toronto, this  
8th February, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
" ROBERT STANTON, *Commissioner*.  
" THOMAS CARFRAE, *Commissioner*.

(Copy.)

No. 5.

## CLAIM OF NICHOLAS BURROWS.

MEMORANDUM of Apparel and Clothing, belonging to Nicholas Burrows, lost and destroyed in the dwelling-house owned by the Washburn Estate, and occupied by William Burrows, December 7th, 1837.

	£	s.	D.
3 suit of clothing.....	15	0	0
1 working do. moleskin.....	3	0	0
10 linen shirts 3l. 2s 6d; 2 cotton do. 12s 6d.....	3	15	0
3 hats 1l. 10s; 1 pr. shoes 10s; 1 pr. boots 11s 3d.....	2	11	3
12 pr. woollen stockings 1l. 10s; 3 silk handkerchiefs 7s 6d.....	1	17	6
2 white muslin handkerchiefs 3s; 8 cotton do. 8s.....	0	11	0
1 summer jacket 15s; 1 pr. linen trousers 10s.....	1	5	0
1 overcoat 2l.; 2 razors 5s; 2 razor strops 3s 6d.....	2	8	6
1 bible 2s 6d; 1 prayer book 5s; 2 vests 15s; 1 chest 1l. 5s.....	2	7	6
Powder flask, shot belt, and wad-cutter.....	0	7	0
1 screw-driver and nipple wrench.....	0	2	6
	£	33	5 3

NICHOLAS BURROWS maketh oath and saith, that the particulars of the above account are truly stated, and that the prices charged are reasonable.

(Signed) NICHOLAS BURROWS.

Sworn before me, at Toronto, this  
28th May, 1838.

(Signed) JAMES FITZGIBBON, J. P.  
Home District.

## Evidence on Claim of Nicholas Burrows.

NICHOLAS BURROWS, the Claimant, *sworn*.—The statement of claim now handed in by him, and sworn to before James FitzGibbon, Esquire, on 28th May, 1838, contains a true and correct account of the articles lost by him in the house of his brother, William Burrows, when fired by the rebels, in December, 1837. His brother's house was his usual home when not employed at work at a distance—he kept his clothing there in his chest—the articles enumerated he so left in the house in December, 1837, and has no doubt they were there, and consumed by the fire; has resided in this country rather more than two years; came from England; previous to leaving home he purchased his stock of clothing; they are justly stated in his claim as to quantities and prices.

(Signed) NICHOLAS BURROWS.

Sworn before us, at Toronto, this  
6th February, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
“ ROBERT STANTON, *Commissioner*.  
“ THOMAS CARFRAE, *Commissioner*.

WILLIAM BURROWS, *sworn*.—Nicholas Burrows is his brother, and made deponent's house his ordinary home; he kept his clothes there in a chest; at the time of the house being fired by the rebels, his brother's chest was in one of the rooms, and with its contents,

consisting as deponent believes, of the clothing claimed for, was totally destroyed by the fire : has no doubt from having often seen the chest opened, that its contents are truly stated, as set forth in his brother's claim.

(Signed) WILLIAM BURROWS.

Sworn to before us, at Toronto, this  
6th February, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
" ROBERT STANTON, *Commissioner*.  
" THOMAS CARFRAE, *Commissioner*.

(Copy.)

No. 6.

CLAIM OF MICHAEL MURNAN.

ESTIMATE of the value of the articles of clothing, &c. the property of Michael Murnan, destroyed in the house of R. C. Horne, Esq. by the rebels, 5th December, 1837.

	£	s.	d.
2 hats, and one fur cap 27s ; 3 pr. trousers 30s .....	2	17	0
1 pr. shoes 9s. ; 1 pr. boots 10s ; 2 razors 5s.....	1	4	0
1 looking glass 1s ; 2 clothes brushes 2s ; 1 chest 5s.....	0	8	0
2 pocket knives 2s 6d ; 4 pr. stockings 4s ; 4 shirts 15s .....	1	1	6
2 pr. drawers 5s ; 2 silk handkerchiefs 5s .....	0	10	0
4 shirt collars 4s ; 3 vests 5s ; 3 pr. gloves 7s 6d .....	0	16	6
2 pr. gaiters 2s 6d ; 1 night cap 1s ; 3 books 3s 6d.....	0	7	0
	£7	4	0

His  
(Signed) MICHAEL X MURNAN.  
Mark.

WITNESS,

(Signed) JOHN DEVELIN.

Evidence on Claim of Michael Murnan.

MICHAEL MURNAN, THE CLAIMANT, sworn.—Was living as servant to Dr. Horne, in December, 1837, when his house was fired by the rebels ; he was in the house when the rebels forced into it, against his will when the house was fired he endeavoured to be allowed to save some of the things, as well as his own clothing, which was refused, because as they said he had resisted or refused to admit them willingly ; he escaped from them and got into the city immediately. The statement in his claim is just and true, the items being priced at less than in their first cost value.

(Signed) MICHAEL X MURNAN.  
mark.

(First read and explained to deponent.)

Sworn to before us, at Toronto, this  
6th February, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
" ROBERT STANTON, *Commissioner*.  
" THOMAS CARFRAE, *Commissioner*.

(Copy.)

No. 2.

## CLAIM OF JANE MILLIGAN.

ESTIMATE of the value of the articles of clothing, &c. the property of Jane Milligan, destroyed in the house of R. C. Horne, Esq. by the rebels on the 5th December, 1837.

	£	s.	d.
3 print frocks a 10—30s; 4 petticoats a 5s—20s.....	2	10	0
1 umbrella 6s; 4 chemises a 3s—12s; 2 pr. stays 5s.....	1	3	0
4 aprons 4s; 4 silk handkerchiefs 20s; 1 veil 6s.....	1	10	0
6 lace caps 15s; 8 pr. stockings 16s.....	1	11	0
3 pr. shoes 20s; 1 pr. boots 10s; 1 fur tippet 12s 6d.....	2	2	6
3 pr. silk gloves 6s; 1 chest 12s 6d; 1 basket 2s.....	1	0	6
Ribbons 15s; 3 lace caps 15s.....	1	10	0
1 bible 5s; 1 book 7s 6d.....	0	12	6
In money.....	9	0	0
	£20	19	6

(Signed) JANE <sup>her</sup> MILLIGAN.  
mark.

WITNESS,  
(Signed) JOHN DEVILIN.

## Evidence on claim of Jane Milligan.

JANE MILLIGAN, THE CLAIMANT, *sworn*—Was living as servant to Dr. Horne in December, 1837, when his house was fired by the rebels; the whole of her clothing in the house, as stated in her claim, was destroyed by the fire, together with nine pounds in money, in bank bills; she can read print and to the best of her belief, there were fifteen dollars in notes of the bank of Upper Canada, and the remainder of the nine pounds in Commercial bank, and Montreal notes. The articles and prices set forth in her claim are justly and reasonably stated, being put at under first cost to her.

(Signed) JANE <sup>her</sup> MILLIGAN.  
mark.

(First read and explained to the deponent.)

Sworn to before us, at Toronto, this  
6th February, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
" ROBERT STANTON, *Commissioner*.  
" THOMAS CARFRAE, *Commissioner*.

## Evidence on Claim of Michael Murnan and Jane Milligan.

ROBERT C. HORNE, *sworn*.—Knows the claimants Michael Murnan and Jane Milligan. They were living as servants in his house at the time of its destruction by the rebels, in December 1837. He has no doubt of the correctness of the statements made in their several claims. That their clothing was destroyed at the time. A few days previous he saw some money, in bank notes, in the possession of Jane Milligan, but does not know the exact amount.

(Signed) ROBERT C. HORNE.

Sworn to before us, at Toronto, this  
6th February, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
" ROBERT STANTON, *Commissioner*.  
" THOMAS CARFRAE, *Commissioner*.

(Copy.)

No. 8.

**CLAIM OF CLARKE GAMBLE, EsQUIRE,**

*As Acting Executor and Trustee of the Estate of the late Benjamin Whitney, and Guardian to his Heirs.*

Toronto, 29th January, 1839.

Sir,

As Acting Executor and Trustee of the Estate of the late Benjamin Whitney, and Guardian to his Heirs, I beg to lay before the Board, of which you are Chairman, the following claim for property belonging to the said Estate, destroyed in the dwelling-house of R. C. Horne, Esq. on the 5th December, 1837; when the same was fired by the rebels, and totally consumed.

The property lost consists of household furniture, bed and bedding, books, plate and china, together with wearing apparel, estimated at a low value—at £125.

The particulars further I am unacquainted with; but I beg to refer you to the evidence of R. C. Horne, Esq. who can give you all the information required by your Board.

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

(Signed) C. GAMBLE.

To ALEXANDER WOOD, Esq.  
Chairman, Board of Claims.

**Memorandum of Loss.**

Books, .....	£50	0	0
Clothes, .....	25	0	0
Furniture, plate and china, .....	50	0	0
	<u>£125</u>	<u>0</u>	<u>0</u>

**Evidence on Claim of Clarke Gamble, Esquire.**

ROBERT C. HORNE, Esq. *sworn.* The amount of claim here set forth was included in a claim made by this Deponent, the articles lost being in his house when destroyed by the rebels, in December, 1837. This amount is now deducted from his claim.

The articles destroyed were the property of the estate of the late Mr. Whitney, and consisted of books, furniture, plate, china and clothing, belonging to his children. It is not in Deponent's power, from recollection, to particularize the several items of property lost—they were generally valuable, and the amount claimed, as stated at £125, he has every reason to believe is justly set forth—and to the best of his knowledge and belief, under the actual value of the same.

(Signed) R. C. HORNE.

Sworn to before us, at Toronto, this  
6th February, 1839.

(Signed) ALEXANDER WOOD, *Commissioner.*  
" ROBERT STANTON, *Commissioner.*  
" THOMAS CARFRAE, *Commissioner.*

Certified.

ALEXANDER WOOD,  
ROBERT STANTON,  
THOMAS CARFRAE, } *Commissioners.*

ACCOUNT OF DISBURSEMENTS incurred and payable by the Commissioners, under the Statute 1st Victoria, chap. 13, between 26th September, 1838, and 22nd February, 1839.

DATE.	FOR WHAT.	AMOUNT.
1838.		£ s. d.
October 5,	2 Blank Minute-books, a 6s. 3d.....	0 12 6
November 22,	Postages, .....	0 0 4½
December 10,	Do. ....	0 0 9
14,	Do. ....	0 10 3½
1839.		
January 2,	Do. ....	0 1 8
7,	Do. ....	0 0 9
17,	Do. ....	0 2 3
21,	Do. ....	0 0 9
30,	Do. ....	0 0 9
February 2,	Do. ....	0 0 11
22,	Allowance to Mr. John Laing, as Clerk to the Board, for attendance, entering minutes, and making copies.....	7 10 0
		£9 1 0

Amounting to Nine Pounds, One Shilling, Currency.

ALEXANDER WOOD, }  
ROBERT STANTON, } *Commissioners.*  
THOMAS CARPRAE, }

Toronto, 23rd February, 1839.

GEO. ARTHUR.

THE LIEUTENANT-GOVERNOR recommends to the early consideration of the House of Assembly, the accompanying copy of a letter (19th December, 1838,) from Major Goldie, Civil Secretary of the Province of Lower Canada, transmitting two certified accounts of disbursements by the Sheriff of Quebec, for the conveyance of certain Upper Canada convicts to England, on their way to Van Dieman's Land, amounting, in the whole, to the sum of £646 2s. 7d. currency.

*Government House,*

*March, 1839.*

(Copy.)

*Government House,*

*Montreal, 19th December, 1838.*

SIR,

THE twenty-three convicts recently sent from Toronto to Quebec, for transportation, having been conveyed to England, I have been directed by His Excellency, the Administrator of the Government, to transmit to you, for liquidation, the enclosed accounts furnished by the Sheriff of Quebec, and certified by the Inspector-General of Accounts, of the expenses incurred for the conveyance of these convicts; also an account for passage-money, bedding, &c. for a convict from Upper Canada, sent to England in 1837, which has not yet been paid. The payment of these accounts might be simplified by deducting the amount from the proportion of duties payable to Upper Canada, on the 1st January next, should His Excellency the Lieutenant-Governor not see any objection thereto.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

(Signed) THOS. LEIGH GOLDIE,

*Civil Secretary.*

*The Civil Secretary,*

*Toronto.*

Government House,  
24th December, 1838.

Referred, with the accounts, to the Honourable the Executive Council.

By command.

(Signed) JOHN MACAULAY.

In Council, 26th December, 1838.

THE Executive Council are respectfully of opinion, that as the Session of Parliament will, probably, not be deferred for many weeks, and as there is no Parliamentary provision made for the expenditure, the least objectionable mode of payment of the charge for transportation of the convicts to England, on their way to Van Diemen's Land, will be the submission of the account to the House of Assembly, by Message, at an early period in the next Session.

(Signed) R. B. SULLIVAN,  
P. C.

STATEMENT of disbursements by William S. Sewell, Sheriff of Quebec, in causing to be conveyed to England, to be transported thence, twenty-three Upper Canada Convicts, by order of His Excellency the Administrator of the Government.

Name.	Disbursements.	Amount—Currency.		
		£	s.	D.
Thomas Froste, Esquire . . . . .	For conveyance to Liverpool, England, per barque <i>Captain Ross</i> , L. B. Morton, Master, of twenty-three Upper Canada Convicts, at £20 sterling, is £460 sterling, which, with Exchange at 11½ per cent premium, is, currency . . . . .	569	17	9
P. Peltier & Co. . . . .	Bedding and clothing . . . . .	40	17	6
John Houghton . . . . .	Blacksmith's work . . . . .	2	4	0
	23 bonds, at 6s. 8d. . . . .	7	13	4
	Contract with D. B. Morton . . . . .	0	10	0
	Currency . . . . .	£ 621	2	7

My accounts.

(Signed) WILLIAM S. SEWELL,  
Sheriff.

Certified.

JOSEPH CAREY,  
Inspector-General, Public Accounts.

(Copy.)

STATEMENT of Disbursements made by William S. Sewell, Sheriff of the District of Quebec, in causing John McAuliffe, an Upper Canada Convict, to be conveyed to England, for Transportation thence in 1837.

Name.	Disbursements.	Currency.		
		£	s.	d.
W. Patton & Co. ....	To passage-money of the Convict, John McAuliffe in 1837.....	20	0	0
P. Peltier & Co. ....	Bedding and Clothing .....	5	0	0
	Currency....	£ 25	0	0

My accounts.

W. S. SEWELL,  
Sheriff.

Certified.

(Signed) JOSEPH CARY,  
Inspector-General, Public Accounts.

GEO. ARTHUR.

In transmitting, for the information of the House of Assembly, the copy of a correspondence which has taken place between the Assistant Military Secretary, at Toronto, and the Military Secretary to His Excellency the Commander of the Forces, relative to the claims of certain Lessees of the Tolls of the Brantford and Paris Bridges, for a remuneration for the passage of Troops, and persons employed in Her Majesty's service, over the said Bridges, the Lieutenant-Governor recommends this subject to their early consideration.

Government House,  
1st April, 1839.

(Copy.)

Head Quarters,  
Montreal, 4th March, 1839.

SIR,

HAVING laid before the Commander of the Forces, your letter of the 18th instant, covering two communications from Colonel Love, with applications from the Lessees of the Brantford and Paris Bridges, to be remunerated for the free passage of Troops and Stores, I am directed to state, for the information of Major-General Sir George Arthur, that His Excellency thinks these claims should be brought under the consideration of the Provincial Legislature.

In time of war and rebellion, when an unusual number of Troops are ordered into disturbed Districts, it appears reasonable that the Province should provide for their passage over bridges and ferries.

I have, &amp;c.

(Signed) WILLIAM ROWAN,  
M. S.

Captain HALKETT,  
Assistant Military Secretary,  
Toronto.

(Copy.)

Assistant Military Secretary's Office,  
Toronto, 18th February, 1839.

SIR,

I have received the directions of the Major General commanding, to transmit for the consideration of His Excellency the Commander of the Forces, the enclosed communication from Colonel Love, covering applications from the lessees of the Brantford and Paris Bridges, for a remuneration for the passage of troops and others employed on Her Majesty's service.

Sir George Arthur is of opinion that the owners of horses and carriages who are employed and paid for the transport of stores, &c. are not exempt from the payment of tolls, and that such exemption applies only to troops and their horses, and to carriages and horses *bonâ fide* the property of the Crown. For the latter, however, the Major-General would recommend that some compensation be allowed to the lessees out of the military funds.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

(Signed) F. HALKETT,  
A. M. S.

Colonel ROWAN, C. B.  
Military Secretary.

True Copy.

F. HALKETT,  
A. M. S.

GEO. ARTHUR.

The accompanying schedule exhibits in one view a statement of claims preferred against the Government, for services performed & expenses incurred in consequence of recent political occurrences in addition to those which have been previously brought under the notice of the House of Assembly: and in drawing their attention to this document, the Lieutenant Governor deems it proper also to invite their favourable consideration of the arduous and important services performed by Her Majesty's Solicitor General in the prosecution of numerous state criminals during a special session of Oyer and Terminer, holden within the last year in the town of Hamilton, a second in the town of London, a third in the town of Niagara; and in conducting the preliminary investigations in the cases of the prisoners taken at the Short Hills.

Government House,  
4th April, 1839.

SCHEDULE of Claims against the Government, for services and expenses consequent upon the late Insurrection, for the year 1833, exclusive of those audited in Council, and transmitted to the House of Assembly.

Claimants.	Service.	Amount—Currency.		
		£	s.	D.
C. C. Small, Esq.....	Clerk Special Commission .....	482	17	2
John F. Taylor, Esq.....	Do. do. do. balance of account.	410	19	2
Captain Richardson .....	Charter of Steamer Transit .....	116	10	0
Captain Richardson .....	Costs in a Prosecution.....	11	13	0
Henry Sherwood, Esq.....	Queen's Counsel .....	45	14	6
Harry Cook.....	Services of Magistrate.....	68	15	0
Steamer Britannia.....	Transport of prisoners.....	19	5	0
Carried forward .....	.....	£ 1155	13	10

## SCHEDULE of Claims against the Government, for services, &amp;c.—(CONTINUED.)

Claimants.	Service.	Amount—Currency.		
		£	s.	d.
Brought forward .....		1155	13	10
James Merryweather .....	Services as a Special Constable .....	3	5	0
Edward Howard .....	Conveying State Prisoners .....	4	5	0
Captain Richardson .....	Transport of do. ....	25	5	0
Andrew Stewart .....	Do. do. ....	10	10	0
Baron DeRottenburg .....	Expense of hand-bills .....	1	0	0
Edward O'Brien .....	Services as Special Constable .....	7	0	0
Henry Wilson .....	Do. do. ....	7	10	0
Alexander McLeod .....	Disbursements .....	24	4	11
Dr. Widmer .....	Attendance on State Prisoners .....	60	5	0
B. Bache .....	Services as a Special Constable .....	12	7	6
Mayor of Toronto .....	Additional Police Force .....	175	10	0
Isaac Thompson .....	Expenses in procuring information .....	5	5	0
G. Gurnett, Esq. ....	Do. of Special Constables .....	37	19	6
G. Gurnett, Esq. ....	Services as Special Magistrate .....	75	0	0
Treasury Midland District .....	Expenses of State Prisoners, &c. ....	757	3	0
Sheriff Niagara do. ....	Do. do. ....	294	16	1
J. Scholfield .....	Expenses of Boarding a Witness .....	16	12	6
J. S. Cartwright, Esq. ....	Secret services .....	103	5	0
Sheriff London .....	Expenses of State Prisoners .....	463	8	9
Treasury Home District .....	Do. do. ....	16	14	9
George Gibb .....	Teaming .....	10	10	0
Duncan McGregor .....	Transport .....	4	3	9
J. Hamilton, Esq. ....	Do. of Prisoners .....	14	10	0
Thomas Steers .....	Services in charge of Prisoners .....	15	0	0
John Wesley .....	Escort of Prisoners .....	3	0	0
Patrick Finn .....	Crier, Special Commission .....	11	6	6
Sheriff, London .....	Services and Expenses at a Special Com- mission .....	193	15	2
J. S. Cartwright, Esq. ....	Queen's Counsel .....	187	0	0
William Higgins .....	Services as High Constable .....	27	10	0
Charles Hadley .....	Do. and Expenses .....	125	5	6
Francis Martin .....	Do. as Constable .....	1	2	4
James Givins, Esq. ....	Do. as Counsel to Magistrates .....	160	0	0
Louis Rendt .....	Services .....	4	0	0
Christopher Armstrong .....	Services at a Court Martial .....	92	10	0
Charles Berczy .....	Disbursements for secret services .....	120	1	8
Total, Currency .....		£ 4,226	15	9

JAMES NATION,  
Acting Inspector-General.

*Inspector-General's Office,  
1st April, 1839.*

GEO. ARTHUR.

THE LIEUTENANT-GOVERNOR transmits, for the consideration of the House of Assembly, an application from the lessees of the tolls of the Cataragui Bridge at Kingston, of the same nature as the claim of the lessees of the Brantford and Paris Bridges, to which the attention of the House has been drawn by a former message.

*Government House,  
April, 1839.*

To His Excellency SIR GEORGE ARTHUR, Lieutenant-Governor of Upper Canada.

The petition of James Williamson, and William Ferguson, of the Town of Kingston, humbly sheweth—

That your petitioners are the joint contractors for the tolls of the Cataragui Bridge, for the year ending the first of April, 1838, for which they pay the heavy rent of four hundred and seventy pounds for the year.

That in consequence of the removal of Her Majesty's troops from the Garrison of Kingston, your petitioners have been, and are at this day, heavy losers by their contract.

That at the commencement of the present domestic troubles, your petitioners threw open the gates of the bridge to all persons passing on Her Majesty's service, at the suggestion of Colonel Bonnycastle, and other officers of the garrison, and on the promise that their claim for remuneration should hereafter be attended to.

Your petitioners have therefore made out the accompanying account which they humbly submit to Your Excellency's consideration, trusting that the certificates attached to it will be satisfactory proof of their claims.

And your petitioners will ever pray.

HER MAJERTY'S GOVERNMENT,

TO THE CONTRACTORS FOR THE TOLLS OF THE CATARAQUI BRIDGE, KINGSTON:

	£	s.	D.
For the passing to and fro of 3,580 men from the 8th December, 1837, to the 31st January, 1838, both days inclusive at 4d each .....	59	13	4
For passing 178 horses with riders, within the above dates at 5d each.....	3	14	2
Do. 703 horses with carts, within the above dates, at 6d each.....	17	11	6
Do. 54 waggons drawn by two horses each, within the above dates, at 7½d each .....	1	13	9
For passing 12 sleighs drawn by one horse each, and within the above dates at 6d each .....	0	6	0
For passing 544 sleighs, drawn by two horses each, within the above dates, at 7½d each .....	17	0	0
	£ 99	18	9

JAMES WILLIAMSON and WILLIAM FERGUSON, both of the Town of Kingston, maketh oath and saith, that the above amount of ninety-nine pounds eighteen shillings and nine-pence, Halifax Currency, is to the best of their knowledge and belief fairly due to them for suffering persons, &c. as above stated, to pass the toll gate free of toll, supposed to be on Her Majesty's service.

JAMES WILLIAMSON.  
WILLIAM FERGUSON.

Sworn before me at Kingston,  
22nd February, 1838.

JOHN MOWATT, J. P.

GEORGE WALKER, of the Town of Kingston, maketh oath and saith, that from the 8th day of December, 1837, until the 31st day of January, 1838, he was in the employment of Messrs. James Williamson and William Ferguson, the contractors for the tolls on the Cataragui Bridge as toll gate keeper, and that to the best of his knowledge and belief, the sum of ninety-nine pounds eighteen shillings and nine pence, H.C. is the amount due by and charged to Her Majesty's Government for suffering persons supposed to be on Her Majesty's service to pass the toll gate free of toll.

GEORGE WALKER.

Sworn before me, at Kingston,  
22nd February, 1838.

JOHN MOWATT, J. P.

*Kingston, Upper Canada,  
23rd February, 1838.*

I certify that Mr. Ferguson did permit the militia and others employed in the public service in very considerable numbers, to pass toll free, thereby much facilitating the measures of security adopted here.

H. W. BONNYCASTLE, LT. COL.  
*Commanding Militia,  
Kingston.*

*Fort Henry.  
February 23rd, 1838.*

As president of the Catarqui Bridge Co. I have no hesitation in certifying that to the best of my belief the toll contractors must have lost a good deal of money during the hurry and confusion occasioned by the late commotions in the country.

WILLIAM LOGIE,  
*President, C. B. C.*

GEO. ARTHUR,

THE LIEUTENANT-GOVERNOR transmits, for the information and consideration of the House of Assembly, several documents relative to the claim which has been preferred by Duncan McGregor, Esquire, the owner of the Steamer "Thames," for a compensation for the loss incurred by him, in consequence of the destruction of that vessel on the 4th of December last by the brigands at Windsor.

*Government House,  
8th April, 1839.*

(Copy.)

*Assistant Military Secretary's Office,  
Toronto, 4th February, 1839.*

SIR,

I am directed by the Major-General Commanding, to request you will inform His Excellency, the Commander of the Forces, that numerous applications have been made for compensation for the loss of the steamer "Thames" which was burnt on the 4th December last by the brigands when they landed at Windsor, in the Western District.

This vessel had given up plying some time previous to that period, but as it was necessary to transport blankets and provisions for the troops, the owner, Mr. Duncan McGregor unhesitatingly continued her at the disposal of the authorities which prevented her return for the winter to a place of safety in the River Thames.

From this and other circumstances attending the manner in which she was destroyed, Sir George Arthur is inclined to consider Mr. McGregor's claim a strong one, and he would submit for His Excellency's consideration, whether in this particular instance, the funds of the military chest might not be made available for the purpose of enabling Mr. McGregor to repair his loss.

Mr. McGregor who is a most loyal, patriotic and enterprising man, estimates his loss at £4,250 sterling, and in the event of being compensated proposes immediately building a new boat.

This petition is backed in the strongest manner by all the most influential and respectable inhabitants of the Western Frontier, and neighbourhood of Chatham, who view the loss of the boat as a great public calamity, as, to the existence of the "Thames" is mainly to be attributed the prosperity of the town of Chatham in particular.

I have the honour to be, &c.

(Signed) F. HALKETT,  
A. M. S.

COLONEL ROWAN,  
*Military Secretary, &c. &c. &c.*

(Copy)

Head Quarters,  
Montreal, 16th February, 1839.

SIR,

Having had the honour to lay before the Commander of the forces, Captain Halkett's letter of the 4th instant, in which he states that numerous applications having been made for compensation for the loss of the steamer "Thames," which vessel was destroyed by the brigands at Windsor, on the 4th of December last, Your Excellency under the circumstances attending the destruction of the "Thames," consider the claim a *strong* one; and submits for consideration whether in this peculiar instance the funds of the military chest might not be made available for the purpose of enabling the proprietor of the boat to repair his loss. I am directed to acquaint you that the commander of the forces does not think himself authorized to order any sum to be paid from the military chest, as indemnification for the loss of property in these provinces without previously communicating with Her Majesty's Government.

With reference to the letter from the secretary to the treasury, (7th July, 1838,) a copy of which was transmitted to Captain Halkett with my letter of the 29th of September. His Excellency recommends should the Provincial Legislature not provide for the loss sustained by McGregor, that a board of officers shall be assembled at Windsor, or Sandwich, to report upon this claim, and the result of the investigation be forwarded by Your Excellency to the secretary of state for the colonies, for the purpose of being submitted to the Lords Commissioners of Her Majesty's Treasury.

I have, &amp;c.

(Signed) WILLIAM ROWAN.

M. S

His Excellency Major-General

SIR GEORGE ARTHUR,

&amp;c. &amp;c. &amp;c.

(Copy.)

Duncan McGregor, owner of the steamer Thames, maketh oath and saith, that he cannot state the exact cost of the said boat, but that she cost three thousand five hundred pounds before she commenced running. No charge for lumber furnished from his mill; teaming of his cattle and provisions being made, and nearly all the proceeds of her first season were expended upon, and that had an account been kept she would have cost upwards of four thousand five hundred pounds currency, and is of opinion that a boat of her dimensions cannot be built for the same at present.

(Signed) DUNCAN MCGREGOR.

Sworn before me, this

16th day of January, 1839.

J. W. LITTLE, J. P.

Western District.

(Copy.)

Western District, } Henry S. Larned, of the town of Chatham, builder, maketh oath and  
To wit: } saith, that he was employed by Duncan McGregor, Esquire, in the spring of the year 1838, to repair his steamboat called the Thames, and that the said steam boat then underwent a complete repair, and on a thorough examination thereof she was found to be sound in every respect, and in this deponent's opinion the said steam boat was fit for service for six years, with but little repair done thereto, to the best of this deponent's knowledge and belief; and this deponent further states that he believes the expenses of the said repairs on the said steam boat amounted to the sum of four hundred pounds.

(Signed) HENRY S. LARNED.

Sworn before me, at the town of Chatham,

this second day of January, 1839.

(Signed) CLAUDE GOUIN, J. P.

Western District.

(Copy.)

HENRY S. LARNED, maketh oath and saith, that to the best of his knowledge, a Steam-Boat of the power and tonnage of Steam-Boat *Thames*, cannot be built at this time for less than four thousand five hundred, or five thousand pounds, Currency.

Sworn before me, this 16th  
day of January, 1839.

(Signed) HENRY S. LARNED.

(Signed) J. W. LITTLE, J. P. W. D.

GEO. ARTHUR.

Adverting to that clause in his speech at the opening of the present session of the Provincial Parliament, which refers to "the numerous and pressing claims arising out of the "late disturbances"—the Lieutenant-Governor now transmits to the House of Assembly, statements, with sundry documents connected therewith, of such of those claims as were rejected by the Board of Officers appointed to investigate the same, on the express ground that they did not fall within that class of claims which alone, in the opinion of the Board, could with propriety be satisfied by payment from the Military Chest.

In drawing the attention of the House of Assembly to this subject, the Lieutenant-Governor feels it proper to add, that no examination into the facts alleged by the Claimants, has yet taken place, and consequently, that some previous inquiry into the merits of each particular case, ought to be instituted, on the supposition that the principle should be conceded, that the Provincial Legislature is bound to satisfy such of them as may be founded in truth and justice.

Government House,  
10th April, 1839.

CLAIMS for Losses, Damages, &c. stated to have been sustained by Inhabitants of the Niagara District, while the Militia were called out to resist the invading forces in occupation of Navy Island, in the month of December, 1837, and subsequently.

No.	Names.	Residence.	Amount.		
			£	s.	D.
1	Mrs. Jones	Fort Erie			
2	H. Murray	Niagara Falls	13	15	0
3	Peter Muisiner	Chippewa	1	13	9
4	William Forsyth	Fort Erie	103	3	9
5	Amasa Ives	Bertie	9	1	4½
6	Charlotte Warren	Waterloo	19	14	9½
7	William Duff	Chippewa	7	4	9
8	George Wright	Drummondville	14	3	1½
9	John Misner	Do.	5	5	0
10	Abraham Beam	Willoughby	3	15	0
11	Felix Cull	Chippewa	20	12	6
12	Isaac S. Haun	Waterloo	29	16	1
13	Neil Shaw	Chippewa	5	0	0
14	John Russell	Niagara	4	5	0
15	Estate B. Hardeson	Waterloo	59	12	1½
16	Benjamin Corwine	Lundy's Lane	72	5	10½
17	Robert Slater	Chippewa	7	18	9
18	A. & D. Murray	Waterloo	99	7	9
19	John J. Harris	Do	53	6	0
20	Thomas Whiting	Falls	8	6	8
21	Daniel McDougal	Niagara	3	12	6
22	Nelson Forsyth	Fort Erie	4	0	0
			68	16	4½
		Carried forward....	£ 614	16	2

CLAIMS for Losses, Damages, &c.—(CONTINUED.)

No.	Names.	Residence.	Amount.		
			£	s.	D.
		Brought forward....	614	16	2
23	Robert Cole.....	Niagara.....	5	0	0
24	Reuben Wait.....	Willoughby.....	6	0	0
25	Susan Thompson.....	Fort Erie.....	13	0	0
26	Peter Haun.....	Bertie.....	8	0	0
27	Abigail Fellows.....	Fort Erie.....	8	1	10½
28	Adam Crysler.....	Falls.....	67	13	2½
29	John Usher.....	Chippewa.....	398	6	0
30	Alexander Douglas.....	Fort Erie.....	24	4	9
31	Stanton and Read.....	Waterloo.....	90	9	3
32	Henry Miller.....	Willoughby.....	249	12	9
33	Stephen Conklin.....	Chippewa.....	13	5	0
34	Henry Murray.....	Falls.....	15	2	6
35	A. & D. Murray.....	Buffaloe.....	361	16	0
36	Reuben Wait.....	Willoughby.....	11	0	7½
37	John Miller.....	Do.....	6	16	0½
38	Henry Taylor.....	Do.....	14	1	0
39	John Dobbie.....	Do.....	15	16	9
40	Matthias Swartz.....	Do.....	4	7	4½
41	G. Hutchins.....	Drummondville.....	10	11	10½
42	Gilbert McMicking.....	Chippewa.....	11	15	0
43	Henry Bond.....	Do.....	7	2	9¾
44	Joseph Meriam.....	Do.....	15	16	3
45	Abraham Beam.....	Do.....	6	0	0
46	P. S. Smith.....	Do.....	28	7	6
47	Michael Boyle.....	Drummondville.....	30	0	4
48	John Kirkpatrick.....	Chippewa.....	50	14	7½
49	William Forsyth, Jun'r.....	Willoughby.....	10	0	0
50	John Beam.....	Do.....	10	0	0
51	A. & D. Murray.....	Waterloo.....	17	14	6
52	Henry Thompson.....	Queenston.....	30	8	6
53	Jeremiah Crysler.....	Chippewa.....	26	3	3
54	Jane Hardison.....	Fort Erie.....	22	18	0
55	William Garner.....	Do.....	7	0	0
56	Estate James Macklem.....	Chippewa.....	61	16	10¼
57	Campbell & Foot, for 300 bush. apples	Falls.	£ 2273	18	9½

N.B.—These Claims were submitted by the parties to a Military Board at Drummondville, by which they were not allowed.

CLAIMS for Losses, &c. alleged to have been sustained subsequently to the Outbreak at Toronto, which cannot be paid from the Military Chest.

No.	Names.	Residence.	Amount.		
			£	s.	D.
1	Thomas Sutherland.....	Moore.....	6	5	0
2	Richard Potts.....	Do.....	4	17	6
3	Thomas Kidd.....	Goderich.....	16	5	0
4	James Mitchell.....	County Huron.....	8	12	0
5	James Hutcheson.....	Toronto.....	0	15	0
6	Daniel O'Connor.....	Do.....	5	0	0
		Carried forward.....	£ 41	14	6

## CLAIMS for Losses, &amp;c.—(CONTINUED.)

No.	Names.	Residence.	Amount.
		Brought forward.....	£ s. D. 41 14 6
7	Alexander Hamilton .....	Queenston .....	52 18 10½
8	Edward Cressoll .....	Toronto .....	4 0 0
9	William Davies .....	Southwold .....	20 0 0
10	John Irwine .....	Brock .....	8 0 0
11	William Bagshaw .....	Do. ....	6 5 9
12	John Mayhew .....	Do. ....	31 17 6
13	Edward Cochrane & John Neild....	Hamilton .....	51 18 9
14	Daniel Pringle.....	Bath .....	19 4 11½
15	J. B. Laughton .....	Sandwich .....	45 0 0
16	R. D. Drake.....	St. Thomas.....	17 10 0
			£ 298 10 4

N. B.—These Claims have been laid before the Military Board at Toronto, by which they were not allowed.

GEO. ARTHUR,

THE LIEUTENANT-GOVERNOR transmits, for the information and consideration of the House of Assembly copies of such claims for losses sustained by Her Majesty's subjects in this Province by the incursions of Brigands from the United States, as have been presented to him for compensation.

*Government House,*  
16th April, 1839.

(Copy.)

*Amherstburgh, 28th January, 1839.*

SIR,

By the request of His Excellency Sir George Arthur, on his late visit to this post, I take the liberty of sending you, for the information of His Excellency, the amount of the losses sustained by myself and other inhabitants of Point Pelé Island, during the time it was occupied by the Brigands from the American shore, between the 26th of February and the 3rd of March, last year, being as follows:—

William McCormick.....	£592 2 1
George Fox.....	51 12 6
Jacob Conklin .....	75 11 6
Edward Butler.....	134 16 3
John Fox—say.....	84 5 0
Henry Fox.....	38 10 0
William Elliott—say .....	75 0 0
John McCormick.....	15 7 6

The two latter men's bills having been mislaid, I am not altogether sure that I have got the exact amount of them.

Should the items of the several bills be required, I can furnish them upon the shortest notice.

I have, &c.

(Signed). WM. McCORMICK.

The Honourable JOHN MACAULAY.

*Civil Secretary,*

*To His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.*

As part owners of the British Steamboat, Sir Robert Peel, the undersigned Jonas Jones, of the City of Toronto, in the Province of Upper Canada, and David B. O. Ford, of the town of Brockville, in that Province, beg to call the attention of Your Excellency to the late wanton destruction of that steamer, with a view of urging such claim for redress as that extraordinary outrage appears to demand.

The steamer Sir Robert Peel was built at Brockville, in the District of Jownston, and Province of Upper Canada, in the year 1836 and 1837, by the undersigned and the house of Horace Billings, & Co. of Brockville aforesaid, and William Bacon of Ogdensburg, in the State of New York, and at the time of her destruction was owned one fourth part by each of the undersigned, one fourth part by the said William Bacon, and the remaining fourth part by Henry Jones and George Sherwood, both of Brockville aforesaid, and Mr. Ford, one of the undersigned as assignees of the bankrupt estate of the said Horace Billings and Company.

The Sir Robert Peel being fully furnished and equipped, commenced plying regularly upon the opening of the navigation, between Prescott in the District of Johnstown, and Niagara and Lewiston, on the Niagara River, for the peaceable and lawful transport and conveyance of passengers and freight, and in the prosecution of her regular voyages, she usually stopped at an American Island in the River St. Lawrence, called Wells's Island, for the purpose of taking in wood. On the evening of Tuesday, the twenty-ninth day of May last, the Sir Robert Peel left Prescott on her accustomed trip and arrived about midnight at Well's Island, where she came to as usual to take in fuel. While lying at the wharf there, within the territory of the United States, and while the men were engaged in taking in wood, about one or two o'clock in the morning of the thirtieth day of May last she was attacked by a party of twenty or thirty men disguised and armed with muskets and bayonets, pikes and other weapons, who took forcible possession of the Steamer, forced the crew and passengers on shore, cast the boat off from the wharf and anchoring her in the stream plundered the baggage and property on board, set the vessel on fire, and utterly destroyed her with all her furniture, books and papers. For the circumstances attending this aggression your Excellency is referred to the affidavits annexed. This act of violence was committed by persons residing within the State of New York, some of them citizens of the United States and some who had fled from this Province for treasonable offences, but all claiming and enjoying the protection of the laws of the United States; and the expedition to commit the outrage was planned and fitted out in that republic.

The first object of these brigands in attacking and destroying the Sir Robert Peel from their declarations at the time that it was "satisfaction or revenge for the Caroline" seems to have been to avenge the destruction of that piratical Steam-boat, cut out and burned by order of the officer then in command of Her Majesty's troops upon the Niagara Frontier—an act justified and approved of by the Government. A secondary motive appears to have been plunder, and no doubt they hoped that the outrage would widen the breach between Great Britain and the United States, and render a war between the two countries the more probable; an object which all concerned in these border outrages seem most desirous to effect.

Under all these circumstances the undersigned confidently looking to the government for redress of this very serious pecuniary injury, earnestly but very respectfully appeal to your Excellency as the head of the government in this Province to take the matter into your Excellency's consideration, with a view of causing such steps to be taken as may be necessary to procure indemnification to the owners of the Sir Robert Peel for the destruction of their vessel and property.

(Signed) JONAS JONES,  
" D. B. O. FORD.

Toronto, 13th June, 1838.

*AMOUNT of claim of the Proprietors of the Steamer Sir Robert Peel for the loss of that vessel destroyed at Wells' Island in the manner described in the annexed statement.*

	£	s.	D.
For cost of the Boat and Furniture, &c.....	11126	15	6.
Cash in Purser's Office.....	120	15	0.
Ships Stores estimated at.....	100	0	0
Carried forward.....	£. 11347	10.	6.

	Brought forward.....	£11347 10 6
Damages sustained by contracts for running the boat and moneys expended in running her estimated at.....		1150 0 0
		<hr/> £ 12497 10 6
Loss of Clothing and Property of the crew of the vessel estimated at.....		239 11 11
		<hr/> £ 12737 2 5

(Copy.)

Montreal, 23rd July, 1838.

SIR,

I beg leave through you most respectfully to call the attention of His Excellency the Governor General to the subject of the loss sustained by the passengers and others in consequence of the capture and destruction of the Sir Robert Peel Steamboat within the American territory on the 28th May last.

Soon after the outrage was committed, I as one of the principle sufferers, had communication with several of the proprietors and passengers of the steam-boat on the subject, and it was agreed that in accordance with the terms of the proclamation of their Excellencies the Governor General and Sir George Arthur a statement of the different claims should be forthwith made up and submitted to the American Government, and one of the proprietors of the steamer, Mr. D. B. O. Ford was deputed to proceed to Washington to prefer these claims.

It is hardly to be expected however that they will meet with the necessary share of attention from the American authorities unless the redress promised in the proclamation, already alluded to, is powerfully urged by Her Majesty's Government on behalf of her subjects, who have been the sufferers on that occasion; and it is respectfully to ask whether such reparation or redress has been claimed from the American Government by His Excellency the Governor General, that I now take the liberty of addressing you, or what other proceedings the sufferers are to take to have their wrongs repaired according to the expectations held out to them.

I have included in my claim a sum of money which was under my charge belonging to Mr. D. P. Ross of this city, on the subject of which I understand that gentleman has already petitioned the Governor General.

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed) GEORGE AULDGO.

To CHARLES BULLER, Esq.

Chief Secretary, &amp;c. &amp;c. &amp;c.

A true Copy,

GEORGE AULDGO.

(Copy.)

STATEMENT and valuation of property belonging to George Auldgo, of Montreal, plundered or destroyed in consequence of the capture and burning of Steamer Sir Robert Peel, within the territory of the American Government, on the morning of the 30th May, 1838.

	£	s.	d.
A new portmanteau .....	5	10	0
A suit of black clothes.....	12	10	0
A superfine great Coat.....	7	0	0
A do. cloth cloak .....	9	0	0
	<hr/>		
Carried forward.....	£ 34	0	0

## STATEMENT and Valuation of Property belonging to George Auldjo—(CONTINUED.)

	£	s.	d.
Brought forward.....	34	0	0
Shirts, stockings, pocket handkerchiefs, stocks, gloves, boots and shoes, and other articles of wearing apparel, of the estimate value of.....	35	0	0
Hat box, containing hat and cap.....	5	10	0
Gold seals, rings and trinkets.....	32	0	0
Printed books.....	14	0	0
A bundle of papers in the aforesaid portmanteau, belonging to an insolvent estate, their value difficult to be estimated in money.....	500	0	0
A trunk containing wearing apparel and books of my son John Richardson Auldjo, as per inventory herewith estimated at.....	30	0	0
Money in bank bills loose and contained in money letter.....	1118	0	0
Promisary notes, cash bons, and other securities for the payment of money.	1433	0	0
A silk umbrella.....	1	7	6
	£ 3252	17	6

I do hereby certify that as far as I can at present estimate the loss that has arisen to me in consequence of the loss of papers and property by the capture and burning of the Sir Robert Peel steamer, within the territory of the American Government, on the morning of the 30th May, 1838, I would not be compensated by the payment of a sum less than three thousand two hundred and fifty-two pounds seventeen shillings and six pence, Halifax Currency.

(Signed) GEORGE AULDGO.

Toronto, Upper Canada,  
13th June, 1838.

(Copy.)

To His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant-Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.

THE PETITION OF JAMES HOLDITCH, of the Township of Thorold, in the District of Niagara, Yeoman, sheweth :—

That your petitioner was a passenger on board the Steamer "Sir Robert Peel" in the month of May last, when destroyed on her upward trip from Prescott.

That he was then upon his return from England to this province, and had in his possession money and bills to a large amount, to wit: a five hundred pounds of Messrs. Harris Rosdew and Company, bankers in Plymouth, England; a note for one hundred and fifty pounds called an interest note; also two bank of England notes for the sum of five hundred pounds each, payable to bearer; also in cash from twenty to twenty-five pounds.

That your petitioner lost the above property on the occasion referred to, and all his clothing; that he has communicated his loss to the Bankers in Plymouth, from whence he received the Bank of England notes, and inquired of them the numbers, requesting of them to stop those bills if in their power; but they have replied that they are ignorant of the numbers, and being payable to bearer, will not probably come to their notice or possession, and consequently your petitioner is now a loser thereby of the sum of one thousand pounds, and must so remain unless in the power of Your Excellency, or the Provincial Government to make him remuneration; that the five hundred pound note of Messrs. Harris, Rosdew and Company, he has received back through the Executive of this Province.

Your petitioner immediately after the loss, made oath thereto at Kingston, and is prepared to furnish other testimony if necessary.—Requesting Your Excellency will submit this matter to the Executive Council, Provincial Parliament, or Home Government, as you may in your wisdom deem most advisable.

And as in duty bound your petitioner will ever pray.

(Signed) JAMES HOLDITCH.

Thorold, January, 28th, 1839.

(Copy.)

*Beverly, 13th March, 1839.*

SIR,

Having had the honor to communicate with you on a former occasion respecting the improvement of the navigation of the White Fish Creek; from your then polite attention to the petition of the inhabitants of this vicinity, I feel emboldened to solicit your advice, as it respects a difficulty (and possible loss) in which I am embarrassed, arising out of the nefarious attack and destruction of the *Sir Robert Peel Steamer*, last spring.

Having had occasion to forward to the office of the Commissioner of Crown Lands at Toronto, the sum of thirteen pounds fifteen shillings, an instalment due on the price of the west half of lot number thirty-five in the second concession, Township of Matilda; I placed the same in the hands of R. D. Fraser, Esq. Collector of Customs for the port of Brockville, who was (and of which fact I have his certificate to prove) plundered by the brigands or pirates at Wells' Island, at the time of the destruction of the aforesaid *Robert Peel*, on his way to Toronto.

I should deem it sir as a particular favour, would you inform me whether I am to be a loser of a sum of money forwarded by a public conveyance, and in full faith of the protection of the British Government, and if not so, what steps may be necessary to take on my part to obtain indemnity for the above loss, and by so doing you will add another to the obligations under which you have already laid

Sir,

Your most obedient, and

Grateful servant,

(Signed) JAMES MACDONELL.

The Honourable JOHN MACAULAY.

*&c. &c. &c.**Brockville, 3rd October, 1838.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 25th of last month, yesterday, informing me that by the return of public defaulters, made for His Excellency's information by the Inspector General, it appears that on the receipts of the current year, I would be a defaulter to the public in the amount of £118 12s. 3½d.

I beg leave to assure His Excellency that I am thankful he has given me an opportunity to state upon what grounds I might conceive that measures might not be taken to carry into effect the wishes of the Assembly, in respect to my case, to which unfortunately I have to inform you, for his Excellency's information, that on my passage last May to Toronto, for the purpose of a settlement with the Inspector General, with bank bills to make a payment of £98 6s 10d, together with money and papers to the amount of £125 10s 8d was plundered on board the *Sir Robert Peel*, at Wells' Island, where she was destroyed and burned by the Pirates—a statement of which I made to the Inspector General, on my arrival at Toronto, also, a full account of my losses, to Mr. Secretary Joseph. I yesterday transmitted to the Inspector General, a return of sums of money paid by me, as Collector, for different services, to the amount of £118 4s. 2½d. which I hope His Excellency may be pleased to take into consideration as to my excuses, and that proceedings may be stayed against me.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

(Signed) R. D. FRAZER,

*Collector.*

The Honourable JOHN MACAULAY,

*Secretary,*

TORONTO.

RETURN OF CLAIMS made for loss alleged to have been sustained by fire, in consequence of the occupation of the Wind-mill by the Brigands, Prescott, 13th February, 1839.

No.	Claimants' Name.	Extent and nature of Loss.	Amount.	Remarks.
1	Henry Mosher.....	Household furniture and Stock ..	£ 232 0 2	House and premises belonged to the estate of the late Major Powell.
2	Major Smith .....	1 House, barn and horse-shed; farming utensils, stock, &c. ...	422 6 3	I have reason to suppose that no barn belonged to these premises—a house, shed, and stable only.
3	William Tucker .....	Stock, furniture, &c. ....	103 0 3	
4	Catharine Frazer .....	1 House, barn, corn, furniture, &c.	237 14 3	Destroyed by the Brigands.
5	John Ault .....	Furniture and stock .....	94 1 11	Mr. Ault was a tenant in Mrs. Frazer's house, when consumed.
	B. Taylor .....		299 5 9	
			£ 1388 8 7	

ABSTRACT of the whole consumed by fire.			COMPENSATION		
	HOUSES.	BARNs.		HOUSES.	BARNs.
Destroyed by the Brigands, on the 13th and 15th November.....	1	2	Claimed by this return .....	2	2
Do. by order of Col. Dundas, on the 16th November .....	6	2	Not claimed for.....	5	2
Total.....	7	4		7	4

(Signed) **PLOMER YOUNG,**  
Colonel, P. S.

ESTIMATE OF PROPERTY belonging to T. L. Ritter, destroyed by the Brigands and Pirates, on the 4th December, 1838.

	£	s.	D.		£	s.	D.
3 bedsteads .....	3	15	0	Brought forward.....	115	14	7
1 mattress .....	5	0	0	Brushes and combs.....	1	2	6
2 feather beds.....	7	10	0	1 cloathes brush .....	0	7	6
3 linen ticks .....	0	17	6	6 pieces room paper.....	1	10	0
8 pillows .....	4	0	0	1 ladies work box.....	5	0	0
2 pair blankets .....	4	0	0	Boots and shoes.....	6	5	0
5 counterpanes.....	3	2	6	1 set china.....	7	10	0
7 pair sheets .....	3	10	0	Crockery .....	7	17	6
1 carpet.....	5	0	0	Tin ware.....	2	10	0
½ dozen chairs.....	3	10	0	Knives and forks.....	1	10	0
3 tables .....	3	2	6	Silver spoons.....	4	10	0
¼ dozen chairs.....	1	0	0	1 travelling bag.....	1	0	0
1 sett window curtains.....	3	0	0	1 parasol .....	1	7	6
1 foot stool .....	2	0	0	3 veils .....	3	10	0
1 flute .....	1	5	0	7 ladies' caps.....	1	12	6
1 gun .....	10	0	0	4 gauze handkerchiefs.....	1	10	0
1 clock .....	3	0	0	1 silk quilt.....	2	10	0
Books .....	11	0	0	2 gauze scarfs .....	0	17	6
11 jars preserves.....	11	0	0	1 crape do .....	0	12	6
1 do honey.....	0	17	6	1 chineal handkerchief.....	0	12	6
1 keg butter.....	2	0	0	4 lace collars.....	3	0	0
1 cheese .....	1	10	3	3 muslin do .....	1	2	6
1 bag beans.....	0	10	0	2 pair corsets.....	1	15	0
1 bag salt .....	0	6	3	Ribbons.....	2	0	0
Dried fruit.....	1	3	9	Work bags .....	1	17	6
15 lbs. sugar.....	0	9	4	1 pr. gold bracelets .....	10	0	0
Tea and coffee.....	0	7	6	3 bonnets .....	6	0	0
1 cooking stove.....	6	5	0	1 muff .....	2	0	0
1 parlor do.....	3	0	0	Cash .....	2	10	0
1 hall carpet.....	1	5	0	½ bbl. soap .....	0	10	0
1 set bed curtains .....	5	0	0	1 stone jug.....	0	3	9
1 dozen diaper towels.....	1	2	6	1 sett harness .....	7	10	0
1 do do do.....	0	7	6	2 saddles.....	6	5	0
1 burenu .....	2	10	0	20 bush. oats.....	2	10	0
3 trunks.....	2	15	0	½ ton hay.....	1	10	0
1 mirror.....	0	12	6	1 load straw .....	0	6	3
Carried forward.....	£ 115	14	7	Carried forward.....	£ 216	9	7

## ESTIMATE OF PROPERTY belonging to T. L. Ritter—(CONTINUED.)

	£	s.	d.		£	s.	d.
Brought forward.....	216	9	7	Brought forward.....	276	4	11
2 riding whips.....	0	15	0	2 white do.....	3	0	0
1 bridle and martingale.....	0	17	6	3 muslin do.....	2	15	0
Stable utensils.....	0	18	1	3 calico do.....	3	0	0
Horse blanket and roller.....	0	17	6	1 silk skirt.....	1	10	0
1 silver pencil.....	0	11	3	5 white do.....	1	5	0
1 canister powder.....	0	5	0	Small clothes.....	6	8	9
Shot belt and flask.....	1	0	0	10 pocket handkerchiefs.....	1	17	6
1 watch.....	1	10	0	8 pr. silk hose.....	3	0	0
1 hambro line.....	0	2	6	5 cotton do.....	9	18	9
Washing tubs.....	0	10	0	10 aprons.....	2	0	0
1 puncheon.....	0	7	6	4 shawls.....	6	0	0
Smoothing irons.....	0	7	6	Muffling shawls.....	1	6	3
Italian do.....	0	2	6	4 strings beads.....	3	0	0
1 cupboard.....	0	12	6	1 chain.....	0	6	3
Baskets.....	0	12	6	1 axe.....	0	10	0
7 pr. pantaloons.....	8	15	0	1 butter crock.....	0	7	6
3 pr. drawers.....	1	10	0	3 saws.....	1	5	0
4 vests.....	5	0	0	1 bridle bit.....	0	10	0
2 coats.....	3	10	0	4 watch guards.....	2	10	0
2 round jackets.....	1	10	0	1 cane.....	0	5	0
18 shirts.....	13	10	0	2 ruggs.....	0	6	3
8 collars.....	0	16	0	8 yds. linen.....	1	15	0
5 pr. socks.....	0	7	6	1 toilet table cover.....	1	0	0
4 do do.....	0	10	0	3 floor cloths.....	1	0	0
4 silk pocket handkerchiefs.....	1	5	0	4 water barrels.....	0	10	0
Gloves.....	2	10	0	Candlesticks.....	0	2	7
Hats.....	1	5	0	1 water filterer.....	2	10	0
1 silk cape.....	0	10	0	1 Chamois shirt.....	0	7	6
1 silk pelisse.....	3	15	0	1 case razors, &c.....	0	15	0
1 riding habit.....	4	0	0	1 screw driver.....	0	5	0
1 merino dress.....	1	12	6	1 auger.....	0	6	3
Carried forward.....	£ 276	4	11		£ 327	7	6

UPPER CANADA, } THOMAS LOWE RITTER, of the Township of Sandwich, in the Western  
 Western District, } District, merchant, maketh oath and saith, that the account hereunto  
 TO WIT. } annexed contains a true state of the articles, and the value, lost by him  
 in consequence of the house he occupied being burned, either by the rebels and brigands, on  
 the morning of the fourth December last past, or from the fire having communicated from the  
 barracks of the troops, which they had fired.

(Signed) T. L. RITTER.

Sworn before me, at Sandwich, in  
 the Western District, this 6th  
 day of February, 1839.

(Signed) ROBERT MERCER, J.P., W.D.

WE do hereby certify, that we have examined the annexed account of Thomas Lowe Ritter, of the Township of Sandwich, merchant, that we believe the same to be correct, and the prices charged to be reasonable.

(Signed) JOHN VAN ALLEN,  
 " A. BLACK,  
 " P. S. VERHOEFF,  
 " SAMUEL GARDINER,  
 " ADAM GRULTI,  
 " JAMES DOUGALL, J.P., W.D.

Sandwich, February, 1839.

*To His Excellency SIR GEORGE ARTHUR, K.C.H. Lieutenant-Governor of the Province of Upper Canada, and Major-General Commanding Her Majesty's Forces therein, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY:

WHEREAS the house of the subscriber, Edward Durham, of the village of Drummondville, in the Township of Stamford, in the County of Lincoln, in the District of Niagara, and Province of Upper Canada, was rented to Her Majesty's Government, for the use of the troops stationed at this place, and that the said house was fitted up by the Engineer Department expressly for the use of the troops; and on the third day of September last the house was cleaned by Her Majesty's troops, who were to move into the same the day following; and between the hours of three and four o'clock, on the morning of the fourth of said month, the house was discovered to be on fire, and was burned to the ground, notwithstanding that every exertion was made by the inhabitants of this village to rescue the building, but all their exertions were of no avail; and your humble subscriber begs to state, that the inhabitants of this village suppose the said house to have been set on fire by some of the rebel party, who, at that period infested this district. May it please Your Excellency if you will have the kindness to take notice of the above statement, and take such measures as to you may seem proper, so that it may be ordered that your humble subscriber may be remunerated for the same, and he as in duty bound will ever pray.

(Signed) EDWARD DURHAM.

*Drummondville, April 1st, 1839.*

N. B. Damages estimated at five hundred pounds, Currency.

GEO. ARTHUR.

THE LIEUTENANT GOVERNOR transmits for the consideration of the House of Assembly, a copy of the second report made to him by the Commissioners appointed under the statute to investigate the claims of certain inhabitants of this province, for losses sustained during the late unnatural rebellion, with the accompanying documents.

He also lays before the House some other claims arising out of the recent disturbances, including that of the proprietors of the Wind Mill, near Prescott.

*Government House,  
25th April, 1839.*

(Copy.)

*Toronto, 19th April, 1839.*

SIR,

The Commissioners under the statute 1st Vic. chap 13, beg leave to submit for the information of His Excellency the Lieutenant Governor, their Report (in addition to that of the 23rd of February last) embracing the loss sustained by three individuals by the burning of a dwelling house and out-buildings near the Don bridge, on the 7th December, 1837, by the rebels. Enclosed are the claims of Robert Brown of Moore, St. Clair, amount £70 14s. 10d. This claim has it seems been before the Commissariat Board and by them £52 14s. 10d. was not allowed, probably as not coming within their instructions from the Commissary General, the vouchers were, it appears, sent to the gentlemen at the head of that department at this post in April, 1838, and not now to be found in the office, it is supposed they were sent to Quebec by Mr. Wilson with many others of a similar description, so that they cannot at present be exhibited. A small claim for team hire by John Sales, 30s., with the certificate of Colonel Dunlop and Angus McDonald; also, claim by John E. Ebbs, for butter and candles furnished to a corps of militia commanded by Colonel McNab, amount £4 3s. Certified by James Lane of the Commissariat as supplied but not paid.

These claims are sent to you that they may be submitted to the proper Board; Mr. Stanton being of opinion that the Commissioners under Statute 1st Vic. chap. 13, cannot with propriety notice them in any report emanating from their investigation.

Be pleased to acknowledge receipt of these documents.

I have, &c.

(Signed) **ALEX. WOOD,**  
*Chairman Board of Claims,*  
*1st Victoria chap. 13.*

The Honourable JOHN MACAULAY.

&c. &c. &c.

To His Excellency SIR GEORGE ARTHUR, K. C. H. *Lieutenant-Governor of the Province of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.*

The Commissioners appointed under the Statute 1st Victoria chap. 13, to investigate the claims of certain inhabitants of this Province for losses sustained during the late unnatural rebellion, respectfully beg leave to report :

That since their report of 23rd February, 1839, the undermentioned claims have been presented to them for investigation.

No. 9.—JOSEPH STAFFORD,	£	s.	D.
As Executor of Obadiah Stafford, for a house, stable and other property burned by the rebels.....	133	0	0
No. 10.—JAMES STAFFORD,			
Household Furniture, Clothing, &c. destroyed in house burned by the rebels,.	36	5	0
No. 11.—JOHN DETCHMAN,			
Household Furniture, Clothing, &c. destroyed in house burned by the rebels,.	60	14	0

Copy of the evidence in support of these claims is annexed to this report for your Excellency's information.

From this evidence it will be seen that the claim of the several parties is founded on the destruction of the house which belonged to one of them, and the loss of property belonging to the others who were living in it at the time of the fire.

The several claims are substantiated by evidence such as the Commissioners consider satisfactory, the value upon the items enumerated being in their opinion just and reasonable. They therefore venture to recommend the claimants as deserving of your Excellency's favorable consideration.

All which is respectfully submitted.

(Signed) **ALEXANDER WOOD,**  
 " **ROBERT STANTON,**  
 " **THOMAS CARFRAE,** } *Commissioners.*

Toronto, 19th April, 1839.

**Claim No. 9.**

**EDWARD STAFFORD—***Executor of Obadiah Stafford.*

AN ESTIMATE of Property destroyed by fire, on the 7th December, 1837, by the Rebels, at the Don Bridge, in the Township of York, belonging to the late Obadiah Stafford.

	£	s.	D.
House, 40 feet by 20.....	80	0	0
Stable, 22 " " 18.....	35	0	0
37 Sashes, 12 lights each .....	9	0	0
5 Window-frames .....	7	10	0
1 Door-frame .....	1	10	0
	£ 133	0	0

Toronto, 8th April, 1839.

(Signed) **JOSEPH STAFFORD,**  
*Executor.*

**Evidence on Claim of Joseph Stafford,***Executor to the Estate of the late Obadiah Stafford.—No. 9.*

JOSEPH STAFFORD, *sworn*—Is brother to the late Obadiah Stafford, who formerly resided in the township of York; he is the sole surviving Executor to his estate, and is now acting in that capacity under his late brother's will. The property set forth in the claim now submitted, belongs to his late brother's estate, and was destroyed, as he believes, by the rebels, in the month of December, 1837. The value affixed to the several items in this claim, the deponent believes to be just, and the fair value of the same. The house and stable as claimed for, were destroyed together with the other items enumerated, which had been prepared by his late brother, for a new building which he was about to erect. The whole amount of claim is £133.

(Signed) JOSEPH STAFFORD.

Sworn before us, at Toronto,  
this 8th April, 1839.

(Signed) ALEXANDER WOOD, *Commissioner.*  
" ROBERT STANTON, *Commissioner.*  
" THOMAS CARFRAE, *Commissioner.*

JAMES STAFFORD, *sworn*—Is the son of the late Obadiah Stafford; he was residing in the house near the Don Bridge, in the month of December, 1837, when it was burned by the rebels, together with its contents.

(Signed) JAMES STAFFORD.

Sworn before us, at Toronto,  
this 8th April, 1839.

(Signed) ALEXANDER WOOD, *Commissioner.*  
" ROBERT STANTON, *Commissioner.*  
" THOMAS CARFRAE, *Commissioner.*

JOHN TURNER, *sworn*—Was present, or near to the house mentioned in this claim, on 7th December, 1837, when it was destroyed by fire—has no doubt it was the act of the rebels, and that its destruction took place in consequence of the firing of the premises of Mr. Washburn, to which it was contiguous—he assisted in endeavouring to save some of the property, but was prevented, and was made prisoner by the rebels.

(Signed) JOHN TURNER.

Sworn before us, at Toronto,  
this 8th April, 1839.

(Signed) ALEXANDER WOOD, *Commissioner.*  
" ROBERT STANTON, *Commissioner.*  
" THOMAS CARFRAE, *Commissioner.*

JOHN SCADDING, of Toronto, *sworn*—Knows the premises in question. The dwelling-house was part log, with two framed additions, one story high. According to deponent's opinion, these buildings might be worth £100 as they stood, including the fencing in front of the house. The stable was a log building, and in good condition, having been built not many years—thinks it was worth about one hundred and fifty dollars.

(Signed) JOHN SCADDING.

Sworn before us, at Toronto,  
this 8th April, 1839.

(Signed) ALEXANDER WOOD, *Commissioner.*  
" ROBERT STANTON, *Commissioner.*  
" THOMAS CARFRAE, *Commissioner.*

THOMAS S. SMITH, *sworn*—Lives near the Don bridge—was there when the house specified in this claim was destroyed by fire—it was near the premises of Mr. Washburn, which were also consumed, and from whence, deponent has no doubt, Stafford's house was involved in the destruction that took place—this was the 7th December, 1837.

(Signed) THOMAS S. SMITH.

Sworn before us, at Toronto,  
this 8th April, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
" ROBERT STANTON, *Commissioner*.  
" THOMAS CARFRAE, *Commissioner*.

**Claim No. 10.**

**CLAIM OF JAMES STAFFORD.**

AN ESTIMATE of property destroyed by fire on the 7th December, 1837, by the rebels at the Don Bridge, in the Township of York, belonging to James Stafford.

	£	s.	d.
Fencing 12 rods £5; 1 M. lumber 40s .....	7	0	0
6 silver spoons 25s; 2 salt do. 5s; 2 pr. sheets 40. ....	3	10	0
3 pr. pillow cases 20s; 8 dresses £6 7s 6d; 1 shawl 30s.....	8	17	6
1 shawl 12s 6d; 1 do. 5s; 2 pr. shoes 15s; bonnet 12s; ribbon 5s .....	2	9	6
Quilt 32s 6d; 12 yds. ticking 30s; 4 pairs trowsers £3 0 6d.....	6	3	0
4 coats £6; 4 vests 20s; 100 lbs beef 25s.....	8	5	0
	£ 36	5	0

(Signed) JAMES STAFFORD.

Toronto, 3th April, 1839.

**Evidence on claim of James Stafford,—No. 10.**

JAMES STAFFORD, *sworn*—The claim he submits is for various articles destroyed in the house which he occupied near the Don Bridge, belonging to his late father Obadiah Stafford; his mother and his own family resided there; the property enumerated was lost by the destruction of the house by the rebels on the 7th December, 1837, and consisted of their household furniture and clothing; he swears that the articles enumerated were totally destroyed, and that the value affixed to them is just and reasonable to the best of his knowledge and belief.

(Signed) JAMES STAFFORD.

Sworn before us, at Toronto, this  
8th April, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
" ROBERT STANTON, *Commissioner*.  
" THOMAS CARFRAE, *Commissioner*.

SARAH DETCHMAN, *sworn*—Was living in the house mentioned in this claim with her son James Stafford and his family; knows that the house and its contents was burned by the act of the rebels; the household furniture and clothing of the family was all destroyed; knows that the articles enumerated were in the house when it was burned, and believes to be fairly valued.

(Signed) SARAH DETCHMAN.

Sworn before us, at Toronto, this  
8th April, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
" ROBERT STANTON, *Commissioner*.  
" THOMAS CARFRAE, *Commissioner*.

SUSANNAH STAFFORD, *sworn*—Is the wife of James Stafford, the claimant. They lost the whole of their furniture and clothing, at the destruction of the house by the rebels, in December 1837. The articles of dress enumerated, belonging to herself, are correctly stated, and as she believes, fairly and reasonably valued.

(Signed) SUSANNAH <sup>her</sup> STAFFORD.  
mark.

Sworn before us, at Toronto,  
this 8th April, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
" ROBERT STANTON, *Commissioner*.  
" THOMAS CARFRAE, *Commissioner*.

**Claim No. 11.**

**CLAIM OF JOHN DETCHMAN.**

AN ESTIMATE of Property destroyed by fire on the 7th December, 1837, by the Rebels, at the Don Bridge, in the Township of York, belonging to John Detchman.

	£	s.	d.
1 bureau, £2 10s; 1 dining-table, £1 5s; 1 kitchen do. 15s .....	4	10	0
12 chairs, £1 10s; 1 looking-glass, 6s; fire-irons, 15s .....	2	11	0
Cupboard, 10s; books, £2; sundries, 15s; 4 bedsteads, £5 .....	8	5	0
1 small table, 5s; 4 chests, £2; 2 feather beds, £10 .....	12	5	0
2 flock beds, £2; 12 blankets, £6; 6 quilts, £4 .....	12	0	0
7 pillows, £1; 2 holsters, 10s; bed-curtains £1 10s .....	3	0	0
Crockery-ware, £3; bonnets, £1 18s; shoes, 15s .....	5	13	0
Children's clothing, £3; 4 gowns, £1 5; 8 petticoats, £4 .....	8	5	0
30 bushels potatoes, £3; barrel flour, £1 5s .....	4	5	0
	£	60	14 0

(Signed) JOHN DETCHMAN.

Toronto, 8th April, 1839.

**Evidence on Claim of John Detchman—No. 11.**

JOHN DETCHMAN, *sworn*—Was not at home when the house was destroyed by fire—was then in Markham, at work, where he had been for some time previous. On his return home, about 10th December, 1837, found that all his property in the house was lost—is the husband of the widow of the late Obadiah Stafford. The furniture in the house was principally her property, having been in the house at the time of his marriage with her—some things were subsequently bought by himself.

(Signed) JOHN DETCHMAN.

Sworn before us, at Toronto,  
the 8th April, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
" ROBERT STANTON, *Commissioner*.  
" THOMAS CARFRAE, *Commissioner*.

SARAH DETCHMAN, *sworn*—Widow of the late Obadiah Stafford—Is now the wife of the claimant John Detchman—they were married before December 1837—at the time the house was destroyed by the rebels her husband was not at home—Knows that the property enumerated was in the house when it was destroyed, consisting of their furniture, clothing, and some provisions, the whole of which were totally consumed—the prices affixed to the

several items, are, as she believes, fair and reasonable, and she has no doubt that many other things were lost which are not included, not being recollected.

(Signed) SARAH DETCHMAN.

Sworn before us, at Toronto,  
this 8th April, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
" ROBERT STANTON, *Commissioner*.  
" THOMAS CARFRAE, *Commissioner*.

NICHOLAS BURROWS, *sworn*—Was near neighbour to Stafford and Detchman, was frequently in the house in which the two families resided, and is aware that they had quantities of furniture, clothing and other articles which he believes were destroyed by the rebels when the premises of Mr. Washburn were fired by them, which involved the loss of Stafford's house.

(Signed) NICHOLAS BURROWS.

Sworn before us, at Toronto, this  
3th April, 1839.

(Signed) ALEXANDER WOOD, *Commissioner*.  
" ROBERT STANTON, *Commissioner*.  
" THOMAS CARFRAE, *Commissioner*.

(Copy.)

To His Excellency SIR GEORGE ARTHUR, K. C. H. *Lieutenant Governor of Upper Canada, and Major General Commanding Her Majesty's Forces therein, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY:

WE Your Memorialists Alexander McQueen, and William McQueen, of the Town of Prescott, beg leave humbly to represent to Your Excellency, that in consequence of the invaders of this place in November last having taken possession of a Wind Mill belonging to your memorialists, and having defended themselves therein for some days; the authorities of this place to prevent a recurrence of the same, and protect this part of the frontier from further invasion have thought proper to take possession of the tower, remove the works therefrom and put it in a state of defence, and from the damage done otherwise by cannon shot, to different parts of the above mentioned Wind Mill during the time those marauders remained in possession of it:—your memorialists humbly request remuneration for the same, and as a guide to your Excellency's judgment, beg leave to submit a memorandum of the costs of the above mentioned Wind Mill, of which memorandum your memorialists are prepared (if necessary) to supply sufficient testimonials for the correctness of the charges.

Your Excellency's kind consideration of the above is humbly requested and as in duty bound your memorialists will ever pray.

(Signed) ALEXANDER McQUEEN.  
" WILLIAM McQUEEN.

(Copy.)

A STATEMENT of sums paid for Wind Mill, in the Township of Edwardsburgh, purchased of Thomas Hughes, Esquire.

	£	s.	D.
Amount paid Thomas Hughes .....	1136	3	4
Iron shaft from Montreal .....	75	0	0
Paid N. Nichol, millwright.....	125	0	0
" Kellogg, blacksmith .....	133	17	3
" Hulbert & Co., for castings.....	35	0	0
Carried forward.....	£ 1505	' 0	

	£	s.	d.
Brought forward.....	1505	0	7
Paid Simon Frazor, for joiner's work.....	50	0	0
" H. Stone & Co. for castings.....	30	0	0
" Adolphus Jones, Esquire.....	140	0	0
" Adolphus Jones, Esquire, for duties on castings, &c.....	16	13	0½
" For tin for roof of Windmill.....	12	10	0
	£ 1754	3	7½

(Signed) ALEXANDER McQUEEN,  
 " WILLIAM McQUEEN.

**The Petition of William McMullan Ross, of Rossland, Medonte.**

To His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

YOUR PETITIONER well aware of the painful and arduous duties of Your Excellency's high office, during the late eventful crisis, and unwilling to occupy one moment of that time so valuably employed toward the public welfare ; your petitioner at the same time fully sensible of the liberality of the government of his country, begs permission to take the present opportunity (he trusts a favourable one) of making known to Your Excellency the loss he sustained while bearing arms on Her Majesty's service, and praying Your Excellency may have the condescension and consideration to order such loss to be made good.

YOUR EXCELLENCY'S petitioner's brother was one of the many loyal volunteers of this township, who sallied forth at the commencement of the late rebellion, armed with a gun belonging to myself, to meet the enemy, whose near approach was generally anticipated, being met on the Penetanguishine road by the Government supply, himself with others, were requested to exchange arms, the latter being more appropriate for general service ; those belonging to individuals being placed in the cases from whence the others were taken, and left under the anticipation that they would be kept in safe custody ; I am however sorry to add, that he returned from public service without my gun, which was not to be found, notwithstanding all inquiries that have been made, my father having also written to Captain Moberly on the subject at the instant.

The loss although trifling in a national point of view, is severely felt by myself, having frequently to range the bush in quest of strayed cattle, where very often it has been my lot to meet with beast of prey unarmed. If required, witnesses are not wanting to vouch for the veracy of this statement. Trusting your Excellency may pardon any apparent presumption, and that I may be permitted the honour of subscribing myself, with profound respect,

Your Excellency's most dutiful,

Obedient, and devoted Servant,

WILLIAM McMULLIN ROSS.

Rossland, Medonte, near Coldwater,  
 1st April, 1839.

THE GOVERNMENT OF UPPER CANADA,

To WILLIAM IREDALE, Dr.

To one fowling-piece.....	£ 5	0	0
" do. do. ....	5	0	0
" do. do. ....	2	10	0
" Powder-flask.....	0	6	3
" Shot-bag.....	0	3	9
	£ 13	0	0

The above articles were taken from my house by William Davis, City Inspector, December 18th, 1837, and they were of the full value charged above.

WILLIAM IREDALE.

Sworn before me, this 13th April, 1839.

GEORGE GURNETT.

I certify that the three guns, and the flask and bag, charged above, were taken from William Iredale, soon after the outbreak, by my orders, under the command of Sir Francis Head, and were brought to the Mayor's office, and placed with others taken in like manner, and were afterwards, as I believe, removed either to the Parliament buildings or the garrison. I have no doubt they were of the value above charged.

GEORGE GURNETT,

*Late Mayor of Toronto.*

*Toronto, 13th April, 1839.*

GEO. ARTHUR,

The Lieutenant-Governor transmits for the consideration of the House of Assembly, a copy of the claim of Mr. Isaac Preston, an inhabitant of Amherst Island, for compensation for the loss and damage sustained by him, in consequence of the attack made upon his house in the month of June last, by a party of brigands or rebels.

This claim having been addressed to the Commissioners appointed under the Act 1st Victoria, ch. 13, has been transmitted by their Chairman to the Lieutenant-Governor, as not coming within the scope of the jurisdiction conferred on the Commissioners by the statute, and is therefore now laid by the Lieutenant-Governor before the House of Assembly.

*Government House,*

*6th May, 1839.*

*Toronto, 1st May, 1839.*

SIR,

The enclosed petition (Isaac Preston, of Amherst Island) came under cover directed to me, Chairman of the Commissioners Board, 1st Victoria, ch. 13; it is altogether different from the subject of inquiry submitted to the Commissioners under that statute; but I hope you will be able to put it in a way to call the attention of the Legislature, where it may probably be favourably dealt with.

I have the honour to be,

SIR,

Your most obedient servant,

ALEXANDER WOOD.

The Honourable JOHN MACAULAY,

*Private Secretary, &c. &c. &c.*

*To the Worshipful the Commissioners appointed by His Excellency the Lieutenant-Governor, pursuant to the Provincial Statute 1st Victoria, chapter 13, for investigating the Claims of certain inhabitants of this Province, for losses sustained during the late Rebellion.*

The Petition of Isaac Preston, of Amherst Island, in the Midland District, Farmer—

MOST RESPECTFULLY SHEWETH:

That your petitioner is a native of Ireland, and served in the 23rd Light Dragoons for many years, and under Sir Edward (then Major) Pakenham; and was discharged at Belfast, in 1802; and emigrated to this Province in 1816; and purchased a farm on Amherst Island, on which he has ever since resided, and brought up a family of six sons—three of whom are settled on farms, and three at home with your petitioner.

That last winter, James, the eldest of his sons residing at home, served as a volunteer in the Lennox Militia, under the command of Colonel Frazer, in the garrison of Kingston, and two of his other sons, as volunteer guards on Amherst Island, on which it was thought an attack would be made by the pirates.

That on the night of the 6th June last, after your petitioner and his family had retired to rest, he heard a knocking at the door, and on inquiring who was there, was answered that they were men on the Queen's duty, and wanted provisions—upon which your petitioner immediately rose and opened the door, when two men, apparently Americans, entered the house, and your petitioner's wife rose to prepare them a meal; and after a short conversation between your petitioner and the two men, the one who appeared to be the leader inquired whether they could not have some provisions to take with them, and on your petitioner replying that they could, the leader ordered the other man to go for a basket; but as he remained absent for a considerable time—from that, and other circumstances, your petitioner became alarmed, and went to the door, and saw a man standing at the end of the house, with a drawn sword, of whom your petitioner inquired what was the matter, and was answered "nothing;" and your petitioner there observed armed men standing at each window, and a boat drawn close up to the shore, under the shade of the fence and some trees, and several men with her.

That your petitioner then returned into the house, and went to the bed on which two of his sons were lying, and whispered to them to rise

That the man who appeared to be the leader of the party, made a spring up at two guns which were hanging from the ceiling. Your petitioner made a rush to prevent him, and your petitioner's son, James, (a carpenter) ran from bed to his assistance, when five of the pirates who had been stationed outside, with the man who had been sent for the basket, entered the house, one of whom fired a pistol, as your petitioner believes, at him—but the ball missed him, and carried away two of the fingers of James' hand—and then fell on petitioner and beat him about the head with the butt end of a pistol, which, from the violence used, was broken to pieces; and after your petitioner was, in consequence of the severe blows he had received about the head, obliged to sit down, they inflicted a severe cut and contusion on his shoulder—the effect of which he still feels, and fears he long will continue to do.

That your petitioner's son David, a youth about sixteen years of age, being awake by the report of the pistol, attempted to rise, but received a severe blow beneath one of his temples, which disabled him from rendering any assistance; and your petitioner believes he will carry the mark during his life.

That two of the rebels then held a brace of pistols to your petitioner's breast, whilst the others plundered the house, and carried away a great quantity of clothing—two watches, belonging to your petitioner's son James—and two guns, one belonging to your petitioner, and the other to his son James—and also broke open a chest, and stole therefrom at least one hundred and seventy-five dollars, in cash and notes, besides private papers of importance.

That at the time the outrage was committed, a friend of your petitioner's, from Kingston, named Robert Johnston, and two young girls, were in the house, exclusive of your petitioner's own family, and on the girls attempting to rise, one of the rebels produced a bowie-knife, and threatened to cut their throats.

That after securing their plunder, the rebels left the house, and committed depredations in the houses of two other families.

That your petitioner immediately sent intelligence to Kingston; and the steam-boat "Commodore," with Assistant Commissary General Clarke, Captain Gordon, Doctor Chisholm, R. A., Lieutenant Taylor, R. N., Alexander Pringle, Esq. J. P. and others, were despatched in search of the rebels, but without success.

That your petitioner, at a low calculation, estimates his loss in money and other property (exclusive of two watches, and a gun belonging to his son James) and medical attendance, at least to sixty pounds.

Your petitioner therefore humbly prays your Worships, by virtue of the authority vested in you by the said Act, to cause the amount to be reimbursed to him, and also to some allowance to be made to him for the personal injury and loss of time he sustained in consequence.

And your petitioner, as in duty bound, will ever pray, &c.

ISAAC PRESTON.

Amherst Island.



ing an army with beef. I therefore consider it my duty to make the communication, for the information of His Excellency the Lieutenant-Governor and Major-General Commanding.

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

(Signed) CHARLES A. CLARKE,  
A. C. G.

Colonel HALKETT,  
Assistant Military Secretary,  
Toronto.

(Copy.)

Commissariat,  
Kingston, 18th February, 1839.

SIR,

With reference to my letter of yesterday's date, I have now the honour to enclose certified copies of two affidavits, adverted to in that communication.

I have the honour to be,

SIR,

Your most obedient,  
Humble Servant,

(Signed) CHARLES A. CLARKE,  
A. C. G.

Colonel HALKETT,  
Assistant Military Secretary,  
TORONTO.

(Copy.)

Midland District, } MATTHEW ROURKE, of Kingston, in the said District, Merchant, being  
to wit. } duly sworn, states that he has been lately through a part of the Prince  
Edward District, where he found persons engaged in buying up the stock of cattle, chiefly  
milch cows, for the purpose of taking them over to the United States, and that the same  
persons were understood to say they were going to other parts of the country to purchase  
cattle also. This deponent further heard the same persons say they expected to come over  
to make other purchases of the same kind after the opening of the navigation; and he has  
heard from others, that there is an extensive Company in Utica, as Drivers, engaged in these  
purchases.

(Signed) MATTHEW ROURKE.

Sworn before me, at Kingston,  
the 16th February, 1839.

(Signed) A. MANAHAN, J. P.

Certified.

(Signed) CHARLES A. CLARKE.

(Copy.)

MIDLAND DISTRICT, } RICHARD SCOBELL of the town of Kingston, in the said District, a  
To wit: } sworn Inspector of Provisions for the said District, appeared before  
me, Anthony Manahan, Esq. one of Her Majesty's justices of the peace, for the said District,  
and on oath declares that he has been credibly informed, that the agents of a company formed  
in the State of New York, with a large capital, are now thickly scattered over this Province,  
busily engaged in purchasing up the live stock of cattle and pigs of every description where-  
ever they may be purchased, with a view of taking them over to the said State of New York,  
or other parts of the States, and that those agents are using all the industry imaginable and  
are giving unreasonable prices for the said stock—having, as this deponent does not hesitate  
to believe, some ultimate political object in view; and that in conversation with two men last  
evening from the States, whom he truly believes are persons concerned in this Company,  
they insinuated as their view, that as they, the Americans, could not fight us out—meaning

the loyal inhabitants of this Province—they asked this deponent if he thought they could starve us out. And impelled by the consideration he has given the subject, he has volunteered this evidence for the good of the country, that some measures of prevention may be adopted. This deponent was yesterday morning informed by John McDonell, Esquire, of Gananoque, who is a Magistrate, that one man who lately resided on Hickory Island, did lately purchase up and take across from Gananoque to the opposite shore, fifty-three heads of cattle, purchased, this deponent makes no doubt, in furtherance of the laudable view of starving Her Majesty's subjects out.

And this declaration he has sworn to, and subscribed before me.

(Signed)      A. MANAHAN, J. P.  
 Certified.  
 (Signed)      RICHARD SCOBELL.  
 (Signed)      CHARLES A. CLARKE.  
 A. C. G.

(Copy.)

*Attorney General's Office,  
 Toronto, 20th February, 1839.*

SIR,

With reference to your letter of this day's date, enclosing me by command of His Excellency, the copy of a communication addressed by Assistant Commissary General Clarke, to Colonel Halkett, dated Kingston 17th inst., respecting the extraordinary exportation of hogs and cattle, from this country to the United States, which is at present observed in the Midland District, and requesting that I should report as soon as possible for His Excellency's information, upon such measures as may lawfully be adopted to restrain such exportation.

I have the honour to state, that in my opinion there is no law under which measures can be taken to restrain the exportation of the articles referred to from this province to the United States.

I have the honour to be,

&c. &c. &c.

(Signed)      CHRISTOPHER A. HAGERMAN,  
*Attorney General.*

The Honourable JOHN MACAULAY,  
*Civil Secretary.*

(Copy.)

*Woodstock, 23rd February, 1839.*

DEAR SIR,

Finding that there are parties travelling this District, and purchasing all the horned cattle they can get, for ready money, I think it my duty to report the circumstance, as the intended exportation of cattle to the United States may materially inconvenience this Province, already not overburthened with supplies.

I have the honour to remain,

DEAR SIR,

Your faithful and obedient Servant,

(Signed)      P. GRAHAM.

The Honourable JOHN MACAULAY,  
 &c. &c. &c.

(Copy.)

*Head Quarters,  
 Montreal, 23rd February, 1839.*

SIR,

I have the honour, by direction of the Commander of the Forces, to transmit for your Excellency's consideration, the accompanying letter from the Commissary General

representing the necessity of an early interposition on the part of the Government of Upper Canada, to put a stop to the exportation of cattle and hogs from the Midland District to the United States.

I have the honour to be,

SIR,

Your Excellency's

Most obedient,

Humble Servant,

(Signed) Wm. ROWAN, M. S.

His Excellency Major-General

SIR GEORGE ARTHUR, K. C. H.

&c. &c. &c.

(Copy.)

Head Quarters,

Montreal, the 21st February, 1840.

SIR,

I have the honor to lay before you certified copies of two affidavits on the subject of persons from the United States purchasing the cattle and hogs in the Midland District for exportation across the lines.

I am also informed that large droves of cattle are passing daily from that District into the States.

The enclosed affidavits are made by Mr. Rourke, the present contractor for fresh meat at Kingston, and Mr. Scobell, a dealer in pork and beef, both respectable persons; and the subject is one of so much interest to the army, and so connected with every military operation, that I trust His Excellency, the commander of the forces, will take it into his prompt consideration, and adopt some measures to restrain a practice so very prejudicial to the interests and well-being both of Her Majesty's service and of both Provinces.

As this complaint is not one of present date, having been carried on during the whole of last Autumn, and being now renewed, the necessity of an early interposition on the part of our government to stop a speculation involving such great consequences, has become most urgent and important.

I have the honour to be,

SIR,

Your very obedient Servant,

(Signed) R. L. ROUTH, C. G.

Colonel Rowan, C. B.

Military Secretary.

(Copy.)

Midland District, } MATTHEW ROURKE, of Kingston, in the said District, Merchant, being  
to wit. } duly sworn, states that he has been lately through a part of the Prince  
Edward District, where he found persons engaged in buying up the stock of cattle, chiefly  
milch cows, for the purpose of taking them over to the United States, and that the same  
persons were understood to say they were going to other parts of the country to purchase  
cattle also. This deponent further heard the same persons say they expected to come over  
to make other purchases of the same kind after the opening of the navigation; and he has  
heard from others, that there is an extensive Company in Utica, as Drovers, engaged in these  
purchases.

(Signed) MATTHEW ROURKE.

Sworn before me, at Kingston,  
the 16th February, 1839.

(Signed) A. MANAHAN, J. P.

Certified.

(Signed) CHARLES A. CLARKE, A.C.G.

(Copy.)

MIDLAND DISTRICT, } RICHARD SCOBELL of the town of Kingston, in the said District, a  
 To wit: } sworn Inspector of Provisions for the said District, appeared before  
 me, Anthony Manahan, Esq. one of Her Majesty's justices of the peace, for the said District,  
 and on oath declares that he has been credibly informed, that the agents of a company formed  
 in the State of New York, with a large capital, are now thickly scattered over this Province,  
 busily engaged in purchasing up the live stock of cattle and pigs of every description where-  
 ever they may be purchased, with a view of taking them over to the said State of New York,  
 or other parts of the States, and that those agents are using all the industry imaginable and  
 are giving unreasonable prices for the said stock—having, as this deponent does not hesitate  
 to believe, some ultimate political object in view; and that in conversation with two men last  
 evening from the States, whom he truly believes are persons concerned in this Company,  
 they insinuated as their view, that as they, the Americans, could not fight us out—meaning  
 the loyal inhabitants of this Province—they asked this deponent if he thought they could  
 starve us out. And impelled by the consideration he has given the subject, he has volun-  
 teered this evidence for the good of the country, that some measures of prevention may be  
 adopted. This deponent was yesterday morning informed by John McDonell, Esquire, of  
 Gananoque, who is a Magistrate, that one man who lately resided on Hickory Island, did  
 lately purchase up and take across from Gananoque to the opposite shore, fifty-three heads  
 of cattle, purchased, this deponent makes no doubt, in furtherance of the laudable view of  
 starving Her Majesty's subjects out.

And this declaration he has sworn to, and subscribed before me.

(Signed)      A. MANAHAN, J. P.

(Signed)      RICHARD SCOBELL.

Certified.

(Signed)      CHARLES A. CLARKE.

A. C. G.

(Copy)

*Brochville, February 24th, 1839.*

SIR,

We have to acknowledge the receipt of your reply to a late communication of the Magistrates of this District to His Excellency, stating, "that the subject of it would receive the early attention of His Excellency," the result of which we are anxiously awaiting.

We feel it necessary in the mean time to address His Excellency on a subject which appears to us to be so important, and which is so forcibly pressed upon our notice that we have determined not to delay the communication.

During the winter a number of American speculators have been traversing this District, for the purpose of purchasing cattle.—Many hundreds have been sent across the river, and it is believed that there are now above a hundred in this neighborhood, the owners of which are applying for passes to take them over.

The acting Magistrates met to day, to take the subject into consideration, Colonel Marshall was present. They were unanimously of opinion that under the existing circumstances it was highly inexpedient that the country should be further drained of cattle. That the quantity remaining is far less than is usual, and will be unequal to the demand of our own population; and that in case of war with the United States, it is believed that it would be impossible to obtain a supply for our troops. It will be the more injurious as these speculators are purchasing all the cows they can get, as it is well-known that for some months to come veal is almost the only fresh meat to be procured.

The Magistrates have refused to grant passes till they shall have heard from the head of the government upon the subject, which they will feel obliged by your laying before His Excellency with as little delay as possible.

I have the honour to be.

&amp;c. &amp;c. &amp;c.

(Signed)      BARTH. CARBY, J. P.  
 "              ALEXANDER MORRIS, J. P.  
 "              PAUL GLASFORD:

The Honourable JOHN MACAULAY,

*Secretary, &c. &c. &c.*

(Copy.)

Kingston, February 27th, 1839.

SIR,

I have the honour to submit by order of the Magistrates of this District, a copy of certain resolutions passed by them in Special Sessions holden yesterday, for the consideration of His Excellency the Lieutenant Governor on matters, as they conceive, of importance to the welfare of the country.

I am, Sir,

&c. &c. &c.

(Signed) JAMES NICKALLS,  
Clerk of the Peace, M. D.

The Honourable JOHN MACAULAY.

&c. &c. &c.  
Toronto.

Midland District, } At a Special Sessions holden at the town of Kingston on Tuesday the  
to wit : } 26th day of February, 1839, pursuant to a general notice, to take into  
consideration various matters connected with the welfare of the District.

PRESENT.

ALEXANDER PRINGLE, Esq., *Chairman.*

The Honourable C. W. GRANT,  
ARCHIBALD CAMPBELL,  
WILLIAM LOGIE,  
JOHN CHURCH,  
ARCHIBALD CATON,  
JOHN MOWAT,  
JACOB RAMBOUGH,  
MICHAEL ASSELSTINE,  
EDWARD HOWARD,  
GEORGE W. YARKER,  
MATTHEW CLARKE,  
JACOB B. CHAMBERLAIN,  
WILLIAM WILSON,  
HORACE YEMANS,

JOHN STRANGE,  
SAMUEL CASEY,  
JONATHAN ALLAN,  
WILLIAM HOLDITCH,  
COLIN MCKENZIE,  
GEORGE BAKER,  
W. J. FAIRFIELD,  
DUNCAN BEITH,  
ARCHIBALD McNEIL,  
CALVIN WHEELER,  
JAMES SAMPSON,  
JAMES McFARLANE,  
MATTHEW RUTTAN,  
CHARLES CHESHIRE, Esquires.

The question of the propriety of permitting persons from the United States to go into the country upon their various prettexts, was discussed, when the following resolutions were unanimously passed :

*Resolved*, That the introduction of American dealers and other American travellers through the Province tends much to disturb the peace of the country.

*Resolved*, That in the present state of the neighbouring country, it is deemed inexpedient and unsafe to permit persons from the United States to pass through the province on any pretence whatever until they shall first obtain the permission of two Magistrates authorizing them to go to some particular place, for some special purpose, to be distinctly expressed, and where reference is to be made to the nearest Magistrate, and to return within a given period.

*Resolved*, That the Magistrates residing throughout this and the adjoining Districts, be requested to co-operate with their brethren here, in carrying into effect the object of the foregoing resolutions; and that they be recommended to examine into the business and conduct of all strangers who may appear in their respective neighbourhoods; and to see that they are provided with the necessary passes.

*Resolved*, That it is the opinion of this meeting that intercourse between this Province and the United States of America requires to be placed under certain Legislative restrictions; that His Excellency the Lieutenant Governor be humbly requested to recommend the same to the Legislature now in session; and that a copy of the foregoing resolutions be transmitted to him for his consideration.

A true extract,

(Signed) JAMES NICKALLS,  
*Clerk of the Peace, M. D.*

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CORRESPONDENCE

BETWEEN

THE GOVERNMENT AND THE MEDICAL BOARD.

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(Copy.)

*Government House,*  
*24th March, 1834.*

SIR,

I am directed by the Lieutenant-Governor to forward to you a copy of a despatch from the Secretary of State for the Colonies, and of a letter from the Assistant Secretary to the Royal College of Surgeons in Ireland, which accompanied it, and to request that the Medical Board will transmit to His Excellency such observations as they may think necessary to offer on Mr. Harrison's letter.

I have, &c.

(Signed) Wm. ROWAN.

Dr. WIDMER.

(Copy.)

No. 55.

*Downing-Street,*  
*2nd February, 1834.*

SIR,

In transmitting to you the enclosed letter from Mr. Harrison, (27th January, 1834) Assistant Secretary to the Royal College of Surgeons in Ireland, complaining that young men holding Diplomas from that body are subjected to disadvantages in Upper Canada, as compared with those who are possessed of London or Scotch Diplomas—I have to request, that you will inform me whether the representations which the Irish College of Surgeons has received, are accurate, in point of fact; and further—that you will furnish me with a statement of the nature and constitution of the Colonial Medical Boards alluded to, as well as with any explanations which you may be able to procure, on the reason of the alleged discrimination, if it really be made, between Surgeons admitted by the College in Dublin, and those admitted by any other British College.

I have, &c.

(Signed) E. G. STANLEY.

Major-General SIR JOHN COLBORNE, K.C.B.

&c. &c. &c.

(Copy.)

*Royal College of Surgeons in Ireland,*  
27th January, 1834.

SIR,

I am directed by the Royal College of Surgeons in Ireland to entreat your attention to the following circumstance which materially effects the interest and character of that body. Within these few years, some young men who have been educated in surgery and who have received their Diploma from this College, after a solemn public examination have repaired to the British settlements in North America determined there to pursue the practice of their profession. It appears, however, that in some of the towns, especially in York, which is situated in Upper Canada on Lake Ontario, that some resident medical men have established a Medical Board with the view of regulating the practice of medicine and surgery. This Board assumes the right to permit or refuse certain persons to settle as practitioners; they allow those to do so who are possessed of a London or Scotch Diploma in medicine or surgery, but will not allow the holder of one from this College unless he shall submit to an examination by them and pay a certain fee.

The Irish College of Surgeons feel persuaded that the British Government is not aware of this circumstance, and they beg to observe that the system of education they enforce, and the examination they adopt, are superior tests of professional education to those required by the London College of Surgeons or by any of the Scotch Universities; and that the regulation above mentioned is not only derogatory to their character, and injurious to their interests, but it also inflicts an unfair and invidious distinction on those Irish gentlemen who repair to America with their Diplomas. The College do not presume to dictate what course is best to pursue to remedy this obvious inconvenience, but they would venture to suggest that the interposition of the Right Honourable the Secretary for the Colonies would soon have the desired effect of placing all British Diplomas on a perfect equality in all the British Colonies.

I have, &amp;c.

(Signed)

ROBERT HARRISON,

*Assistant Secretary.*

Right Honourable E. J. LITTLETON,  
&c. &c. &c.

(Copy.)

*City of Toronto,*  
May 2nd, 1834.

SIR,

I have the honour to acknowledge your letter of the 29th March last enclosing a copy of the complaint from the Royal College of Surgeons in Dublin, to His Majesty's Principal Secretary of State for the Colonies against the Medical Board, and requesting them to transmit to His Excellency such observations as they might think necessary to offer on Mr. Harrison's letter.

The Royal College of Surgeons in Dublin charge some resident medical men of this place with arbitrarily establishing a Medical Board and assuming the right to permit or refuse certain persons to settle as practitioners, allowing them to do so who are possessed of a London or Scotch Diploma in medicine or surgery, but disallowing the holder of one from the Dublin College of Surgeons unless he shall submit to an examination by them and pay a certain fee.

This letter, in terms quite unqualified, prefers against certain Medical Practitioners not named, the charge of arrogating to themselves extensive powers, and exercising those assumed powers to make invidious distinctions and exact illegal fees.

By a reference to the Provincial Statute of the 59th year of His late Majesty George the Third, chapter 13, entitled, "An Act to repeal an Act passed in the fifty-fifth year of His Majesty's reign, entitled, 'An Act to license Practitioners in Physic and Surgery throughout this Province,' and to make further provision for licensing such Practitioners," it will be seen that the Lieutenant-Governor is empowered to appoint five or more persons, to be a Board to examine all persons desirous to apply for a license to practice Physic, Surgery and Midwifery, or either of them, and being satisfied by such examination, to certify

the same: whereupon the Lieutenant-Governor, being satisfied of the loyalty, integrity, and good morals of such applicant, may grant him a license to practice the same. The third clause of the same Act recites the penalty for non-compliance with the law; and the fourth clause authorizes the fees to be received by the Board, for the examination of the Candidate.

In a statute of the next session, in the same year, viz. the 59th of His late Majesty George the Third, chapter 2nd—by the second clause the Board is authorized to appoint a Secretary, &c.; and in the third clause, the periods for holding the sittings of the Board are directed.

By an Act passed in the eighth year of His late Majesty George the Fourth, chapter 3rd. the second clause enacts, "that upon the application of any person exhibiting a Diploma or License from any University in His Majesty's dominions, or from the Royal College of Physicians or Surgeons of London, as Physician or Surgeon, or a Commission or Warrant as a Physician or Surgeon in His Majesty's Naval or Military services, and producing an affidavit made before any Judge of any District Court in this Province, stating that he is the person named in such Diploma, License, Commission or Warrant, it shall and may be lawful for the Lieutenant-Governor to grant to such applicant a License to practice Physic, Surgery and Midwifery, in this Province.

The Medical Board is at present composed of the following persons:

C. WIDMER, Esq.—*M. R. C. S. London; Staff Surgeon, on half-pay, of His Majesty's Forces; and President of the Medical Board.*

W. W. BALDWIN, Esq.—*M. D. University of Edinburgh.*

GRANT POWELL, Esq.—*Surgeon, half-pay, late Incorporated Militia of Upper Canada.*

R. C. HORNE, Esq.—*M. R. C. S. London; late Assistant Surgeon, Glengarry Regiment of Fencible Infantry.*

JAMES SAMPSON, Esq.—*Late Assistant Surgeon in His Majesty's Forces.*

PETER DEHLL, Esq.—*M. R. C. S. London.*

JOHN KING, Esq.—*M. D. University of Edinburgh; M. R. C. S. Edinburgh, and Licentiate of Midwifery, of Dublin.*

JOHN ROLPH, Esq.—*Of St. John's College, Cambridge; M. R. C. S. London.*

G. N. RIDLEY, Esq.—*M. R. C. S. London.*

S. J. STAFFORD, Esq.—*M. R. C. S. London.*

CHARLES DUNCOMBE, *M. D.*

A reference to the above Provincial Statutes will satisfy the Royal College of Surgeons in Dublin, that the Medical men in the City of Toronto, (late York) have not established a Board, but have been erected into a Board by the Executive Government, under the authority of law.

As the Board act in obedience to the laws, those laws must be taken, without regard to any alleged impolicy, to be a sufficient vindication against the charges of usurpation and exaction—charges which, being expressly preferred against medical men, ought not, it is apprehended, to have been entertained and repeated by the College, without that just circumspection comporting with their known dignity and professional urbanity.

From the language of the statutes it is plain, that the rights conferred upon persons holding a Diploma from the Scotch Universities, or from the Royal College of Physicians or Surgeons in London, are not extended to those from the Royal College of Surgeons in Dublin; and it is to be regretted, that any gentlemen admitted by that honourable body should, upon visiting this Province, have unjustly made representations injurious to the character of the Board, the legal constitution and duties of which, were known to the complainants.

It may be here observed, that the statute embraces persons who have taken their degree in Medicine in the University of Dublin; and in like manner, members of the Royal College of Surgeons in Edinburgh are excluded, while Doctors of Medicine from the University are privileged. Ireland and Scotland are therefore placed upon the same footing. The exception in favour of the Royal College of Physicians and Surgeons in London, is not founded on any presumed right of those bodies to interfere in any manner or degree with the domestic affairs of the Province; and it therefore affords to the Dublin College no ground of complaint which might not be preferred with equal force by all other similarly constituted corporations, in every part of the British Empire.

The reason of this discrimination is not known to the Board. Perhaps it originated merely in the will of the Legislature, which, while they recognized many years ago the expediency of somewhat relaxing the rules of exclusion during the more infant state of the Province—nevertheless, deemed it just to the native youth, not to discourage them, by the further extension of competition from other countries, in which they would not receive a reciprocity of privileges.

The Board are by no means assured, that English and Scotch Surgeons are as cordially received in Ireland as would justify the spirit and language of the letter from the Dublin College.

Attornies from Great Britain and Ireland, are not recognized by the laws of the Province; nor can Barristers from the Sister Colonies be admitted by the Law Society to practice at the Bar, unless corresponding facilities are extended by them to the youth of Upper Canada. No part of the Crown Revenues in the Province have hitherto ever been applied to make provision for medical education; and the Royal Charter and endowment of King's College, granted in 1826, have not yet yielded any practical opportunities of acquiring any of the Professions. Under these circumstances, the youth of the Province are obliged to resort to foreign schools; and after acquiring their profession under severe inconveniences and expenses, it has perhaps been thought not unreasonable, that their Provincial privileges should, to a certain extent, be secured to them.

The Board have no desire to question, by any invidious comparison, the alleged superiority of the tests of professional education required by the Dublin College, to those by the London College of Surgeons, or by any of the Scotch Universities; but it is their duty to bear testimony to the importance of some better proof of professional competency, than the exhibition of a Diploma, and an affidavit that the deponent is the person described in it.

Imposters exhibiting false credentials, have presented themselves to the Executive, and to the Medical Board; and one has even sworn falsely to his identity. The test of an examination at this distance from the Parent State, is the best security against any imposition in which a confiding public are so deeply and vitally interested. If the Dublin College mean to assume, that an examination is unnecessary, they are not borne out by facts occurring here; or if they intend to intimate that it is an indignity, for any stranger desiring to command the professional confidence of this community, to satisfy a legally constituted tribunal of his competency, the Board are at a loss to know of what that indignity consists, either as it regards the Candidate or the Dublin College of Surgeons.

I have, &c.

(Signed) C. WIDMER.

*President.*

COLONEL ROWAN,

*Private Secretary, &c. &c. &c.*

(Copy.)

No. 40.

*Toronto, Upper Canada,*

*7th May, 1834.*

SIR,

WITH reference to your Despatch of the 2nd February, (No. 55,) I have the honour to transmit to you a copy of the Provincial Statute, by which the Medical Board had been constituted in this Province, (1827); and also the accompanying observations from the President of the Board, (3rd May, 1834)—to whom the remonstrance of the College of Surgeons in Dublin, was referred.

I have, &c.

(Signed) J. COLBORNE.

The Right Honourable E. G. STANLEY,

*&c. &c. &c.*

(Copy.)

Government House,  
Toronto, 7th June, 1834.

SIR,

I am directed by the Lieutenant-Governor, to acknowledge the receipt of the memorial of the Students' Medical Society, and to acquaint you, that His Excellency being persuaded that the establishment of a Medical School can no longer be delayed without injury to the Province, will suggest such arrangements to the Medical Board, as he trusts will impart to the students of Toronto, the advantages which they are anxious to obtain.

I am, &amp;c.

(Signed) WM. ROWAN.

Mr. JOSEPH ORLANDO ORR,  
President of the  
Students' Medical Society.

Government House,  
12th June, 1834.

SIR,

I am directed to transmit to you the accompanying petition from the Students' Medical Society, and to acquaint you, with reference to the several interviews which the Lieutenant Governor has had with you and Dr. Rolph, for the purpose of adopting such measures as might lead to the formation of an Institution for the instruction of Medical Students—that His Excellency requests you will have the goodness to confer with Dr. Rolph, and the other Members of the Medical Board, on this subject, and report to His Excellency, whether you will consent to assist Dr. Rolph in establishing an Institution for the instruction of Medical Students, and make arrangements for commencing a course of lectures this season.

I have, &amp;c.

(Signed) WM. ROWAN.

Dr. WIDMER.

MEMORANDUM.—The petition herein referred to, was not returned to the Government Office.

Toronto, 16th June, 1834.

SIR,

I have the honour to acknowledge the receipt of your letter of the 12th instant, enclosing the petition of the Medical Students' Society of Toronto, to His Excellency, and acquainting me, with reference to the several past interviews with the Lieutenant-Governor, for the purpose of adopting such measures as might lead to the formation of an institution for the instruction of Medical Students, that His Excellency requested me to confer with the Medical Board on the subject, and report to His Excellency whether I would consent to assist in establishing such an institution, and make arrangements for commencing a course of lectures this season.

In compliance with His Excellency's desire, I have submitted the matter to the Medical Board, and have now the honour of communicating to you, for his information, their views upon the subject.

The Medical Board have also received from the Medical Students' Society, a copy of His Excellency's answer to their memorial; and they fully feel the importance of forwarding, in the most effectual manner, the desire of His Excellency to afford an institution which cannot be longer delayed without manifest injury to the Province.

His Majesty's Government appear to have felt the importance of promoting professional as distinguished from elementary education, by granting the Charter and endowment of the University of King's College, as far back as the year 1826. In this Royal provision, the Board find every thing which is required at once to realize the wishes of His Excellency, and extend all those advantages for acquiring the higher branches of knowledge, for which so earnest an appeal has been made to him. All that appears to be necessary is, the simple act of putting it into beneficial operation.

The Board are not aware of any cause which could, for a moment, justify their forbearing to refer to the University as the only proper and most accessible means of attaining the important objects in view.

The Provincial Legislature, it seems, many years ago, suggested the expediency of making some alterations in the Charter; and this proposition appears, from their Journals, to have been submitted to His Majesty's Government, in a series of resolutions, in the year 1828, and further recognized as unobjectionable by the present Parliament, in its third Session.

Upon the merit of the proposed modification, the Board express no opinion; but the immediate urgency for any such alterations does not appear to have been deemed sufficient to demand, during a period of six or seven years, either their total or partial adoption. No other more precise measure, affecting the terms of the Charter, has since been consummated by the Legislature; and as far as the Board can learn from public documents, this most important Charter has remained unmodified from its date to the present day—while the necessity for such an institution, in whatever degree it existed eight years ago, has increased to such an extent, that the schools in a neighbouring Republic have, during all that period, been engaged in educating, in annually increasing numbers, a very influential and meritorious class of the community—and are acquiring an ascendancy not easily superseded when once established.

Had it ever been the serious intention of His Majesty's Government to modify the Charter in any respects, the Board must assume that the interests of the Province would long since have brought the matter to a final and satisfactory issue; but even if it is supposed to be still contemplated to do something of the kind, its immediate operation to meet existing exigencies cannot, any more than its present state of abeyance, prevent the accomplishment of any amendments.

Had this institution been dispensing its benefits for the last seven years, during which period the fate of the education of hundreds has been irrevocably decided, it would have been equally in His Majesty's power, as it now is, to effect such modifications of the Charter as might be thought proper to meet any reasonable suggestions. An inoperative state cannot be a preservation of a power which must ever exist in His Majesty, and His Legislature, under all stages of the institution, to make any necessary alterations from time to time; and if another seven or eight years are to elapse before the question of amendment is decided, it seems desirable beyond a doubt, that such an institution, so imperatively needed, not for elementary but for professional education, should no longer continue barren.

The Board are at a loss to conceive what possible evil can arise from the operation of the University, under its present constitution, (however susceptible of amendment,) that can admit of comparison with the many and immediate benefits flowing from it throughout the country, in a professional, scientific and literary point of view.

If, from circumstances not within the knowledge of the Board, insuperable impediments really exist to the immediate organization of a Medical Faculty, under the University Charter, and further delays must be incurred for carrying on a transatlantic negotiation, unavoidably protracted, they can see no alternative than to leave things in their present unsatisfactory state. I have felt it my duty most explicitly to put the question to the Board, what assistance would be yielded to an institution, placed on a different foundation, awaiting the contingency of the University going into operation, and the objection to do so, in which I concur, not without sincerely regretting any consequent disappointment to Students, or injury to the Province, is unanimously held by the Board to be insuperable. Even could it be accomplished in this minor way, such a school could not now, or in future, be expected to engage the same talent, or secure the same respect and confidence as the University would properly command.

I have, therefore, the honour of submitting to His Excellency the conclusion of the Board, that as the establishment of a Medical School can no longer be delayed, without manifest injury to the Province, or consistently with the sound policy of Government, that injury can, in their opinion, be best and only corrected by putting into beneficial operation, without further delay, the University of King's College, leaving time to disclose and remedy whatever may be found defective in it.

To the above-mentioned observations I must add, for His Excellency's information, that the earliest public intimation should be given of any such intended School of Medicine, when seriously determined upon, not only for the information of Students, who might otherwise engage in foreign schools for the ensuing season, but to enable those who may be appointed

to conduct it, to prepare various indispensable preliminaries, such as anatomical and other preparations, requiring a labour which no one would bestow, and an expense which no one would incur, until every thing was based upon a solid, satisfactory and respectable foundation.

Should this plan meet His Excellency's sanction, the Board will, under his direction, lose no time in satisfying, as far as is practicable, the prayer of the Students' petition, and the expectations conveyed to the petitioners by His Excellency's answer.

I have, &c.

(Signed) C. WIDMER,  
*President.*

Lieutenant-Colonel ROWAN,  
*Secretary,*  
*&c. &c. &c.*

(Copy.)

To His Excellency SIR FRANCIS BOND HEAD, *Lieutenant-Governor of Upper Canada.*

The Petition of the Medical Students' Society of Toronto—

MOST RESPECTFULLY SHEWETH :

That we; the Medical Students' Society of Toronto, beg leave humbly to request your Excellency, to take into your favourable consideration, the propriety of establishing the Medical Department of the University of King's College in this Province. The Medical Students of this City deeply feel that their interests have hitherto been very much neglected, and they have long been trying to obtain a Medical School in Upper Canada.

They have petitioned His late Excellency Sir John Colborne, more than once, urging him earnestly, though respectfully, to grant them such an institution; and from the last answer he was graciously pleased to direct to them, they had every reason to anticipate that the object for which they had been so long solicitors, was about to be immediately established; but it is with heart-felt sorrow and disappointment that they now find themselves apparently as far off as ever from the attainment of their wishes.

Your Excellency is, no doubt, aware that to obtain a competent knowledge of the profession, it is necessary for a Student to attend regular courses of medical lectures.

Young men of this country are obliged to seek in the Sister Province, or the United States, that instruction which would save them much expense, and be infinitely more gratifying to them could they procure it at home.

Fearing lest this memorial should be drawn out to an unnecessary and tedious length, and being aware that any thing more we could add would only be to repeat what has been already said in former petitions, the Students' Medical Society would respectfully beg leave to refer your Excellency to those alluded to, as also to communications on the same subject, between your Excellency's Predecessor, Sir John Colborne, and the Medical Board of this place.

And your petitioners, as in duty bound, will ever pray.

(Signed) JAMES MITCHELL,  
*President.*

(Signed) H. H. WRIGHT,  
*Secretary.*

Toronto, 10th September, 1836.

(Copy.)

Government House,  
Toronto, 29th October, 1836.

SIR,

WITH reference to a petition from the Medical Students' Society of Toronto, addressing the Lieutenant-Governor, "on the propriety of establishing the Medical Department of the University of King's College in this Province,"—I have the honour to acquaint you, by His Excellency's command, that he does not feel himself at liberty to take any steps affecting that Institution, pending the revision of its Charter by His Majesty's Government, and the Legislature of this Colony.

I have, &c.

(Signed) J. JOSEPH.

JAMES MITCHELL, Esquire,  
President,  
Medical Students' Society of Toronto.

(Copy.)

Toronto Hospital,  
12th August, 1837.

SIR,

I have the honour to transmit, for the information of His Excellency the Chancellor of the University of King's College, certain resolutions passed at a meeting of the Members of the Medical Board, assembled here on the 10th instant.

I have, &c.

(Signed) FREDERICK FITZGEORGE WILKINSON,

Secretary.

JOHN JOSEPH, Esquire,  
&c. &c. &c.

1st. *Resolved*—That by the Charter of the University of King's College, it was intended to provide for "the education and instruction of youth and students in arts and faculties."

2nd. *Resolved*—That the usefulness of such an institution, in an eminent degree consists of preparing those youths who have already received an elementary education, for the practical discharge of the duties of the learned professions.

3rd. *Resolved*—That of those professions, the healing art has at all times been justly ranked among the most honourable, the most learned, and the most useful.

4th. *Resolved*—That the members of the Medical Board have noticed with surprise and regret, that in the composition of the Council of the University of King's College, there is not, since the necessary retirement of Messrs. Powell and Widmer, one member of the Medical Profession to guard and advance its interests, although it is evident that this department will furnish a large proportion of the students at the University, should it be provided with Teachers of acknowledged talent.

(Signed) F. F. G. WILKINSON,

Secretary.

(Copy.)

Government House,  
12th August, 1837.

SIR,

I have received, and will do myself the honour of laying before the Lieutenant-Governor, certain resolutions passed at a meeting of the members of the Medical Board, on the 10th instant, and transmitted to me for His Excellency's information, in your letter of this morning.

I have, &c.

(Signed) JOHN JOSEPH.

F. F. G. WILKINSON, Esq.  
Toronto Hospital.

(Copy.)

Toronto, 22nd August, 1837.

SIR,

I have the honour to transmit to you, for the information of His Excellency the Chancellor of the University of King's College, a resolution, passed at a meeting of the members of the Medical Board, on the 10th instant.

*Resolved*—"That the President of the Medical Board be requested to obtain from His Excellency the Chancellor of the University of King's College, U. C. all information respecting arrangements which have been, and are intended to be made, for the organization of the Medical Department."

In performing the duty assigned to me by the foregoing resolution, I am induced to represent to His Excellency, the anxiety with which the Members of the Medical Profession throughout the Province are waiting for the development of an effective plan of medical instruction, for the numerous class of students within it, and how long, from causes perhaps unavoidable, the just claims of these young men to participate in the benefits of the University, have been delayed.

The Medical Board having been in frequent correspondence with His Excellency's predecessor, Sir John Colborne, on the subject of establishing a school of medicine, in anticipation of the operations of the University, I am enabled to state, that Sir John was strongly impressed with the imperious necessity of preventing so many of the youths of the Province from resorting to a foreign country for the means of instruction, where their early political principles were exposed to an influence not likely to prove advantageous to themselves or their country.

Now that the period is at hand, when the most important and beneficial results may be derived from the operations of King's College, it becomes the duty of the Medical Board to afford all the aid which their experience may enable them to give, in furtherance of the completion of such a plan of professional education, as shall insure to the Medical Students of the Province all the advantages that an University can bestow, and that shall be so attractive to the public generally, as to invite not only the Canadian aspirants to professional honours, but the Medical Students of all the North American Provinces, and even of the neighbouring States of the Union.

These results, if an enlarged and liberal course of professional instruction be adopted, will no doubt be realized—for it is a fact, that no University enjoying a desirable celebrity for medical education, exists North of Philadelphia.

It may therefore be reasonably expected, that if the medical faculty of King's College is established on a footing of respectability, it will be thronged with students.

The Members of the Medical Board, I am warranted in declaring, are actuated solely, in this communication to His Excellency the Chancellor, by a desire to obtain such information as may enable them to correct, if necessary, any erroneous views that may be taken by those whose official duty it is become, to make the arrangements for the medical department of King's College.

I have, &amp;c.

(Signed)

C. WIDMER,  
President of the  
Medical Board of U. C.

JOHN JOSEPH, Esquire,  
&c. &c. &c.

(Copy.)

Government House,  
Toronto, 26th August, 1837.

SIR,

Having laid before His Excellency the Lieutenant-Governor, your letter of the 22nd instant, I have the honour, by His Excellency's commands, to inform you, that in compliance with the wish expressed by the resolution passed at the meeting of the members of the Medical Board, His Excellency will always be happy to communicate to the President of the

Medical Board, any information which the Board may desire respecting such arrangements as may have been made by the King's College Council, in the organization of the Medical Department.

I have, &c.

(Signed) J. JOSEPH.

CHRISTOPHER WIDMER, Esquire,  
*President, Medical Board.*

(Copy.)

*Toronto Hospital,  
12th October, 1837.*

SIR,

I have the honour to transmit the following resolution, for the information of His Excellency the Chancellor of the University of King's College, passed at the meeting of the Medical Board held on the 7th instant :

**PRESENT :**

CHRISTOPHER WIDMER, ESQUIRE—*President.*

W. W. BALDWIN, *M. D.*

R. C. HORNE,

PETER DEIHL,

JOHN KING, *M. D.*

CHARLES DUNCOMBE,

ROBERT HORNBY, *M. D.*

T. D. MORRISON,

JOHN ROLPH.

*Resolved*—That the Medical Board have been anxiously expecting the information desired by their resolution of the 10th of August, from His Excellency the Chancellor of the University of King's College; and as the applications from the Medical Students of the Province to the Members of the Board, are frequent and urgent for the establishment of a public institution, for their instruction in Medicine, that the Board, through their President, do again respectfully renew their application for such information.

I have, &c.

(Signed) FREDERICK FITZGEORGE WILKINSON,  
*Secretary.*

JOHN JOSEPH, Esquire,

&c. &c. &c.

(Copy)

*Government House,  
Toronto, 13th October, 1837.*

SIR,

I have the honour to acknowledge the receipt of your letter of yesterday's date, transmitting a copy of a resolution passed at a meeting of the Medical Board, on the 7th instant, and having laid the same before the Lieutenant-Governor, I am directed by His Excellency to refer you to a letter, which, on the 26th August, I had the honour, by His Excellency's commands, to address to the President of the Medical Board, expressing His Excellency's readiness, at all times, to communicate to the President any information which may be desired respecting such arrangements as may have been made by the King's College Council, for the organization of the Medical Department; His Excellency, however, is not aware that any arrangements for that object have yet been made.

His Excellency further directs me to state, that any information or suggestions which the Medical Board may deem it desirable to lay before him, he will receive with attentive consideration, and will lose no time in communicating to the College Council.

I have, &c.

(Signed) J. JOSEPH.

F. F. WILKINSON, Esquire,  
*Secretary, Medical Board.*

(Copy.)

Toronto, 13th November, 1837.

SIR,

AT a special meeting of the members of the Medical Board, convened by the President, on the 2nd instant—

PRESENT:

THE PRESIDENT,

DOCTORS BALDWIN,  
DEIHL,  
KING,

DOCTORS ROLPH,  
HORNBY, and  
MORRISON.

Dr. KING informed the members present, that His Excellency the Lieutenant-Governor, (through his Secretary,) requested the attendance of the President (Dr. Widmer) and himself at Government House; that they accordingly had the honour of waiting on His Excellency, and during their interview, His Excellency was pleased to say, that "if the Medical Board could make out a case sufficiently strong to convince him of the necessity of establishing at once a Medical Faculty in King's College, he would take the matter into his consideration."

I have the honour, by order of the Board, to enclose you, for the information of His Excellency the Chancellor, "a case" (representing the present state of the Medical profession in this Province, with their claims, &c. &c.) which was unanimously agreed upon in behalf of the Board, by the members present.

I have, &c.

(Signed) FREDERICK WILKINSON,  
*Secretary.*

JOHN JOSEPH, Esquire,

&c. &c. &c.

(Copy.)

MAY IT PLEASE YOUR EXCELLENCY:

IN answer to their communication of the 7th October, the Medical Board have been honoured by a reply through your Excellency's Secretary, repeating the assurance of your willingness to receive their suggestions on the subject of a Medical Faculty to be formed in the new University of King's College. The Board will not doubt this willingness: not only in respect of your Excellency's assurances, but also because the matter of this correspondence is of deep public interest. Under these circumstances, and as incidental to the duty of a public body, invested by the law of the Province during its infancy (as it were) with the guardianship of the medical profession and practice, the Medical Board feel themselves imperiously called on to repeat to your Excellency, but with some amplification, their views on the subject.

In the first place, therefore, premising, with due deference to your Excellency, that however education and professional reputation might naturally (and without call for apology) induce the Board to hope, that in the appointment of some of its members to Professorships in the medical department in this University, to your Excellency, as Chancellor, would have been conceded the opportunity of giving some worthy testimonial of public gratitude to those gentlemen who not only discharged the duties of the Board, consisting of minute, scientific and practical examinations of medical candidates, and occupying a large portion of valuable time, without any adequate remuneration, but who also most humanely and gratuitously, attended the General Hospital in this City, it may be said from its very foundation to the present moment; yet as no suggestion of this nature appeared in the previous communications of the Board with your Excellency, it is with some degree of surprise that they now have occasion to observe themselves called upon "to make out a case sufficiently strong to convince your Excellency of the necessity of establishing at once the Medical Faculty in King's College," as if private interest alone dictated their interference. The Board trust this could not have been so meant, inasmuch as no case can be offered to your Excellency but that of the public interests of the community throughout the Province—without exception of persons, place,

condition of life, religion or politics; the people of the Province, like mankind generally, are subject to all the variety of disease, accident and their consequences—all in their turn receive their share of pain and anguish, to assuage or remove which is the object of the Physicians and Surgeons united science and skill: and thus it is, that if there be any one object of human knowledge of more importance to society than another, it is that of the healing art. The Board mean not to deny the value of moral and religious instruction, nor to take from general science its just praise; but being called on "to make out a case," the Board are constrained to bring before your Excellency's consideration, the relative position which the wants of the public give to the respective departments of education, at the promised University—the means of which, at present, (as it is said) are unequal to the complete organization of the whole.

The prior claim of a Medical Department, rests not merely on the general interests of the community, as before very briefly mentioned, but on many other circumstances, of which the following should fairly be weighed with it:

*First.*—That the moral education of youth—always in a large degree supplied by the care which parents most generally feel and take in the direction of their children's principles and conduct—is further promoted by the religious supervision and preaching of the numerous Pastors chosen or appointed to the various congregations of christians throughout the Province: to which may be added, that the prosperous progress of the Upper Canada College, and (as it may be hoped) the improving course of the District and Common Schools—all conspire, not only to enlarge the sphere of moral and religious education, but also lay a very favourable foundation for literature. The profession of the law, too, is largely provided for; and thus, while morals, religion, literature, and even law, are greatly, if not adequately provided for, medical education may be said to be totally disregarded in this Province. Some medical gentlemen, (to their honour be it mentioned) do give instruction to their own pupils—yet, they feel and complain of the deficiency of adequate means—means beyond their reach, and which nothing can supply but the appropriate institution of a University.

*Secondly.*—The rising youth whose parents are able and desirous of devoting their sons to this useful and honourable profession, are debarred by the apprehension of sacrificing their time and talents to a pursuit, for the honours of which they cannot be fitted within the Province. Some, therefore, have been sent to Great Britain and Lower Canada, many to Philadelphia, New York, Fairfield, and other Colleges of the neighbouring States, there to procure even partially, what is denied them here altogether; and from these seminaries they often return unqualified; how greivous then is the injustice to them and their parents, in the unavoidable rejection to which they are often exposed in their examination before the Medical Board—rejections very seldom induced by want of talent or assiduity, but by the lamentable want of some Collegiate Institution suited to the great object of Medical Science. Well may these Candidates say of the Board—"it is cruel to reject us for ignorance, when you supply us not with the sources of knowledge"—to which the Board can as well reply—"the law has imposed upon us (till better establishments be formed) the duty of protecting the lives and health of the public from the desolation and plunder of empiricism—and this can only be done by rejecting at the Board all the unqualified." So sensible of this was your Excellency's predecessor, Sir John Colborne, that he frequently called upon the Board to attend him in consultations on the subject; and more than once, on these occasions, assured the Board, that "he saw that a Medical School could not be delayed, without manifest injury to the Province," and intimated frequently his readiness to appoint professors immediately—but the confirmation of the Charter having been suspended, for causes not here necessary to be alluded to, he was unable to carry his intentions into effect.

*Thirdly.*—With a view to the private hopes and interests of the Medical Students, it is fair to state, that the establishment of a medical faculty in an University in this Province, would afford the students of physic the great advantage of allowance of time in foreign Universities—not only in England, but on the continent of Europe, where very probably, most of those who could afford the expense, would wish to resort for one or two years, though unwilling to subject their parents to the expense of an entire education abroad. One or two years study in those Universities, where numerous hospitals, attended by the most eminent men of the profession, afford a source of instruction unattainable on this side of the atlantic: this advantage the student cannot obtain by attending on mere lectures, however able to instruct.

The Medical Board cannot think it necessary to spread before your Excellency any further, the circumstances of interest and importance that envelope the consideration of this

subject: and yet after all, notwithstanding the public demand for a Medical School, in a Provincial University—notwithstanding the lively hopes of students and parents, in the public announcement of King's College Charter—notwithstanding the late Lieutenant Governor's conviction of the necessity, and his approbation of a prompt establishment of an adequate medical school—(this Board forbearing to express the extent of their surprise)—fear they discover an intention of postponing this necessary department of the University, to objects of minor importance—or if not of minor importance, at least of far less urgency, as to priority of commencement: and as called upon "to make out a case," the Board take the liberty, for your Excellency's information, of adverting to a printed paper which appeared about April last, purporting to be a plan or arrangement of the several departments of science of King's College; shortly, however, after its appearance, it was mentioned, with some sort of mysterious reserve, amongst those who ventured to speak of it, that it was to undergo some new modification;—the Board therefore, on the occasion of requesting your Excellency, as Chancellor, to inform them of the arrangements, if any had been made, forebore every allusion to that paper, as obviously just towards the College authorities. To this hour, nevertheless, the Medical Board are uninformed of any determinate plan adopted, or to be adopted, by the College Council, as regards a medical faculty therein; and it is therefore still left to the Board to ask your Excellency, as Chancellor, if it be possible that nothing is as yet done! In the mean time, while uninformed, in order to make out the case required, the Board can only revert to the printed paper before mentioned, by which it would appear to have been proposed, that Professorships or Lectureships should be established in the following branches of literature and science, viz.:

- 1st.—In classical and modern literature—Two Professors.
- 2nd.—In physic,.....Two do.
- 3rd.—In mental philosophy, .....One do. (the President.)
- 4th.—In theology,.....In abeyance.
- 5th.—In jurisprudence,.....One Lecturer—no Professor.
- 6th.—In medicine,.....One Professor—(of chemistry, subservient to other departments as well as medicine)—and three Lecturers.

Thus the medical department, last, as least, in the estimation of this extraordinary proposal, was to be all concentrated in one chair, to be filled by a professor of chemistry, (subservient to other objects as well as medicine) furnished, as it were, with out-door servants, under the application of lecturers. How does it happen, that thus in Upper Canada, medical science, of such universal interest, that every individual of the community must experience its bane or blessing, according to its barbarism or its culture, should be so degraded, and the tenderest sympathies of human nature so outraged;—a professor of chemistry, forsooth!!! with out-door lecturers in medicine, surgery and anatomy. Your Excellency surely knows, that a professor of chemistry may be very little versant in the most necessary branches of medicine—nay, if the professor be a chemist worthy of the chair, it is next to impossible that he should be capable of communicating medical instruction.—This, it may be answered, is not intended—if so, then it remains manifest that the object of the arrangement in the printed paper was, to exclude a medical professor from the College Council.\* Now then, it may be asked—can it be possible for a Council, composed of men altogether ignorant of medicine, and its manifold scientific subdivisions, to make suitable arrangements for medical classes, or distribute the courses between the lecturers. Moreover, first attempts will unavoidably be found more or less faulty: time only can mature a smooth working of the whole;—during such time, who are to direct the out-door servants?—the printed paper, in effect, answers, men ignorant of the work in their servants hands. What dissatisfaction may be anticipated to arise between masters and servants, the Council and Lecturers!—what disgust with the pupils!—what despair with parents!—finally, what degradation will await this highly necessary and honourable profession, by such ill-judged measures. If there be at present in the Province, any gentleman legitimately honoured with the profession, and fitted for the task, willing to accept the office of out-door lecturer, the Board can only regret it for the sake of the profession, and the public at large. Very true it is, that most of the large cities having Universities, have also independent lecturers, highly learned and honourable men, and deriving an honourable reward from their useful labours; but these learned men, however able and worthy, cannot confer the honours nor the privileges of a faculty in an University. Finally, the Board respectfully beg leave to urge upon your Excellency's consideration, as

\* See Note in the Appendix.

Chancellor, the crying wants of the Province, and paramount importance of making the medical faculty a prominent feature of King's College, at its very commencement;—such a faculty cannot well be imagined to exist, or be formed, with less than six professors. The Board suggest the following :

1st.—Anatomy.

2nd.—Materia Medica and Pharmacy.

3rd.—Practice of Physic, and Medical Pathology.

4th.—Chemistry.

5th.—Principles and practice of Surgery, and Surgical Pathology.

6th.—Midwifery, and Diseases of Women and Children.

Those six may be considered the most necessary to be at once established ; and it will also be necessary for each of these professors to lecture on one or other of the following subjects, until the University should afford the expense of separate professorships therein, that is to say—

Botany,  
Institutes of Medicine,  
Medical Jurisprudence,  
Natural History,  
Clinical Medicine, and  
Clinical Surgery.

Of the professors forming the faculty of Medicine in the University, two at least, should belong to the College Council—where their presence, and a knowledge of their proper duties, will enable the Council safely to devise and arrange all matters connected with the interests of the medical school.

It is very far from the intention of the Medical Board, to recommend to your Excellency's consideration any thing unreasonable or impracticable;—if the funds at present at the disposal of the College Council require a narrower sphere in the commencement of the institution, surely the requisite contraction should not be such as totally to exclude the profession most required by the community.

With a view to the narrow finances of the King's College, the Board respectfully submit to your Excellency, that there can be no reasonable objection raised to the hiring of apartments in the City, for the delivery of medical lectures;—this course is frequently taken in the Universities of Europe, as your Excellency, without doubt, well knows: and even in Dublin at this day, the University affords accommodation only to three of the medical professors—the others lecture in Sir Patrick Dunn's Hospital.

Before closing the case to your Excellency, the Board have directed an examination of their records to be made, as to the number of Medical Candidates presenting themselves for admission, and the proportion rejected for the causes above explained; and by this it appears, since the year 1830, down to the last term, inclusive of both, the number presenting themselves was 164, of whom 64 were rejected—for a detail of which, the Board respectfully refer your Excellency to the statement in the appendix annexed, No. 2. Thus your Excellency will be enabled, in some degree, to measure the magnitude of the evil inflicted on the students, and the still more painful evil on the community at large, by admission of Candidates but partially educated.

Trusting that they have sufficiently, if not as amply as the subject admits, made out the case required, the Medical Board have the honour to submit this their view of it to your Excellency's consideration; and the members present, on behalf of the Board, beg leave to subscribe themselves—

Your Excellency's, &c.

(Signed)

C. WIDMER, *President.*

W. W. BALDWIN, *M. D.*

PETER DEIHL,

JOHN KING, *M. D.*

JOHN ROLPH,

ROBERT HORNBY, *M. D.*

T. D. MORRISON.

Board Room, Toronto Hospital,

10th November, 1837.

## APPENDIX.

## Note 1.

And that the members of the College Council, including the Chancellor and President, shall be twelve in number, of whom the Speakers of the two Houses of the Legislature of the Province, and His Majesty's Attorney and Solicitor Generals for the time being, shall be four; and the remainder shall consist of the five senior Professors of Arts and Faculties of said College, and of the Principal of Minor, or Upper Canada College.—(See an Act to amend the Charter of the University of King's College.)

## No. 2.

Total number of Candidates who presented themselves for examination since 1830, to the last term, inclusive.....	164
Of whom finally passed,.....	100
Rejected.....	64
Of the 64 rejected, 7 were rejected twice—1 three times.	
Of the number passed at first examination.....	83
Upon second do.....	15
Upon third do.....	2
	100
Of the 100 finally passed, there were members of College of Surgeons Dublin, Edinburgh, Glasgow, and foreign Universities.....	44
Canadians.....	36
	100
Of the above number, 2 passed for Midwifery only.	
2 do. for Surgery only.	
1 do. for Physic and Surgery only.	

Of the 36 Canadians, not one was educated in the Province, without resort to foreign institutions. Of the 64 rejected, 47 have not returned for examination, and consequently remain unqualified, by reason of the deficient means of instruction in this Province.

*Government House,*  
15th November, 1837.

SIR,

I have the honour to acknowledge the receipt of your communication of the 13th instant, which I will lay before His Excellency the Lieutenant-Governor, without delay.

I have, &amp;c.

(Signed) J. JOSEPH.

F. F. WILKINSON, Esquire,  
*Hospital, Toronto.*

*Government House,*  
17th November, 1837.

SIR,

I am commanded by the Lieutenant-Governor to inform you, that he has read with attention the report, dated 10th instant, which has been addressed to him by the Medical Board, in which it is stated—"that it is with some degree of surprise that they now have occasion to observe themselves called upon to make out a case sufficiently strong to convince your Excellency of the necessity of establishing at once the Medical Faculty in King's College, as if private interest alone dictated their interference."

As the assertion by the Medical Board of its having been, by the Lieutenant-Governor, "called upon to make out a case," is several times repeated throughout the report, His Excellency feels it necessary to inform the Board, that in a conversation which he had occasion to hold with Dr. Widmer and Dr. King, he assured those gentlemen how completely he concurred with them in the propriety of giving every proper encouragement to Medical Science in this Province—that he was desirous to do so with as little delay as possible; at the same time His Excellency observed, that it might be questionable whether it would not be for the interests of the Medical Faculty, that it should delay commencing its operations until the other branches of the University were prepared to support it.

His Excellency, however, observed to Dr. Widmer and Dr. King, that he was quite disposed to bring before the College Council any arguments in favour of their object, which the Medical Board might deem it advisable, in writing, to submit to him; and His Excellency added, that if the Medical Board should succeed in making out their case, he could assure them it should be taken into serious consideration.

The Lieutenant-Governor has now received the report of the Board, coupled, His Excellency regrets to observe, with animadversions on His Excellency's intentions, which he desires me to inform you, he cannot, in justice to himself, think of submitting for the consideration of the College Council.

His Excellency, however, desires me to inform you, that should the scientific matter of the report be divested of the uncalled-for observations, to which I have alluded, His Excellency will be happy to bring the suggestions of the Medical Board under the immediate consideration of the College Council.

I have, &c.

(Signed) JOHN JOSEPH.

FREDERICK WILKINSON, Esquire,  
Secretary to the Medical Board,  
Toronto Hospital.

(Copy.)

Toronto, 24th November, 1837.

SIR,

I have had the honour of receiving your letter of the 17th instant, which was laid before a meeting of the members of the Medical Board, held this day; and I am directed, in reply thereto, to transmit the enclosed resolution of the Board, for the information of His Excellency the Chancellor of the University of King's College.

I have, &c.

(Signed) FREDERICK FITZGEORGE WILKINSON,  
Secretary.

JOHN JOSEPH, Esquire,  
&c. &c. &c.

*Resolved*—That after His Excellency the Chancellor of King's College had been pleased to intimate to Dr. Widmer and Dr. King, that if the Medical Board should succeed in making out their case, he could assure them it should be taken into serious consideration; the Medical Board proceeded to the execution of that duty, by their communication of the 12th November, and should they in doing so, have used any expressions, which, most contrary to their intentions, may admit of a construction they cannot themselves discover implying animadversions on His Excellency's intentions, they trust the public interests will not be allowed to suffer from such inadvertency.

Truly extracted from the minutes of the Medical Board, of the 24th November, 1837.

(Signed) FREDERICK FITZGEORGE WILKINSON,  
Secretary.

(Copy.)

Government House,  
Toronto, 27th November, 1837.

SIR,

I have received, and will lay before His Excellency the Lieutenant-Governor, your communication of the 24th instant.

I have, &c.

(Signed) J. JOSEPH.

F. F. WILKINSON, Esquire,  
Secretary, Medical Board.

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MESSAGE FROM LIEUTENANT-GOVERNOR,

WITH

MEMORIAL FROM MR. B. TURQUAND.

GEO. ARTHUR.

The Lieutenant-Governor transmits to the House of Assembly the accompanying copy of a Memorial, addressed to him by Mr. B. Turquand, Senior Clerk in the office of the Receiver General, and a Minute of the Executive Council thereon, the subject matter of which he recommends to the consideration of the House.

Government House,  
20th March, 1839.

(Copy.)

To His Excellency SIR GEORGE ARTHUR, K. C. H. Lieutenant Governor of  
Upper Canada, &c. &c. &c.

IN COUNCIL.

The Memorial of Bernard Turquand, Senior Clerk in the Receiver General's Department—  
HUMBLY SHEWETH:

That by several Acts of the Provincial Legislature, authorising the raising of monies by Debenture, in this Province, it is provided, that the Clerks in the Receiver General's office shall be remunerated, *from time to time*, for their labour, in the performance of these services, and in paying the interest on the same, in the words following, viz:

“And be it further enacted by the authority aforesaid, That the Receiver General of this Province, and the person or persons necessarily employed under him in the execution of this Act, shall severally have and receive such rewards and allowances as the Governor, Lieutenant-Governor, or person administering the Government of this Province, and the Executive Council thereof, shall adjudge to be reasonable, and shall direct to be allowed to them, for their respective services in the execution of this Act, and that the same shall be paid in discharge of such warrant or warrants as the Governor, Lieutenant-Governor, or person administering the Government of this Province, shall *from time to time* issue for that purpose.”  
Vide 2nd. Geo. IV. chap. 5, and subsequent Acts.

That agreeably thereto, the Gentlemen at that time in the Receiver General's office did receive an extra allowance.

That in most of the Acts since passed for similar purposes, the like provision has been made.

That since the year 1828, the period when your Memorialist joined this department, very many and large sums have been raised, and are still under negotiation—which, together with the periodical payment of interest accruing thereon—the peculiar and complicated manner in which the payment of such interest is directed to be made, and the necessary concurrent accounts, forms a heavy portion of the duties of the office, independent of the extra labour out of office hours, devolving upon your Memorialist.

That notwithstanding the above-mentioned Legislative considerations, your Memorialist has not as yet received any remuneration or allowance whatever, in relation thereto.

That your Memorialist has a third time had charge, and has conducted the business of the Department, during the Receiver General's absence in England, under a responsibility of no ordinary magnitude. On the late occasion, particularly, his labours were increased in an unprecedented degree, by the changes of the Clerks in the office, and the introduction of gentlemen comparatively strangers to, and as yet, of necessity, unacquainted with the ordinary routine business of the Department—differing from almost every other under this Government,—whereby an onerous and heavy duty devolved upon your Memorialist, whose unremitting exertions and anxiety in its accomplishment, and extra labours in negotiating exchanges and sales of Debentures, with very little assistance, and at a time of extraordinary difficulty and embarrassment—and the large sums of money constantly passing through his hands in various ways, amounting, together with the ordinary receipts and expenditure for the public service, to upwards of £600,000 on that occasion—will at once, your Memorialist humbly conceives, be conceded as an arduous, responsible, and difficult task;—nor can he hesitate to conclude, that when your Excellency shall be acquainted with these facts, (corroborated, as he feels confident they will be, by the head of the Department, to whom your Memorialist most respectfully begs leave to refer) his services will be fairly and deservedly appreciated and rewarded.

That during the absence of the late Inspector General, his then Senior Clerk obtained a handsome gratuity; and in that of the late Surveyor General, Mr. Hurd, the Senior Clerk enjoyed the salary and emoluments of acting head of his Department.—But, with the exception of a small gratuity presented him through the kindness of the Honourable Mr. Dunn, for some private transactions on a former occasion, your Memorialist has derived no benefit or emoluments, either directly or indirectly, for the performance of his extra services.

Your memorialist is furthermore an old public servant, of nearly thirty years standing; and among the many reasons he might adduce for intruding upon your Excellency, he trusts that your Excellency will pardon his adverting to the great difficulty he experiences in supporting himself, and a numerous family, on his present income, with that decency and respectability expected from his situation, and standing in society.

Your memorialist, therefore, humbly prays that your Excellency will be graciously pleased to extend to him the benefit of the provisions of the several Acts of the Provincial Legislature, or in such way as your Excellency may deem proper, to grant him remuneration for extra services, in the performance of his unremittingly severe and arduous duties, as Senior Clerk in the Receiver-General's Office.

And as in duty bound, will ever pray.

(Signed), B. TURQUAND,

Senior Clerk,  
Receiver General's Office.

Toronto, 4th September, 1838.

*In Council, 10th January, 1839.*

THE Council, on considering this application, are of opinion, that the petitioner is fairly entitled to remuneration; but as this has not been given in the respective years in which the petitioner performed the extra duties, the Council respectfully are of opinion, that the matter should be referred to Parliament, with a recommendation in favour of petitioner.

(Signed) R. B. SULLIVAN,  
*Presiding Councillor.*

(Signed) G. A.

MESSAGE FROM LIEUTENANT-GOVERNOR.

WITH

MEMORIAL, &c. FROM C. C. SMALL, ESQUIRE.

GEO. ARTHUR.

In bringing under the notice of the House of Assembly, the accompanying memorial from Charles C. Small, Esquire, Clerk of the Crown and Pleas, relative to his claim to the salary of £100 per annum, for a considerable period in arrear, together with the copy of a correspondence between that gentleman and the Private Secretary on the same subject, the Lieutenant-Governor feels assured that the House will form such a decision on Mr. Small's claim, as may be consistent with the true merits of the case.

*Government House,*  
*10th April, 1839.*

*Toronto, 8th April, 1839.*

SIR,

I have the honour of enclosing to you, a copy of my memorial, and correspondence between the Executive and myself relative thereto, and beg that you will ask His Excellency if he will be pleased to authorise the same to be laid before the Legislature, with such remarks as His Excellency may think expedient, upon the justice of my claim for the arrears of salary.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

(Signed)

CHARLES C. SMALL,

*Clerk of the Crown & Pleas.*

The Honourable JOHN MACAULAY,

*Private Secretary,*

*&c. &c. &c.*

*To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor of the Province of Upper Canada, Major-General Commanding Her Majesty's Forces therein, &c. &c. &c.*

THE memorial of Charles C. Small, Clerk of the Crown and Pleas, in and for the Province of Upper Canada,

HUMBLY SHEWETH :

THAT His most gracious Majesty George the Fourth, was pleased to confer upon your memorialst, in 1825, the Office of Clerk of the Crown and Pleas, with all the rights, profits and emoluments, thereunto belonging; which office was created upon the division of the Province of Quebec, and enjoyed by the predecessors of your memorialst, up to the time of his appointment. That a salary of £100, sterling, per annum, was attached to the office at its creation, and provided for by an annual vote of the Imperial Parliament, and paid through the Lords of the Treasury, until the close of the year 1827, when by an order from home, the salary of your memorialst, together with that of other officers of the Provincial Government, was directed to be paid in this Province, by warrant from the Lieutenant-Governor upon the Receiver-General, from a fund created by the sale of Crown Lands to the Canada Company, known as account D.—which order bears date the 31st August, 1827. That in obedience to this order, your memorialst was regularly paid by warrant from the Lieutenant-Governor half-yearly, up to the year 1830. That for the year 1830 and 1831, your memorialst received his warrant for his usual salary upon a different fund, without, as he has every reason to believe, any authority from the Home Government for transferring the payment from the Canada Company fund or account D.; the fund from which your memorialst was thus paid for the two years last-mentioned, appears to have been created under authority of the 14th Geo. III. which was surrendered to the Provincial Legislature in March, 1831, upon provision being made for a Civil List within the Province. Upon this occasion, the Provincial Legislature left your memorialst, with other officers of the Government, unprovided for—since which your memorialst has ceased to receive his salary, notwithstanding your Excellency's Predecessor continued to authorise an estimate for such salary to be laid before the Legislature, to within the last two years, when it was discontinued, under the impression, as your memorialst has been given to understand, of the hopelessness of the application. Your memorialst, not being aware that there is any order from the Home Government to withhold his salary, or any authority for transferring the payment of it from the Canada Company fund, respectfully prays that your Excellency will be pleased to cause an investigation to be made into the justness of your memorialst's claim to the payment of his said salary, so withheld from him since 1831; and should your memorialst's claim prove, upon investigation, to be founded upon justice and equity, as your memorialst feels confident it must, that your Excellency will be pleased to order the same to be paid accordingly.

And your memorialst, as in duty bound, will ever pray.

(Signed) C. C. SMALL.

*Toronto, 20th February, 1839.*

SIR,

I have the honour to request, that you will be pleased to call the attention of His Excellency the Lieutenant-Governor, to a memorial that I had the honour of transmitting to him last summer, upon the subject of my salary as Clerk of the Crown. In doing so, I trust I shall not be considered pertinacious, after having been deprived of it for seven years, while positive instructions from the Lords of Her Majesty's Treasury exist for its payment, dated 31st August, 1827; the disturbed state of the Province during the past year, has alone been the cause of my not calling His Excellency's attention earlier to the subject, and I am ready to admit has likewise been the cause of His Excellency not having brought the matter under his consideration.

The loss of time that has ensued since my salary was first so unjustly withheld, cannot be brought forward or urged as a reason for my not receiving the arrears due to me; nothing has been wanting on my part in bringing the matter before the Government—as will appear by Lord Glenelg's Despatch, (No. 55,) bearing date 31st October, 1835, to His Excellency's Predecessor.

722 Memorial, &c. from C. C. Small, Esq. [4th Sess. 13th Parl.

After having discharged the duties of my office for fourteen years, I am not aware that I have been guilty of any dereliction of duty, to warrant the withholding that remuneration which my Sovereign was most graciously pleased to bestow upon me.

I therefore most respectfully beg, that His Excellency will be pleased to take the prayer of my memorial into his earliest consideration.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

(Signed) C. C. SMALL.

To the Honourable JOHN MACAULAY,  
*Private Secretary.*

*&c. &c. &c.*

*Government House,*  
*26th February, 1839.*

SIR,

HAVING laid before the Lieutenant-Governor, your letter of the 20th instant, with reference to your memorial of last summer, I am directed by His Excellency to acquaint you, that he regrets to find it is not in his power to authorise payment of the salary claimed by you, but that it will afford him great pleasure to give his assent to any measure which the Legislature may deem it proper to adopt for your relief.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

(Signed) JOHN MACAULAY.

C. C. SMALL, Esquire,  
*Clerk of the Crown.*

*Toronto, 1st March, 1839.*

SIR,

I have the honour to acknowledge the receipt of your favour of the 26th ult, in answer to my communication of the 20th, upon the subject of my Memorial of last summer, wherein you state—"I am directed by His Excellency to acquaint you, that he regrets to find it is not in his power to authorize payment of the salary claimed by you, &c." In answer, I beg leave to submit, that the salary of £100 sterling, to the Clerk of the Crown and Pleas, which was withheld from me by the Colonial Government in 1832, was granted by the Home Government to, and enjoyed by my predecessors and myself, from the formation of the office up to the last-named period, without any reference to the Colonial Legislature; and as no arrangement has as yet been made with that body, for the surrender to their controul of the Casual and Territorial Revenue, I respectfully request to be made acquainted with the grounds upon which the ordinary salary attached to my office has been ordered to be withheld, until the Provincial Legislature shall think proper to make the necessary provision for its disbursement.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

(Signed) C. C. SMALL.

To The Honourable JOHN MACAULAY,  
*Private Secretary.*

*Government House,  
26th March, 1839.*

SIR,

I have laid before the Lieutenant-Governor your letter of the 1st instant, relative to your claim for arrears of salary, as Clerk of the Crown and Pleas.

His Excellency has inquired, and duly considered your case, and the correspondence which has heretofore taken place between the Imperial and Local Governments, respecting the salaries of the Civil Officers, which the House of Assembly declined to make provision for in the grant for the Civil List in 1831, and also subsequently: and His Excellency commands me to inform you, that he finds there are no funds at his disposal, which he is at liberty to apply to the payment of your salary, in the absence of any instruction or authority, either from the Secretary of State or the Legislature, and that he can only therefore assure you, that it will afford him great pleasure to give his assent to any measure which the Legislature may think proper to adopt for your relief—that being the source, under existing circumstances, from which alone you have to expect any effective consideration of your claim.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

(Signed) JOHN MACAULAY.

C. C. SMALL, Esquire,

*Clerk of the Crown and Pleas.*

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## DOCUMENTS

ON THE

## APPOINTMENT OF EXECUTIVE COUNCILLORS, &c.

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*Provincial Secretary's Office,  
Toronto, 9th May, 1839.*

SIR,

In obedience to the command of His Excellency the Lieutenant-Governor, conveyed in your letter of the 7th instant, I have the honour to transmit the statement relating to the members of the Executive Council, and Civil appointments, as far as the records of this office enable me to furnish the information required by the address of the House of Assembly, a copy of which was enclosed by you for my guidance.

I have the honour to be,

SIR,

Your most obedient,

Humble Servant,

(Signed) R. A. TUCKER,

*Provincial Secretary.*

The Honourable JOHN MACAULAY,

*&c. &c. &c.*

STATEMENT shewing the number and names of the Executive Councillors of this Province, on the 1st day of January, 1835, with the dates of their appointments—the number and names of those who have withdrawn from, or have been dismissed the Council since that period, with the dates of their withdrawal or dismissal—together with the number and names of the Executive Councillors appointed since the above date, with the dates of their appointment—as also, a statement of all Civil, Militia, Medical, or other dismissals and appointments by the Executive Government, between the 1st January and 1st August, 1836,—prepared in compliance with an address of the House of Assembly, dated 6th May, 1839, as far as the records of this office afford the information.

*No. &c. of Executive Councillors, on the 1st January, 1835, and who have been appointed since that period—Extracted from the Blue-Books.*

No.	Names.	Date of Appointment.	Date of withdrawal or resignation.
Executive Councillors, on the 1st January, 1835.	1 John Strachan, D.D. ....	October, 1815 ....	26th October, 1835.
	2 G. H. Markland .....	Do. 1827...	
	3 P. Robinson .....	Do. " .....	March, 1836.
	4 Joseph Wells .....	Do. " .....	
	5 J. H. Dunn .....	20th February, 1836...	
	6 J. Rolph .....	Do. " .....	
	7 Robert Baldwin .....	Do. " .....	
	1 R. B. Sullivan.....	14th March, 1836.....	Compose the present Council.
	2 William Allan.....	Do. " .....	
	3 John Elmsley* .....	Do. " .....	
	4 Augustus Baldwin .....	Do. " .....	
	5 W. H. Draper .....	27th December " .....	
	6 Richard A. Tucker.....	8th Do. 1838.....	

\* Suspended 28th January, 1839.

*No. &c. of Appointments, between 1st January and 1st August, 1836.*

No.	Names.	Date of Appointment.	Description of Appointment.
1	William Morris.....	22nd January, 1836,.....	Legislative Councillor.
2	Archibald McLean .....	23rd do. " .....	Do.
3	P. Vankoughnet .....	" do. " .....	Do.
4	John Macaulay .....	" do. " .....	Do.
5	George Hamilton .....	" do. " .....	Do.
6	John H. Dunn.....	20th February, 1836,.....	Executive Councillor.
7	John Rolph .....	" do. " .....	Do.
8	Robert Baldwin .....	" do. " .....	Do. [Court.
9	J. A. Wilkinson .....	9th March, " .....	Surrogate Judge West'n. Dist.
10	Robert B. Sullivan .....	14th do. " .....	Executive Councillor.
11	William Allan.....	" do. " .....	Do.
12	John Elmsley .....	" do. " .....	Do.
13	Augustus Baldwin .....	" do. " .....	Do.
14	{ Robert E. Burns..... } { Thomas Butler..... }	16th July, " .....	Judges Niagara Dist. Court.

R. A. TUCKER,

*Secretary & Registrar.*

*Provincial Secretary and Registrar's Office,  
Toronto, 8th May, 1839.*

## UPPER CANADA.

LIST of Appointments not included in the accompanying Return signed by the Provincial Secretary and Registrar, between the 1st January and 1st August, 1836, inclusive, (under Seal at Arms.)

Name.	Date.	Office.
* John S. Macaulay ... (Resigned 21st February, 1836.)	19th February, 1836 ..	Surveyor General.
Charles Baby .....	9th March, " ..	Clerk of the Peace, Western District.
Felix Hands .....	24th do " ..	Collector of Customs, Sandwich.
Edward Beeston.....	6th April, " ..	Collector of Customs, Hallowell.
William G. Hall.....	5th do " ..	Inspector of Licenses, Western District.
William Cosgrave.....	8th do " ..	Collector of Customs, Chatham.
Henry Covert .....	" do " ..	Clerk District Court, Newcastle District.
Henry W. Jones.....	22nd July, " ..	Inspector of Licenses, Newcastle District.

\* Nominated only—did not enter on the duties of the office.

## UPPER CANADA.

LIST of persons removed from Civil Offices, between the 1st January and 1st August, 1836.

Name.	Date.	Office.
Andrew Deacon .....	6th April, 1836, .....	Collector of Customs, Hallowell.
William W. Baldwin ..	17th July, " .....	Surrogate of the Home District.
George Ridout .....	" do " .....	Judge of the Niagara District Court.
James E. Small .....	" do " .....	Commissioner, Court of Requests.

Adjutant General's Office,  
Toronto, 8th May, 1839.

SIR,

I had the honour to receive your letter of yesterday, enclosing an Address of the House of Assembly, praying to obtain, among other documents, "a statement of all Militia, Medical, or other dismissals and appointments by the Executive Government, between the first of January and first of August, 1836. I accordingly beg herewith to send you the statements required, in order that they may be transmitted to the House of Assembly.

I have the honour to be,

SIR,

Your most obedient Servant,

RICHARD BULLOCK,  
Adjutant General, Militia.

The Honourable JOHN MACAULAY,

§c. §c. §c.

## RETURN OF OFFICERS appointed to the Militia Force of Upper Canada, from the 1st January to the 1st of August, 1836.

ADJUTANT GENERAL'S OFFICE,  
Toronto, 8th May, 1839.

Date of Appointment.	Regiment.	Rank.	Name.
11th January, 1836,	1st Prescott.....	Ensign .....	Basil St. Julian.
do .....	5th Middlesex.....	Captain and Adj't.	William M. Johnson.
19th do .....	3rd East York.....	Colonel .....	Allan McLean.
do .....	do .....	Lieut.-Colonel ...	R. D. Hamilton.
do .....	do .....	Major .....	William Proudfoot.
do .....	do .....	Captain .....	James McDonell.
do .....	do .....	do .....	Archibald Glendenning
do .....	do .....	do .....	William Thompson.
do .....	do .....	do .....	John Torrance.
do .....	do .....	do .....	James Gibson.
do .....	do .....	do .....	John Taber.
do .....	do .....	do .....	G. H. FitzGerald.
do .....	do .....	do .....	Joseph Lear.
do .....	do .....	do .....	John Howell.
do .....	do .....	Lieutenant .....	David Graham.
do .....	do .....	do .....	John Mulligan.
do .....	do .....	do .....	Samuel Knowles.
do .....	do .....	do .....	Alfred Stowe.
do .....	do .....	do .....	William Sheriff.
do .....	do .....	do .....	John Elliott.
do .....	do .....	do .....	Isaac B. Street.
do .....	do .....	do .....	John Wilson.
do .....	do .....	do .....	Alexander Grant.
do .....	do .....	do .....	Angus McDonell.
do .....	do .....	Ensign.....	William J. FitzGerald.
do .....	do .....	do .....	Thomas Chester.
do .....	do .....	do .....	James Whiteside.
do .....	do .....	do .....	John Elliott.
do .....	do .....	do .....	John Kennedy.
do .....	do .....	do .....	John Pilkey.
21st do .....	1st West York .....	do .....	G. T. Dennison.
do .....	do .....	do .....	Alexander Shaw.
do .....	do .....	do .....	George Shaw.
do .....	do .....	do .....	Edwin C. Fisher.
1st March, 1836 ..	1st Stormont.....	Colonel .....	P. Vankoughnet.
24th do .....	2nd East York .....	Cornet .....	William Dow.
14th April, .....	2nd Hastings.....	Lieut.-Colonel ...	Charles Willard.
do .....	do .....	Major .....	Thomas Parker.
do .....	do .....	Captain .....	James Crawford.
do .....	do .....	do .....	William Campion.
do .....	do .....	do .....	Edward Heron.
do .....	do .....	do .....	Peter O'Rielly.
do .....	do .....	Lieutenant .....	Robert Moscript.
do .....	do .....	do .....	B. Johnson.
do .....	do .....	do .....	Charles Benson.
do .....	do .....	do .....	Henry Jones.
do .....	do .....	do .....	John Richardson.
do .....	do .....	do .....	Nesbitt Read.
do .....	do .....	do .....	James Fidler.
do .....	do .....	Ensign .....	Alexander McNab.
do .....	do .....	do .....	Martin Ryan.
do .....	do .....	do .....	William Davis.
do .....	do .....	do .....	Jacob Bonter.

## RETURN OF OFFICERS appointed to Militia Force, from 1st Jan'y. to 1st Aug. 1836—CONT'D.

Date of Appointment.	Regiment.	Rank.	Name.
14th April, 1836 ..	2nd Hastings .....	Ensign .....	Loughlin Hughes.
do .....	do .....	do .....	F. Hilton.
16th do .....	1st Russell .....	Lieut.-Colonel ...	Thomas McKay.
do .....	do .....	Major .....	Archibald McDonell.
do .....	do .....	Captain .....	John Roe.
do .....	do .....	do .....	B. Billings.
do .....	do .....	do .....	A. Petrie.
do .....	do .....	do .....	George Lang.
do .....	do .....	do .....	William Smith.
do .....	do .....	do .....	Daniel Cameron.
do .....	do .....	do .....	John McNab.
do .....	do .....	do .....	Daniel O'Connor.
do .....	do .....	Lieutenant.....	N. Gifford.
do .....	do .....	do .....	James Symes.
do .....	do .....	do .....	Alexander Forbes.
do .....	do .....	do .....	Isaac McTaggart.
do .....	do .....	do .....	Henry Hanna.
do .....	do .....	do .....	Peter McLaren.
do .....	do .....	do .....	Elisha F. Loucks.
do .....	do .....	do .....	John Roe.
do .....	do .....	Ensign .....	D. McDonald.
do .....	do .....	do .....	C. J. Fox.
do .....	do .....	do .....	Henry Symes.
do .....	do .....	do .....	F. Urquhart.
do .....	do .....	do .....	D. McIntosh.
do .....	do .....	do .....	D. McMartin.
do .....	do .....	do .....	James Brennan.
do .....	do .....	do .....	Thomas McKay.
do .....	do .....	Adjutant .....	G. Clement.
do .....	do .....	Quarter-master ..	Robert Lang.
18th do .....	2nd Frontenac.....	Captain .....	Peter Switzer.
do .....	do .....	do .....	Albert McMichael.
do .....	do .....	do .....	L. Wartman.
do .....	do .....	Lieutenant .....	N. Caverley.
do .....	do .....	do .....	Henry Shibley.
do .....	do .....	do .....	Daniel Ansley.
do .....	do .....	do .....	John Grass.
do .....	do .....	Ensign .....	D. Beith.
do .....	do .....	do .....	J. Everitt.
do .....	do .....	do .....	George Bailley.
do .....	do .....	do .....	Henry Grass.
do .....	do .....	do .....	John Herchimer.
do .....	do .....	do .....	Absalom Day.
do .....	do .....	do .....	John Brennan.
do .....	do .....	Quarter-master ...	John Brennan.
do .....	do .....	Surgeon .....	H. Yeomans.
do .....	do .....	Troop Quarter-mr.	George Webster.
11th May, 1836 ..	2nd East York .....	Lieutenant.....	William Heward.
do .....	do .....	do .....	Green McDonell.
do .....	do .....	do .....	John Welsh.
do .....	do .....	do .....	E. Berrill.
do .....	do .....	Ensign .....	Peter Nichol.
do .....	do .....	do .....	William McGill.
do .....	do .....	do .....	Paul Whitney.
do .....	do .....	do .....	Peter Leys.
do .....	do .....	do .....	Asa Post.
do .....	do .....	do .....	Donald McKay.

## RETURN OF OFFICERS appointed to Militia Force, from 1st Jan'y. to 1st Aug't. 1836—CONT'D.

Date of Appointment.	Regiment.	Rank.	Name.
11th May, 1836,	2nd East York,	Ensign,	Samuel Majors.
do	do	do	C. W. Page.
do	do	do	Jordan Post.
do	do	do	John McGill.
14th do	4th Gore	Colonel,	Allan N. Macnab.
17th do	1st Huron	Lieut. Colonel,	William Dunlop.
do	do	Major,	E. E. Taylor.
do	do	Captain,	C. Prior.
do	do	do	T. Luard.
do	do	do	Daniel Lizars.
do	do	do	H. Hyndman.
do	do	do	William Gording.
do	do	Lieutenant,	A. Christie.
do	do	do	J. Garison.
do	do	do	J. Kidd.
do	do	do	David Lawson.
do	do	do	— Bewsley.
do	do	Ensign,	John Galt.
do	do	do	Conrod Potts.
do	do	do	A. Kempland.
do	do	do	— Stokes.
do	do	do	William Hudder.
do	do	Surgeon,	D. H. Hanson.
do	do	Quarter-Master,	William Stirling.
24th do	1st Hastings,	Lieutenant,	J. H. Blacker.
do	do	do	N. G. Reynolds.
do	do	do	William Tullock.
do	do	Ensign,	Robert Grass.
do	do	do	Robert Everett.
do	do	do	Henry Grass.
do	do	do	John Purdy.
do	do	do	Thomas Hagerman.
do	do	do	Thomas Farley.
do	do	do	G. Ketchison.
do	do	do	Christopher O'Brien.
26th do	1st Durham,	Major	David Smart.
do	do	Captain	James Hawkins.
do	do	do	Elias P. Smith.
do	do	do	Thomas Benson.
do	do	Lieutenant,	David Smith.
do	do	Ensign,	W. H. Kingsmill.
do	do	do	Robert Adams.
do	do	1st Lieutenant,	C. Hughes.
do	do	2nd do	R. Barrett.
27th do	1st Gore,	Major	Daniel Showers.
do	do	Captain	Andrew Westbrook.
do	do	do	R. Hatt.
do	do	do	Thomas Perrin.
do	do	do	John A. Wilkes.
do	do	Lieutenant,	Edward Vandelip.
do	do	do	John Almas.
do	do	do	Joseph Thomas.
do	do	do	Joseph Rymal.
do	do	do	A. Binkley.
do	do	do	William Waugh.
do	do	do	Thomas Crooks.
do	do	do	F. Suter.

RETURN OF OFFICERS appointed to Militia Force, from 1st Jan'y. to 1st Aug't. 1836—CONT'D.

Date of Appointment.	Regiment.	Rank.	Name.
27th May, 1836, ..	1st Gore, .....	Ensign .....	Joseph Steenbough.
do .....	do .....	do .....	Philip Shaver.
do .....	do .....	do .....	Preserved Cooley.
do .....	do .....	do .....	Samuel Hemmill.
do .....	do .....	do .....	James Wilkes.
do .....	do .....	do .....	Alexander Bunnill.
do .....	do .....	do .....	John Ashbough.
do .....	do .....	do .....	John Aikman.
do .....	do .....	do .....	T. B. Burrowes.
do .....	do .....	Adjutant .....	James Geddes.
do .....	do .....	Quarter-master ..	Thomas Barry.
do .....	Troop do .....	Captain .....	William Notman.
do .....	do .....	Lieutenant .....	Alexander Milne.
do .....	do .....	Cornet .....	R. P. Crooks.
2nd June, .....	do .....	Major .....	M. Crooks.
do .....	do .....	Captain .....	James Chep.
12th July, .....	1st East York. ....	Lieut.-Colonel ...	George Duggan.

RICHARD BULLOCK,  
Adjutant General, Militia.

RETURN OF OFFICERS dismissed from the Militia Force of Upper Canada, from the 1st of January to the 1st of August, 1836.

ADJUTANT GENERAL'S OFFICE,  
Toronto, 8th May, 1839.

Rank.	Name.	Regiment.	Date of Dismissal.
Colonel .....	George Ridout .....	2nd East York.	12th July, 1836 ...
Lieut.-Colonel ...	James E. Small .....	1st East York.	do .....

RICHARD BULLOCK,  
Adjutant General Militia.

MESSAGE FROM LIEUTENANT-GOVERNOR,

WITH

COMMUNICATION FROM PROVINCIAL SECRETARY.

GEO. ARTHUR.

In transmitting to the House of Assembly, the copy of a letter from the Provincial Secretary, (9th November, 1838,) relative to the danger, from fire, to which the records and other muniments of his Office are at present exposed, together with the copy of a Minute of the Executive Council thereon, the Lieutenant-Governor deems it necessary to draw the early attention of the House to the important subject of this communication.

Government House,  
30th March, 1839.

(Copy.)

*Provincial Secretary's Office,  
Toronto, 9th November, 1838.*

SIR,

ON assuming the charge of this Office, I found the business of it, as far as I am yet capable of judging, in a state very creditable to the memory of my predecessor, and to the industry and ability of all the gentlemen belonging to the department.

There is, however, one obvious defect in the Office itself—the consequences of which may be highly injurious to the public interest—which I therefore deem it my duty to bring under your Excellency's early and serious consideration: I allude to the entire absence of protection, from fire, for the numerous and important records which are now deposited in it.

For the prevention of the evil naturally to be apprehended from this circumstance, I would most respectfully suggest the propriety of the construction of fire-proof vaults, on an adequate scale—or the completion of a duplicate set of records, to be kept in a place so remote from this building as to render it extremely improbable that both sets can ever be consumed by the same conflagration.

I am perfectly aware, that either of the measures here proposed would be attended with a good deal of expense; and I am conscious that the latter, which seems to me in some respects the preferable one, as offering greater security than the other, would prove by far the most onerous of the two: since the expense of transcribing the existing records, already amounting to 160 folio volumes, would not only be considerable, but as the future business of the Office would be nearly doubled by such an arrangement, the necessity for a permanent increase to the number of Clerks in the same proportion, would also be created.

When the magnitude of the object, however, which is nothing less than the preservation of all the State Documents, and of most of the muniments of title to property in the Province, shall be taken into the account, it will, I think, be a self-evident proposition, that no expense which is indispensably necessary to the attainment of that object, ought to be declined; and should your Excellency still feel yourself restrained from making such an addition to the public expenditure, without the previous concurrence of the other branches of the Legislature, you will yet, I trust, be pleased to avail yourself of some favourable opportunity of directing their notice to a subject which certainly ranks very high in its relation to the public weal.

Of its vast importance, I am myself so deeply sensible, that in the too possible event of the destruction of the Provincial Records by fire, I should hold myself excessively culpable in not having pointed out, on the earliest occasion that presented itself, some more effectual precautions against such a fatal contingency, than any that now exist; and I entreat your Excellency to believe, that it is this feeling alone which has prompted me to trouble you at a moment when your mind is so fully and so painfully occupied with matters involving the security of the country, with the present representation.

I have, &amp;c.

(Signed) R. A. TUCKER.

His Excellency SIR GEORGE ARTHUR, K. C. H.

&amp;c. &amp;c. &amp;c.

(Copy.)

IN COUNCIL,

11th January, 1839.

THE Executive Council respectfully recommend that the within matter be laid before the Legislature, with a favourable recommendation from your Excellency.

(Signed) R. B. SULLIVAN,

P. C.

(Signed) G. A.

MESSAGE FROM LIEUTENANT-GOVERNOR,

With Letters from the Receiver-General, and Messrs. Baring, Brothers & Co.

ON PROVINCIAL DEBENTURES.

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GEO. ARTHUR.

THE Lieutenant-Governor transmits for the information of the House of Assembly, the copy of a letter from the Receiver General, (28th February, 1839) accompanied by copies of two communications from the House of Baring, Brothers & Co. (29th September, 1838—19th January, 1839) reporting the sale in the London market, of certain debentures of this Province, at a depreciated price.

*Government House,*  
28th March, 1839.

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(Copy.)

*Receiver General's Office,*  
Toronto, 28th February, 1839.

SIR,

I have the honour to report, for the information of His Excellency the Lieutenant-Governor, that on the 23rd of October, 1837, under the authority of an Order in Council, dated the 3rd of same month, I transmitted for the use of various works authorised by the Legislature, to Messrs Baring, Brothers & Co. Debentures amounting to £60,000, Sterling, which were intended to be sold and drawn for by me as the necessities of these works might require; at the same time, Acts of the Legislature were furnished to this house, which confined the sale of Debentures at par, and in consequence of which they could not then be disposed of—since which period, the credit of Upper Canada Debentures, arising from causes well known to you, have been declining in value.

I received some time since a letter from Messrs. Baring, Brothers & Co. acquainting me that they had sold a portion of these Debentures at 95 per cent, and by the last arrivals I received accounts of a further sale at 91 per cent, (of which advices the duplicates are herewith transmitted); although, in fact, these sales would realize more than selling Debentures in Upper Canada at par—yet as I conceive it to be a violation of the law, I consider it my duty to report the circumstance to His Excellency, and beg to be informed whether any steps should be adopted to prevent any further disposition of the balance of Debentures remaining in their hands.

I have the honour to be, &c.

(Signed) JOHN H. DUNN,  
H. M. R. G.

Honourable JOHN MACAULAY,

*Civil Secretary,*

&c. &c. &c.

(Copy.)

Duplicate. Original pr. Toronto.

London, 29th September, 1838.

The Honourable JOHN H. DUNN,  
H. M. Receiver General,  
Toronto, Upper Canada.

SIR,

Deprived of your favours since addressing you on the 19th instant, we have now merely to advise having sold £3,500 Canada 5 per cent. debentures, *a* 95 per cent—£3,325.

From which deduct—Commission, 1 per ct.....	£33	5	0
Brokerage, $\frac{1}{4}$ per ct.....	3	15	0
			42

Leaves..... £3,283

To the credit of the Government, per 28th instant.

We remain, &amp;c.

(Signed) BARING, BROTHERS &amp; Co.

Duplicate.

Original per "Ontario."

London, 19th January, 1839.

The Honourable JOHN H. DUNN,  
H. M. Receiver General,  
Toronto, Upper Canada.

SIR,

Referring to the annexed duplicate of our respects of the 12th instant, we have now to advise, that we have sold, with dividend, from 1st January—

£2,100 Canada 5 per cent. debentures, <i>a</i> 91.....	£1,911	0	0
Less Commission, 1 per ct.....	£19	2	2
Brokerage, $\frac{1}{4}$ per ct.....	5	5	0

24 7 2

£1,886 12 10

At the credit of the Government, per 18th instant.

We are, &amp;c.

(Signed) BARING, BROTHERS &amp; Co.

(Copy.)

London, 22nd March, 1839.

The Honourable JOHN H. DUNN,  
H. M. Receiver General,  
Toronto, Upper Canada.

SIR,

We beg to inform you that we have disposed of £300 Canada 5 per cent. Debentures, *a* 92 per cent. with dividend from 1st January, .....

£276	0	0
Deduct Commission, 1 per ct.....	£2	15
Brokerage, $\frac{1}{4}$ " .....	0	15

3 10 2

Balance..... £272 9 10

At the credit of the Government, per 14th instant.

We are, &amp;c.

30th March, 1839.

Referring to the above duplicate of the 22nd instant, we have only to add, that the late accounts from the State of Maine have completely checked in almost all American securities; and the Canadian Debentures, which have been long neglected, have fallen to 90 per cent.—at which price there is no demand. We observed with satisfaction, from your Governor's last speech to the Provincial Parliament, that the objectionable mode of issuing and selling the debentures in the Province has ceased, and we trust will not again be resorted to. They were afterwards always forced off in this market, which lowered the price, and interfered with the sales by us for account of the Government, and also led people to imagine that the issues would be continued without limit. We trust also, that in this session no further bills for creation of debentures will be passed, if speedy sales are reckoned on. We are anxious to do the best for the Government, and have delayed covering ourselves for our present advances of about £10,000, by forced sales of debentures, as we conceived such a course would be prejudicial to the interests of the Province, and that we should do better by waiting: but our conduct would be influenced by the financial prospects of the Province—and your occasional advices would therefore be most useful to your Government, in order to guide us. In the mean time, we shall do our best to effect sales when opportunities offer; but it is evident, that under existing circumstances you cannot reckon on the proceeds of the debentures to meet any further drafts.

(Signed) **BARING, BROTHERS & Co.**

**MESSAGE FROM LIEUTENANT-GOVERNOR,**

**RESPECTING THE**

**SITUATION OF BILLET-MASTER IN THE WESTERN DISTRICT.**

**GEO. ARTHUR.**

THE Lieutenant-Governor recommends the accompanying copy of a communication from Colonel Airey, (22nd March, 1839,) at present commanding in the Western District, respecting the situation of Billet-Master, to the favourable consideration of the House of Assembly.

*Government House,*

*1st April, 1839.*

(Copy.)

*Malden, U. C.*

*22nd March, 1839.*

SIR,

WITH reference to my letter, dated 19th January, and your memorandum attached to it, dated 18th February, acquainting me that no emoluments belong to the situation of Billet-Master in this command, I have the honour to acquaint you, that the two gentlemen mentioned, Messrs. Fortier for Malden, and Morin for Sandwich, declined continuing in office.

As, however, there is really a good deal of trouble and difficulty, in carrying on the details of this service, especially in making out their accounts for billit money, it is very desirable that some salary should be attached, which the Legislature should certainly take into consideration.

I have the honour to be, &c.

(Signed) **RICHARD AIREY,**  
*Lieutenant-Colonel 34th, Commanding  
Western Frontier.*

*The Assistant Military Secretary,*

*&c. &c. &c.*

**MESSAGE FROM LIEUTENANT-GOVERNOR,**  
**WITH**  
**STATEMENT OF TOLLS, RIDEAU CANAL.**

**GEO. ARTHUR.**

THE Lieutenant-Governor transmits, for the information of the House of Assembly, a statement which has been prepared under the direction of the Royal Engineer Officer Commanding upon the Rideau Canal, shewing the annual amount of tolls and revenues collected upon that important work, from the commencement, in the year 1832, to the 31st December, 1838.

*Government House,*  
*10th April, 1839.*

*STATEMENT of the Annual Amount received for Tolls and Revenues of the Rideau Canal,  
from the commencement, in 1832, to the 31st December, 1838.*

Years.		Amount—Currency.
		£   s.   d.
1832..	To amount of Toll and Rents .....	357 10 0
1833..	To do do do includes the sum of £930 11s. 1d. for Lumber, &c. passed in the year 1832 .....	5509 9 5
1834..	To do do do includes the sum of 193 3s. 9d. for Lumber passed in the year 1832 .....	3644 19 10
1835..	To do do do .....	7182 13 0
1836..	To do do do .....	3129 4 11
1837..	To do do do .....	4590 15 3
1838..	To do do do includes the sum of £54 4s. 11d. for Lumber, passed in 1832 .....	5508 13 2
Currency .....		£29923 5 7

(Signed)    **C. L. RUDYERD,**  
*Pay-master,*  
*Rideau Canal.*

*Pay-master's Office,*  
*Bytown, 30th March, 1839.*

A true Copy.  
**JOHN MACAULAY.**

PETITION OF SIMON FRASER,  
AND ONE HUNDRED AND SIXTEEN OTHERS,

ON SUBJECT OF

BUILDING A BRIDGE FROM HULL TO BYTOWN.

*To His Excellency SIR GEORGE ARTHUR, K.C.H. Lieutenant-Governor of the Province of Upper Canada, and Major-General Commanding Her Majesty's Forces therein.*

IN COUNCIL.

The Petition of the undersigned inhabitants of Bytown, and others interested in the lumber trade on the Ottawa River—

HUMBLY SHEWETH :

That your Excellency's petitioners, in common with all the inhabitants of this part of the country, were duly sensible of the great advantage they derived from having a line of Bridges, and a direct communication across the Ottawa River at the Falls of the Chaudiere; and in proportion to the benefits they experience from that line of communication, when completed, has been the disappointments, losses and inconvenience they have sustained since it was interrupted by the falling of the main arch across the "Big Kettle," about three years since.

These Bridges, as must be known to your Excellency, were erected as a means of communication to the Rideau Canal, whilst that work was constructing, and during that time were under the controul of the Honourable the Board of Ordnance; but your petitioners having recently learned that since the completion of that work, the Honourable Board has declined all surveillance of these bridges, are induced to make this application to your Excellency for their repair.

Although the want of this Bridge has been very sensibly felt by those engaged in commercial and agricultural pursuits, and also in the depreciation of the value of fixed property in the vicinity, it has pressed with peculiar severity on those engaged in the Lumber trade, as cutting off the only route they can at all seasons command to Bytown, their main depot, and from whence they draw all their supplies of provisions, &c.

Your petitioners would most humbly submit, for your Excellency's consideration, that by thus being deprived of a direct and constant route to Bytown, from the want of the Chaudiere Bridges, they are necessitated to resort to the precarious mode of transport by a ferry extremely difficult of access on the Upper Canada side of the River, involving all the risk of property and delay incident to such a mode of transport; and besides totally impracticable during certain periods of spring and fall, when the ice is taking and breaking up.

Your petitioners might enumerate many instances in which they severely feel the hardships arising from the want of these Bridges; but they will only beg leave to bring one under your notice. This is the only direct, and at all times uninterrupted route to the extensive mills, on the River Rideau, belonging to Thomas McKay, Esquire, from which a great proportion of the lumber dealers are supplied with flour, &c.; and when it can be made evident that from the want of the Chaudiere Bridge, they are compelled to pay an additional impost on the carriage of each barrel of flour they draw from thence, and a proportionate increase upon every other article of supplies, your Excellency's petitioners hope that, taking into your favorable consideration the large amount of Revenue yearly collected from their labors, you will be pleased to order a small portion to be appropriated to the reconstruction of these bridges.

Wherefore, your petitioners humbly pray your Excellency would be pleased to take their case under your favorable consideration, and order the sum of Fifteen Hundred Pounds to be appropriated from the dues charged on Timber cut from the waste lands of the Crown, for

the reconstruction of the Chaudiere Bridges across the River Ottawa; which, with a similar amount from the same source from Lower Canada, it is thought will be sufficient for that purpose.

And your petitioners will ever pray, &c. &c. &c.

SIMON FRASER, J. P.

T. FREDERICK DANIEL, J. P.

DANIEL O'CONNOR, J. P.

DANIEL FISHER, J. P.

GEORGE BAKER, J. P.

Bytown, 26th February, 1839.

And one hundred and twelve others.

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**Letter accompanying the above Petition.**

Montreal, 6th April, 1839.

THOMAS MCKAY, Esquire.

Dear Sir,

I have the pleasure to inform you, that the Governor-General and Special Council have voted £1000 towards the rebuilding of the Bridge from Hull to Bytown, to be advanced as soon as Upper Canada appropriates a like sum for the same purpose.

I have no doubt £500 or £1000 more will be forthcoming, should such an amount be necessary. You had better, therefore, exert yourself to obtain from your Legislature £1500 to £2000. The object I consider important for Bytown.

I am, Dear Sir,

Your's sincerely,

P. MCGILL.

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**REPORT OF SELECT COMMITTEE**  
ON  
**PETITION OF NANCY STROBRIDGE.**

*To the Honourable the Commons House of Assembly.*

THE Committee, to whom the petition of Nancy Strobridge was referred, beg leave to report:

That in the year 1828, an Act was passed to appoint Arbitrators to ascertain the amount that was justly due to James Gordon Strobridge, (the late husband of the petitioner,) as contractor on the Burlington Bay Canal. That in pursuance of the said Act, Allan N. MacNab, Edward McBride, and Daniel O'Rielly, Esquires, were appointed Arbitrators. That the said Arbitrators were duly sworn, as required by the Act, "to make a just award"; and that they did accordingly award a certain sum of money, to be due and payable to the said James Gordon Strobridge, and ordered the same to be paid to him on or before a certain day named. That the sum so awarded was not paid till long after the time when the said Arbitrators ordered it to be paid: and that the present claim is for simple interest upon the sum so awarded, from the time it was ordered to be paid until the time of actual payment.

It has been urged against the said award, that it was illegal or unjust—inasmuch as the said Arbitrators awarded a larger sum to the said contractor than remained at the time in the hands of the Canal Commissioners—which, by one clause of the said Act, the Arbitrators were prohibited from doing. But in the opinion of your Committee, the said restraining clause was inconsistent with that part of the Act which required the Arbitrators to make a just award; and the said Arbitrators could not comply with the said restraining clause, without acting unjustly towards the said contractor, by awarding him a less sum than actually appeared to be justly due, especially as they were sworn to make a just award.

It has also been urged against the present claim, that Mr. Strobridge *has got too much already*. But the Committee are at a loss to conceive how that can be considered *too much*, which has been awarded by sworn Arbitrators as being justly due.

In the year 1831 an Act was passed granting a certain sum of money to be paid to the said contractor, being the balance of the sum so awarded and remaining due to him after he had received the sum which the Canal Commissioners had in their hands to pay him. In the said Act, the justice of the award made by the Arbitrators is distinctly recognized—and the objection alluded to above (that the Arbitrators were restrained in the amount they should award, and had exceeded their authority in awarding so large a sum) is distinctly waved.

It has been said by some, that, when the Bill was passed in 1831, Mr. Strobridge or his supporters declared, that he had abandoned all claims for interest founded upon the award. But others deny this positively, and say that the claim for interest was merely deferred or postponed in order to be brought forward separately at a future time.

The declared intention of the two Acts herein referred to, was *to remunerate* the Contractor—and *to do him justice*. With deference to the opinion of the House, the Committee beg to say, that, in their opinion, the fact of the contractor being fairly remunerated must have depended very much upon the time of actual payment. What might have been a fair remuneration, if paid within a reasonable time—could not be so considered if withheld for a number of years. The Committee think it may be naturally and fairly inferred, that the Arbitrators intended, by ordering the money to be paid on or before a certain day, to entitle the contractor to interest upon the sum awarded, during the time it might be from any circumstances withheld from him. In the said Act last referred to, the Committee can discover nothing from which it can be inferred, that the sum granted was intended to cover any claim for interest founded upon the award—or that it was the intention of the said Act to exclude the said contractor from making his claim at any future time for interest.

In consideration of the above, and with reference to the facts stated in the Petition now before the House, the Committee recommend that the sum claimed should be granted—believing that the claim is just and reasonable.

COLIN C. FERRIE,

CHAIRMAN.

Committee Room,  
18th March, 1839.

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## REPORT OF SELECT COMMITTEE, ON THE CLERGY RESERVES.

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THE Committee to whom was referred that part of His Excellency's opening Speech which related to the Clergy Reserves, beg leave to submit the following report :

Deeply impressed with the importance of the subject, and anxious, if possible, to suggest some measure which might be acceptable to the community—keep in view the spirit of the object for which the Reserves were set apart, and avoid the excitement of angry feelings on this most difficult topic,—your Committee determined to commence and prosecute their labours with calm and impartial feelings.

Their first object was to fix on some leading principles, as the basis of the plan they might recommend to your Honourable House, the adoption of which would tend to reduce the question to one of mere detail; and the following subjects were carefully considered :

*First.*—The propriety of carrying into full operation the system commenced under the authority of the Imperial Parliament, viz.—selling all the Clergy Reserves.

*Second.*—The funds in which the proceeds of all sales should be invested.

*Third.*—The purposes to which the sums so raised should be devoted; and whether the principal monies, or the annual interest only, should be appropriated.

*Fourth.*—The mode by which such appropriation should be carried into effect.

Your Committee, on the first of these points, came to a determination to recommend to your Honourable House, that all Clergy Reserves should be sold. Among other arguments which weighed with your Committee in arriving at this conclusion, it may suffice to mention, that there appeared no other certain mode of obtaining an immediate income to any considerable amount, from these lands.

In considering the next question, your Committee, while they would advise the investment of the proceeds of all sales of the Reserves in Provincial funds, feel it their duty strongly to press on your Honourable House, that the interest should be so safely secured, that hereafter no difficulty may be experienced in its collection. At the same time, it was their desire, that the proceeds should be loaned to the Province, so as to be of immediate service for its internal improvement; and with a view of combining these two objects, your Committee have resolved to recommend to your Honourable House, that the monies accruing from such sales shall be immediately invested in Provincial Debentures, bearing an interest of six per cent. per annum, and shall, (if only the interest be appropriated) be expended in making and improving the public highways throughout the Province, the interest to be secured by tolls on such roads, by a tax on the districts wherein the money shall be laid out, and by any other mode which your Honourable House shall see fitting to adopt.

The third, and most important subject of deliberation with your Committee, was—to what purposes the proceeds of these sales should be applied, and whether the appropriation should be confined to the interest, or extend also to the principal money.

Your Committee have felt themselves bound by every consideration of the future welfare of this Province, to urge on your Honourable House, that the proceeds of these lands should be exclusively appropriated to religious purposes; and they have selected three objects, to which they think the expenditure may be properly made applicable—

*First.*—The maintenance of public worship.

*Second.*—The erection of Churches and Chapels.

*Third.*—The education of individuals for the office of the Ministry.

Considering also that these invaluable benefits should be secured, not only to the present, but to future generations, your Committee submit, that only the annual interest should be thus expended.

Your Committee have not found it, in their judgment, advisable to offer any plan of distribution of the interest of the sales, which would complete in all its details, but have thought it more advisable to leave them unsettled to a certain extent, so as to leave to the Executive Government a power to provide for any changes from time to time, in the circumstances of different religious bodies in the community. They have therefore resolved to recommend to your Honourable House, that the Lieutenant-Governor in Council should be empowered to appropriate such interest in the following manner:—

*First.*—Not more than one-fourth to the Church of England.

*Second.*—Not more than one-fourth to the Church of Scotland.

*Third.*—The residue, among such bodies of Christians as he shall think fit, in order to promote to the uttermost the diffusion of religion and true piety throughout the Province.

In order to carry out the recommendation of your Committee, independently of the general sanction of the Home Government, the direct assistance of the Imperial Parliament will be necessary, to authorize the transfer of the proceeds of Clergy Reserves already sold, from the British funds into Provincial securities.

Your Committee have prepared a series of Resolutions, in accordance with the foregoing Report, which they respectfully offer for the adoption of your honourable House.

Your Committee are well aware that no plan can be brought forward for the settlement of this interesting question, to which objections will not be found and urged, or which can be made palatable to those who will not abate one jot of their own opinions; and still less to

such as desire to prolong the contention to which this subject has unhappily given rise. Your Committee have, on their part, earnestly endeavoured to suggest a scheme which will tend to allay any present irritation, and will form the basis of an ultimate and satisfactory solution of all the difficulties which have either arisen from or been increased by the long delay of legislation on the subject.

All which is respectfully submitted.

WILLIAM H. DRAPER,  
CHAIRMAN.

1. *Resolved*, That the lands set apart from time to time, as reserves for the support and maintenance of a Protestant Clergy, be sold in the same manner as other Crown lands in this Province.

2. *Resolved*, That the proceeds of past and future sales of any such lands be loaned to the Province at an interest of six per cent. per annum, to be invested in Debentures which may be authorised by the Legislature.

3. *Resolved*, That the annual interest arising from such debentures be appropriated and divided, under the authority and direction of the Lieutenant-Governor in Council, in manner following:—

Not more than one-fourth to the Church of England.

Not more than one-fourth to the Church of Scotland.

The residue to such other religious denominations as the Lieutenant-Governor in Council shall see fit, to be by them expended for the following purposes:—

The maintenance of Public Worship.

The erection of Churches or Chapels.

The education of persons for the Ministry.

4. *Resolved*, That accounts of the expenditure of all sums granted, duly verified, shall be, when required, rendered by the Churches or Bodies of Christians receiving the same; and that the Lieutenant-Governor be authorized to withhold further aid from any Church or body of Christians, until previous grants have been duly accounted for.

5. *Resolved*, That annual accounts of the receipt and expenditure be laid before each branch of the Legislature.

6. *Resolved*, That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to recommend to the Imperial Parliament the passing such enactments as may be necessary for carrying the foregoing Resolutions into full effect.

## REPORT OF SELECT COMMITTEE,

ON

## PETITION OF JOHN BOSTWICK, ESQUIRE, AND OTHERS.

*To the Honourable the Commons House of Assembly.*

The Committee to whom was referred the petition of John Bostwick, Esquire, and others, beg leave to report—

That some of the members of your Committee are aware that the facts stated in the petition are fairly and truly related. That in their opinion the object of the petitioners is one of a good deal of importance in a public point of view, as well as to the inhabitants of the dense settlements of the surrounding country in the neighbourhood of London, St. Thomas and Port Stanley.

The sums of money heretofore appropriated by Acts of the Legislature for constructing the harbour of Port Stanley, cannot, with any degree of truth or propriety, be considered as an improvident investment of the public money, because, that, on examination of the returns of tolls and dues collected on articles of import and export at that harbour, your Committee find that, for the last four years, notwithstanding the newness of the settlements, and the embarrassments inevitably attendant on our infant trade, the average of tolls and dues collected has exceeded the legal interest on the outlay, which is clearly shown by the annexed statement from the office of the Inspector General:—

The sums heretofore granted amount to .....	£6500	0	0
The Interest per Annum on which is .....	390	0	0
Tolls collected in 1835, 1836, 1837, and 1838, are.....	1561	19	0 $\frac{3}{4}$
The average per Annum of which is.....	390	9	9
Exceeding the Interest by the small sum of (per Annum) .....	0	9	9

The rapid progress of improvement growing up from the industry and energies of the enterprising population, and the particular excellence of the soil and climate of that portion of the Province, afford a certain pledge, that, by granting the means to make the repairs prayed for, facilities will be given to the agricultural and commercial interests of the Province far beyond being merely commensurate with the amount granted for that purpose. In addition to which, they beg to submit that, unless the assistance prayed for be granted, the money already expended must be unproductive of any return of interest by way of tolls, and end in a loss to the public.

Your Committee have agreed to a Resolution for granting the sum of two thousand five hundred pounds for repairing and sustaining the said harbour, which they earnestly recommend to the adoption of your Honorable House.

In reporting upon the Petition referred to their charge, your Committee cannot refrain from expressing their sincere hope that the time is not far distant when the subject of harbours will be taken up as a general measure on the part of the Legislature, and that they will be constructed and sustained at the public expense, instead of being left to the management of private enterprise or that of joint stock companies, whose means have, in all cases, proved too limited for the extensive operations that have been necessary. And that, independently of these considerations, the system of collecting toll and dues for sustaining harbours is too much in the shape of petty monopolies, alike injurious to trade, and agricultural and commercial pursuits. Your Committee by no means concur in the circumscribed opinions sometimes advanced, that the construction of harbours should be paid for by those resident in their immediate neighbourhood. On the contrary, they hold what they humbly conceive to be more enlarged views on that subject.—That every harbour is of advantage to every other part of the Country in a greater or less degree, and that they should be made at the public expense, as they may be found necessary to advance the increasing wants of the country; and thus impart vigor and energy throughout the whole, devoid of the vexing annoyances attendant on any collection of imposts but those which, by our Revenue Laws, are derivable from Foreign commerce.

All which is respectfully submitted.

M. BURWELL,  
CHAIRMAN.

Committee Room, House of Assembly,  
20th March, 1839.

*Resolved*—That there be granted to Her Majesty the sum of two thousand five hundred pounds, to be applied in repairing and sustaining the Kettle Creek Harbour, at Port Stanley.

*Account of Tolls collected at Kettle Creek Harbour, from 1835 to 1838, inclusive.*

In 1835 .....	£ 455 14 5½
1836 .....	372 15 4
1837 .....	319 10 11¼
1838 .....	413 18 4

JAMES NATION,  
*Acting Inspector General.*

*Inspector General's Office,*  
12th March, 1839.

## REPORT OF SELECT COMMITTEE,

ON

## BILL TO AMEND THE LAW

## ON TAKING PROPERTY IN EXECUTION.

*To the Honourable the Commons House of Assembly.*

The Committee to whom was referred the bill to amend the law as regards taking Property in Execution, beg leave to report :

That having examined the provisions of the bill, they find it interferes very materially with the law as it now exists, and as it has existed in this Province from the time our Legislature introduced the laws of England as a rule for the decision of all matters of controversy, relative to property and civil rights.

The first enacting clause provides, that the Sheriff shall not remove personal property, seized under a writ of *Fieri Facias*, issuing out of any of Her Majesty's Courts out of the Township in which the same is situate.

Instances might occur, in the opinion of your Committee, when the Sheriff could not, under any circumstances, procure bidders, if he were confined to the Township where the seizure was made ; but if the property could be removed to the District town, a good price might be obtained.

The second clause provides, that real estate sold by a Sheriff, under an execution against lands, may be redeemed within a year, by payment of the purchase money and ten per cent. thereon.

Your Committee are aware that in some of the United States, land which has been sold for non-payment of mortgage money may be redeemed within a certain period after the sale ; but they are not aware that the principal has ever been extended so far as the present Bill contemplates.

The third clause provides, that the Sheriff, instead of executing a conveyance of real estate, sold as aforesaid, he shall give a certificate, which certificate is to be registered before the return of the writ, and that on the redemption money being paid to the purchaser, he shall give to the person paying the said money a certificate of such money being paid, to be registered in the same manner as the other certificate. Should this clause meet with the concurrence of your Honorable House, your Committee recommend that it be amended, inasmuch as it would be impossible to register a certificate as mentioned in the said clause before the return of the writ, when no sale can, in any instance, take place till after the return thereof.

By the fourth clause, a sheriff is restrained from selling personal property at less than one-fourth its value, which value is to be ascertained by two sworn appraisers.

The last clause of the bill provides, that no *Capias ad Satisfaciendum* shall issue against a defendant, when he has sufficient property to satisfy the plaintiff's demand—the value of such property to be ascertained by two sworn appraisers, as in the fourth clause is contained.

Your Committee are not prepared to recommend the adoption of all the provisions contained in the said bill, but have determined to submit the same for the consideration of your Honourable House.

All which is respectfully submitted.

H. SHERWOOD,  
CHAIRMAN.

Committee Room, House of Assembly,  
20th March, 1839.

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FIRST REPORT  
OF  
COMMITTEE ON EXPIRING LAWS.

*To the Honourable the Commons House of Assembly.*

The Committee appointed to examine and report to your Honourable House what laws have expired, and are about to expire, respectfully present their first report as follows :

1. That "An Act to revive and continue an Act passed in the fifty-fifth year of the reign of King George the Third, entitled 'An Act to repeal an Act passed in the fifty-fourth year of His Majesty's reign, entitled 'An Act to supply, in certain cases, the want of County Courts in this Province, and to make further provision for proceeding to outlawry, in certain cases therein mentioned,' passed February 13th, 1833, will expire at the close of the present session of Parliament.
2. "An Act to revive and continue a certain Act passed in the fourth year of His late Majesty's reign, entitled 'An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, entitled 'An Act to regulate the trial of Controverted Elections or returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials;' and also a certain other Act passed in the eighth year of His late Majesty's reign, entitled 'An Act to continue and amend the Law now in force for the trial of Controverted Elections,' passed February 13th, 1833, will expire at the close of the present session of Parliament.
3. "An Act to continue an Act passed in the eleventh year of the reign of His late Majesty King George the Fourth, entitled 'An Act to revive and continue with certain modifications, an Act passed in the fifty-ninth year of His late Majesty's reign, entitled 'An Act to alter the laws now in force for granting licences to Innkeepers, and to give to Justices of the Peace in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such licences,' passed February 13th, 1833, will expire at the close of the present session of Parliament.
4. "An Act to continue the duty upon licences to Hawkers and Pedlars," passed February 13th, 1833, will expire at the close of the present session of Parliament.
5. "An Act to regulate line fences and water courses, and to repeal so much of an Act passed in the thirty-third year of the reign of His late Majesty King George the Third, entitled 'An Act to provide for the nomination and appointment of Parish and Town Officers

within this Province, as relates to the office of Fence Viewers being discharged by overseers of Highways and Roads," passed March 6th, 1834, will expire at the close of the present session of Parliament.

6. "An Act to prevent the consumption of spirituous liquors in shops," passed March 6th, 1834, will expire at the close of the present session of Parliament.

7. "An Act to revive and continue an Act passed in the the fourth year of the reign of King George the Fourth, entitled 'An Act prescribing the mode of measuring the contents of wooden stills, also for fixing the rate of duty to be paid on all stills used for the distillation of spirituous liquors within this Province,'" passed March 6th, 1834, will expire at the close of the present session of Parliament.

8. "An Act to continue and amend the law for attaching the property of absconding debtors," passed April 16th, 1835, will expire at the close of the present session of Parliament.

9. "An Act to continue for a limited time, an Act entitled 'An Act to promote the public health, and to guard against infectious diseases in this Province,'" passed March 4th, 1837, will expire at the close of the present session of Parliament.

10. "An Act to authorize the apprehending and detention of persons suspected of high treason, misprision of treason, and treasonable practices," passed January 12th, 1838, will expire at the close of the present session of Parliament.

11. "An Act to provide for the more effectual and impartial trial of persons charged with treason, and treasonable practices, committed in this Province," passed January 12th, 1838, will expire at the close of the present session of Parliament.

All which is respectfully submitted.

RICHARD PHILLIPS HOTHAM,

CHAIRMAN.

Committee Room,  
March 20th, 1839.

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## REPORT OF SELECT COMMITTEE

ON

## PETITION OF D. JONES, AND OTHERS.

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*To the Honourable the Commons House of Assembly.*

The Committee to whom was referred the petition of David Jones, Esquire, and 92 others, beg leave to present the following report:

That among the numerous applications for pecuniary aid from the Legislature, for the improvement of public roads, the petition which has been confided to the examination and opinion of your Committee, possesses claims and merits of a vastly higher importance, as regards the public safety and defence of this Province, than as concerns the merely local necessities of the extensive section in which the petitioners, who are both numerous and highly respectable, reside.

The petition sets forth in strong but faithful colours, the neglected and scarcely passable condition of a considerable part of the post road between Cornwall and L'Original. The distance between these two places, is less than sixty miles—yet the transport of the mail from the one place to the other, is rarely effected before the close of the second day's journey.

This, however, and other serious inconveniences under which the inhabitants of that section of the Province have so long suffered, from the state of the road in question, dwindle into insignificance, when compared with the actual danger which may result to the public service, by reason of the impracticability of the road in question, in the event of a war or insurrection.

The petitioners correctly state, that considering the road in a military point of view, a glance at the map will demonstrate its importance. It traverses the interior of the Province in a north-easterly direction from Cornwall, and opens on the Ottawa River, a short distance west of the Grenville Canal.

Early in December 1837, a supply of arms, &c. being required for the public service, at the Chatham station, on the Ottawa, it became indispensably necessary, owing to the defective state of that part of Lower Canada adjoining the Eastern and Ottawa Districts, to transport a large supply of arms and munitions of war, from Cornwall to the Ottawa, by the road in question, and the operation was conducted with great difficulty and enormous expense, in consequence of the wretched state of the communication.

In case of war or insurrection, the direct communication between Cornwall and Montreal would be open to interception by the enemy; and, in that case, the road now under consideration would become of vital importance to the defence of the Provinces.

The subject having been laid before His Excellency Sir John Colborne, the Commander-in-Chief of Her Majesty's Forces, His Excellency was pleased to order it to be submitted to the examination and opinion of several distinguished officers connected with the military posts which are most immediately concerned in the premises.

These gentlemen, namely, Colonel Turner, commanding Her Majesty's troops in the Eastern District; Assistant Quarter-Master General Philpotts; Colonel Carmichael, commanding at Coteau du Lac; and Captain Baddeley of the Royal Engineers; have accordingly made the requisite examination, and their certificate appended at the foot of the Petition, states, that "They consider the road from Cornwall to Longueil (L'Orignal) of the highest importance in a military point of view, as set forth in the petition; and cannot too strongly recommend to the Provincial Government the completion of it as soon as possible."

Your Committee therefore, impressed with the urgency of the case, warned by the past state of the public peace, and apprehension of the future, beg leave to state that they have agreed to the following resolution, which they submit herewith, and earnestly recommend to the adoption of your Honorable House.

All which is respectfully submitted.

ALEXANDER McLEAN,  
CHAIRMAN.

*Committee Room, Commons House of Assembly,  
20th March, 1839.*

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**REPORT OF SELECT COMMITTEE,  
ON REPORT OF  
COMMISSIONER ON STEAM-DREDGE.**

*To the Honorable the Commons House of Assembly.*

The Select Committee to whom was referred the Report, with accompanying documents from the Commissioner of the Provincial Steam Dredge, beg leave to make the following Report:—

Your Committee have examined the Report and Vouchers with much care and attention, and find them clear and satisfactory.

They observe that a reference to the House of Assembly is mutually agreed upon by the Directors of the Welland Canal Company, and the Acting and only remaining Commissioner of the Provincial Steam-Dredge, as to a difference in charge made by the latter, and the sum which is allowed by the said Directors for the services of the Dredging Machine in the harbour of Port Dalhousie from the 1st of June to the 31st October last, inclusive, the charge made by the Commissioner is £6 5s. per day, and the sum allowed by the Directors is £5 per day—which difference of £1 5s. per day for 131½ days, as charged by the Commissioner, amounts to £166 17s. 6d., as follows:—

131½ days' work of Machine at £6 5s. per day, amounts to .....	£821 17 6
The allowance made by the Directors of Welland Canal Company is £5, per day, for 131 days .....	655 0 0

Making a difference of .....	£166 17 6
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left for the decision of the House of Assembly.

The objection taken by the Directors to the charge of the Commissioner is, that a previous understanding existed on their part, that the Commissioner would not charge more than £5 per day for the use of the Machine, and which they thought amply sufficient. To this the Commissioner, in his reply to the Directors on the subject, does not admit of any assurance being given on his part that such a specific charge would be made.—On the contrary, grounding his charge upon the spirit and intention of the adopted Report of the Select Committee of your Honorable House, last session, upon the subject of the Steam Dredge, the Commissioner considers that the charges for the services of the Machine must obviously depend upon the effect the work to be performed has upon the Dredge—that in ordinary labour such a sum as that allowed by the Welland Canal Company might be ample; but from the nature of the work performed in Dalhousie Harbour, as described by the Agent of the said Company, and the effect it has had upon the Machine, the charge, he, the Commissioner has made, he thinks not more than equivalent for the purposes intended by the adopted Report above alluded to.

Your Committee beg leave to recite an extract from the said Report as setting forth the authority given to the Commissioner for making his charge;—"That the Commissioners be authorized to charge a sum adequate to keep the Machine and Scows in proper working order, and to pay the necessary incidental expenses accruing, from time to time, in superintending and directing its operations, however, the discretion of the Commissioners must, in all cases, be used, as no particular data can be laid down as a fixed rule by which to charge for the services of the Machine; the work in some places being more severe for it than in others; there ought, however, to be a sufficient fund at the command of the Commissioners to meet unexpected breakages or necessary improvements, so that the Machine may at all times be in good working order, as any interruption of its services would be attended with a heavy expense by losing the labour of the men necessarily employed in conducting its operations."

The nature of the work performed by the Steam-Dredge at Port Dalhousie, is thus described by the Agent of the Company, in his annual report to the Directors, dated 20th December—"At this Port the Steam-Dredge was employed; there was no other way of removing the vast quantity of *stone* and *timber* washed into the channel by the gale, in December 1837. The whole space between the pier, from the lake to the outer end, was also deepened, leaving two feet water more than was had before—an improvement that has been long necessary."

In carefully reviewing all the circumstances connected with the subject thus left for the decision of your Honourable House, your Committee are clearly of opinion, that a decision should be made in favour of the Commissioner. In recommending this course, your Committee are induced by its evident justness and necessity. The sum is absolutely wanted, to enable the Commissioner to put the Machine in an efficient state of repair, to renew operations on the opening of the navigation; and even if your Honourable House should decide in his favour, he would still be deficient of a large sum to put her in working order, and pay off a large item of old debts.

Your Committee observe that the account with the Desjardin's Canal Company, as set forth in the last annual report of the Commissioners, still remains unsettled, notwithstanding the Commissioner has made repeated applications for the payment of it, as appears by his correspondence. The reasons assigned by that Company for not having settled their account, is their inability to get money that is due to them.

Your Committee likewise observe, that the Commissioner has not closed the account for dredging in the Harbour at Oakville. It is alleged as a reason, that the machine will be again wanted at that harbour, and that when the dredging is completed, the Commissioner is assured that a final settlement will be made.

Your Committee cannot conclude their report without expressing their unqualified approbation of the Commissioner's unwearied assiduity, careful, correct, and satisfactory management of his trust.

Your Committee have examined the prayer of the petition of John H. Kilborn, President of the Grimsby Harbour Company, and others. The petitioners do not appear to be aware, that no other charge is made for the use of the Dredge, than what is necessary to keep her and the scows in proper working order, as may be seen in the report of the Select Committee on the management and duties of the Commissioners, as adopted by your Honourable House last session. They therefore cannot recommend the prayer of the petition.

All which is respectfully submitted.

E. W. THOMSON,  
CHAIRMAN.

Committee Room,  
20th March, 1839.

## REPORT OF SELECT COMMITTEE,

ON

## PETITION OF HENRY SMITH, ESQUIRE.

*To the Honourable the House of Assembly.*

The Select Committee to which was referred the petition of Henry Smith, Esquire, the Warden and Principal Superintendent of the Provincial Penitentiary, praying for the competent allowance recommended by the Inspectors of that Institution, in their report dated 1st November, 1837, in lieu of *convict servants*, authorized by the 21st clause of the statute 4th Wm. IV, for the use of the Warden and Deputy Warden—(which said clause was repealed, in accordance with the recommendation of the said Inspectors)—

RESPECTFULLY BEG LEAVE TO REPORT :

That they have fully and minutely inquired into the circumstances, and found the facts as stated by the Petitioner.—That by the 21st clause of the statute 4 Wm. IV. the Act which provides for the maintenance and government of the Provincial Penitentiary—all perquisites and emoluments were denied to them for their services, other than the compensation provided by that Act, except that the Warden and his Deputy shall be provided with dwellings at or near the Penitentiary—shall be furnished with fuel and candles from the stock provided for the use of the Province, *and with servants from among the convicts if they think proper.*

That the Inspectors of the Penitentiary in their Report of the 1st November, 1837, transmitted for the information of this House by His Excellency Sir Francis Head, recommended the repeal of this clause, viewing it as in some degree at variance with the sentence pronounced upon the convict by the Court, consigning him to hard labour for the period of his confinement, and deeming it a departure from the essential part of the discipline—that of prohibiting convicts from obtaining information of the circumstances or events passing within or without the walls of the prison—and under that view of the matter the Board suggested an

amendment of that part of the Statute, *by granting to the Warden and Deputy Warden a competent allowance for servants—the expense of which the labour of the convicts otherwise employed than as household servants, would go far to defray.*

That, acting upon this recommendation, the said clause was repealed by the fourth clause of 1st Victoria, c. 53, without making any provision for the said Warden or his Deputy to defray the expenses incurred by them in the hire and maintenance of servants which they had to defray from the very moderate salaries which they receive for their services.

Under these circumstances your Committee most respectfully recommended that the sum of fifty pounds currency be annually granted to the said Henry Smith, as an allowance for the hire and maintenance of servants, in lieu of the convict servants which the law originally authorized; and that a further sum of fifty pounds be paid to the said Henry Smith for the expense incurred by him in this behalf since the repeal of the authority under which he employed convicts as household servants.

All which your Committee most respectfully submit.

A. MANAHAN,  
CHAIRMAN.

*Committee Room, House of Assembly,  
22nd March, 1839.*

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## R E P O R T

ON THE

### P E T I T I O N O F W . S . B U R N ,

CHAIRMAN TO THE BOARD OF TRUSTEES

OF

HAMILTON AND BRANTFORD MACADAMIZED ROAD.

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*To the Honourable the Commons House of Assembly.*

Your Committee, appointed to enquire into the Petition of the Chairman of the Board of Trustees, for macadamizing the Road from Hamilton to Brantford, beg leave to report:—

That they have examined the statement set forth in said Petition, and are most gratified to find that said Board have used their utmost exertions to carry into effect this important work: That a great part of said road is now under contract, and that about twelve miles and a half is nearly finished. Your Committee are happy to say that, so far as the work has been completed, they have every reason to believe that it has been done in a workman-like manner, and that it is not to be surpassed by any work of the kind done in this Province.

Your Committee, however, beg leave to state, that in consequence of the number of hills to be levelled, and other unforeseen difficulties the petitioners have had to contend with, the sum already granted will come far short of completing said road, which is so much desired by the public, and would therefore recommend to your Honourable House, the propriety of granting a further sum of Twenty-five Thousand Pounds, the amount required, by estimate, to complete the Road, including Toll-houses, Gates, &c., agreeably to a report made by the Engineer employed in the said work.

Your Committee would further state, that they have examined that part of the petition, particularly, which relates to the portion of road which yet remains to be macadamized, (and not authorized by the former Act) which lies between the residence of Mr. John Binkley and

the Macadamized Road leading from Dundas to Waterloo, a distance of about a mile and a half of hills, which it is necessary should be levelled and Macadamized, for the purpose of uniting the two roads. Your Committee would therefore recommend the further grant of six thousand pounds, for the purpose of Macadamizing this piece of road. The whole amount, therefore, required to complete the Hamilton and Brantford Road, and to unite it to the road from Dundas to Waterloo, as before mentioned, will be thirty-one thousand pounds,—which sum your Committee would recommend to your Honourable House to grant—but, that only fifteen thousand pounds of the said sum be raised and expended during the year 1839, and the remainder to be raised and expended in the year 1840.

All which is respectfully submitted.

MICHAEL AIKMAN,  
CHAIRMAN.

*Committee Room,*  
25th March, 1839.

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**REPORT OF THE SELECT COMMITTEE,**

ON THE

**PETITION OF DAVID SECORD, ESQUIRE,**

*To the Honourable the Commons House of Assembly.*

The Committee to which was referred the petition of David Secord, of the village of St. Davids, Esquire, praying for interest on the amount awarded him by the Commissioners on claims for losses, from the period of the award until the time the same was paid, as an additional compensation—having examined minutely into the circumstances of his case, as to the original demands made by him for losses—the evidence by which those demands were sustained, and the amount actually awarded and finally paid to him; and taking further into consideration, circumstances known to your Committee, as to the very great privations endured by himself and family, arising from his firm and steady adherence to the interests of the Crown, and support of the British Government in these Colonies—his bravery evinced while in command of the 2nd Lincoln Militia, particularly at the battles of Queenston, Chippewa, and Lundy's Lane—the long period of his services, (having their commencement during the time in which the present United States of America were British Provinces, and continued to the present day)—his long-trying loyalty, and straightened circumstances, (arising principally from his fidelity to the Crown)—together with his advanced age, at which period these circumstances weigh more heavily upon him,—would not hesitate to recommend that your Honourable House would take his peculiar case into consideration, and grant to him the additional compensation prayed for, were it not that the present state of the finances of the Province utterly forbids.

All which is respectfully submitted.

DAVID THORBURN,  
CHAIRMAN.

*Committee Room,*  
25th March, 1839.

REPORT OF SELECT COMMITTEE,  
ON THE  
PETITION OF FRANCIS HALL, ESQUIRE.

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*To the Honourable the Commons House of Assembly.*

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The Committee to which was referred the Petition of Francis Hall, Esquire, Civil Engineer, praying to be paid an amount of money withheld from him for professional services on the Burlington Canal—

BEG LEAVE TO MAKE THE FOLLOWING REPORT :

Your Committee find by the Annual Report of the Commissioners of the Burlington Canal to the Legislature in the fourth session of the ninth Parliament, that the sum of £55 is reported to be due him, and then in the hands of the Commissioners; and in a subsequent session of the Legislature the said Commissioners reported having used the said amount for the general benefit of the Canal—and notwithstanding repeated applications to your Honorable House by the Petitioner to be reimbursed for said amount withheld by the Commissioners, and always acknowledged by the House by passing a Bill for the sum with interest, your Committee cannot understand why any obstacle should be put in the way of paying a debt so manifestly just, and therefore recommend the prayer of the Petitioner to the favorable consideration of your Honorable House.

All which is respectfully submitted.

DAVID THORBURN,  
CHAIRMAN.

*Committee Room,  
25th March, 1839.*

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REPORT OF COMMITTEE  
APPOINTED TO PREPARE INSTRUCTIONS  
FOR  
COMMISSIONERS TO BE APPOINTED TO PROCEED TO ENGLAND,  
ON THE SUBJECT OF THE  
UNION OF THE PROVINCES.

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*To the Honorable the Commons House of Assembly in Provincial Parliament assembled.*

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Your Committee appointed to frame instructions to the Commissioners who may be appointed to proceed to England on the subject of the Union, beg leave to report the following propositions as necessary and desirable in a measure of so much importance:—

1st. *Resolved*—That in the event of an Union of the Provinces of Upper and Lower Canada, the seat of Government should be within the present boundary of Upper Canada.

2nd. *Resolved*—That that portion of Lower Canada lying east of the Madawaska and south of the St. Lawrence, consisting of the counties of Gaspé, Bonaventure, and Remouski, be attached to the Province of New Brunswick.

3rd. *Resolved*—That a proper qualification for members of the Legislative Council and House of Assembly be fixed upon by the Act of Union.

4th. *Resolved*—That the Act of Union not to make void any of the appointments of the present Legislative Council, in full confidence that future appointments will be made in such a manner from the different Districts as best to secure the commercial, agricultural, and general interests of the Province.

5th. *Resolved*—That the number of members to be returned to serve in the House of Assembly be as follows:—From Lower Canada fifty members: from Upper Canada as at present; that the elective franchise in counties be confined to those who hold their lands in free and common soccage.

6th. *Resolved*—That a new division of Lower Canada into counties be made by the Governor and Council of that Province, so as to provide for the election of such number of members as together, with the members from cities and towns, make up the number to be returned from Lower Canada.

7th. *Resolved*—That the English language be spoken and used in the Legislature, Courts of Justice and in all other public proceedings.

8th. *Resolved*—That Courts of Appeal and Impeachment be established within the United Provinces.

9. *Resolved*—That the surplus revenue of the Post Office, together with the casual and territorial, and every other branch of revenue, be placed under the control of the Legislature.

10th. *Resolved*—That until otherwise provided for by the joint Legislature, the Courts and Laws to remain as at present.

11th. *Resolved*—That the debt of both Provinces shall be chargeable on the revenue of the United Province.

12th. *Resolved*—That the local Legislature have power to originate duties or reduce them, from time to time, as they may deem necessary and advisable, subject, however, to restrictions similar to those of 42 sec. of 31 Geo. III. c. 31, respecting certain local Acts.

13th. *Resolved*—That with the above exceptions, the principles of our Constitution as contained in 31 Geo. III. c. 31 remain inviolate.

All which is respectfully submitted.

JOHN S. CARTWRIGHT,  
CHAIRMAN.

Committee Room,  
26th March, 1839.

## R E P O R T

ON

## MEMORIAL OF B. TURQUAND,

TRANSMITTED BY MESSAGE FROM HIS EXCELLENCY.

*To the Honourable the Commons House of Assembly.*

The Committee to which was referred the Message of His Excellency the Lieutenant Governor, transmitting and recommending to the consideration of your Honorable House, an application from Mr. Bernard Turquand, senior clerk in the office of the Receiver General, for compensation under the authority of certain Acts of the Provincial Legislature for extra

services performed by him in the said office—and also for conducting the affairs of the department during the absence of the Receiver General from the Province at different periods—

BEG LEAVE MOST RESPECTFULLY TO REPORT :

That your Committee have examined the claims of Mr. Turquand, in his memorial to His Excellency, and the various Acts of the Legislature under which he claims remuneration for extra services—as well as the minute of the Executive Council on the subject of his application—and find that Mr. Turquand is legally entitled to compensation under several Acts of this Province to which the clause recited in his memorial refers; and your Committee are not aware that any wrong could have been attributed to the Honorable the Executive Council had they advised the compensation to have been made by Warrant of His Excellency without a reference to Parliament.

Your Committee, having further full reason to believe that the onerous duties devolving on Mr. Turquand, during the absence of the Receiver General, have been performed in a manner fully acceptable to that officer, and highly creditable to himself, and the department feel themselves authorized strongly to recommend to your Honorable House that a recompense may be awarded to him.

All which is respectfully submitted.

DAVID THORBURN,  
CHAIRMAN.

Committee Room,  
27th March, 1839.

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## REPORT

ON

## PETITION OF JAMES READ, AND OTHERS.

*To the Honourable the Commons House of Assembly in Provincial Parliament assembled.*

The Committee to whom was referred the Petition of James Read, Esquire, and other Magistrates and Freeholders of the Western District, beg leave to report that, on due consideration of the Petition, your Committee recommend that an additional rate or assessment of one penny in the pound be hereafter raised, levied, and collected from the inhabitants of the Western District, until the same shall amount to the sum of one thousand pounds, to be applied to the objects set forth in the Petition. Your Committee have agreed to a resolution on this subject, which they beg leave to report herewith, and which they earnestly recommend to the adoption of your Honorable House in a Committee of supply.

All which is respectfully submitted.

JOHN PRINCE,  
CHAIRMAN.

Committee Room, House of Assembly,  
28th March, 1839.

*Resolved*—That there be granted to Her Majesty the sum of £1000, to be raised, levied, and collected from the inhabitants of the Western District at the rate of one penny in the pound additional assessment per annum, until that sum shall be received.

REPORT OF COMMITTEE  
ON  
ROADS AND BRIDGES,  
ON PETITIONS OF

**R. E. Vidal, and others; R. Johnson, and others; L. Lawrason, and others;  
and two Petitions of G. Hyde, and others.**

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*To the Honourable the Commons House of Assembly.*

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The Committee on Roads and Bridges respectfully report on the Petitions of R. E. Vidal, R. Johnson, Lawrence Lawrason, and the two Petitions of G. Hyde and others, on the subject of a Road in the county of Kent.—That Petitioners amounting to about one thousand, fully and clearly point out the necessity of a more perfect communication between the town of London and Port Sarnia—that the diversity of opinion is confined to the location of the Road—which Petitioners admit to arise from local interest. That said Road would be in the opinion of your Committee, one of great importance to the Province at large—to the Government, to the people of the Northern Townships of Kent, and to the travelling public.

Your Committee conceive the proper course to be pursued—is the one recommended in some of the said Petitions, namely—that the Lieutenant Governor be authorized to appoint a civil engineer to examine the Northern Townships of said county of Kent, and locate the said Road upon the *most direct and eligible route*—with due regard to economy, but without reference to the private interest of individuals.

Your Committee further recommend that a loan of ——— thousand pounds be authorized to be raised for the purpose of constructing a Turnpike-Road upon such route as may be so determined upon, and are prepared to report a Bill, to carry the same into effect, in the same way and manner, and with the same provisions, as the Macadamized roads are now being carried on.

All which is respectfully submitted.

E. W. TOMSON,  
CHAIRMAN.

*Committee Room,  
1st April, 1839.*

*Resolved*—That it is expedient to authorize Her Majesty's Receiver General in this Province to raise, by way of loan, a sum of ——— thousand pounds, for the purpose of constructing a Turnpike-Road through the townships of Sarnia, Plympton and Warwick, in the county of Kent, which said sum of ——— thousand pounds shall be repaid by the Tolls to be collected at such gates as the Trustees named by this House shall, for that purpose, find necessary to erect: also by causing the inhabitants residing on the lots bordering on each side of the said Road to commute their statute labour and pay the amount to said Trustees; and also, that should their means not be sufficient to pay the interest on the Debentures, as they become due, to authorize Her Majesty's Receiver General to pay the deficiency out of any funds in his hands, applicable to the general uses of this Province, which sum so advanced, shall be repaid from the tolls collected on the said road, or by an additional rate, levied for that purpose on all lands in the county of Kent; the Trustees having full power to dispose of such toll as may be necessary.

## REPORT OF SELECT COMMITTEE,

ON PETITIONS OF

### J. FLUMMERFELT & OTHERS, AND C. WILLIAMS & OTHERS.

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*To the Honourable the Commons House of Assembly.*

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Your Committee to whom were referred the Petitions of John Flummerfelt and others of the Niagara District; and Caleb Williams and others of the Prince Edward District, praying that a tax may be imposed upon dogs in this Province.

BEG LEAVE TO REPORT:

That your Committee having duly considered the prayer of the Petitions, and being aware, from their own knowledge, that large numbers of sheep are killed from time to time, and other injuries caused in various parts of this Province by dogs, and that many useless dogs are kept in and about different towns and villages throughout this Province, recommend the prayer of the Petitioners to the favorable consideration of your Honorable House.

Your Committee would, however, suggest that every farmer should be allowed to keep one dog *upon his farm*, not subject to be taxed; that every farmer who shall keep more than one dog shall be liable to pay ——— shillings per annum for every dog over one, and that every dog kept by any other person or persons shall be subject to a tax of ——— shillings per annum.

All which is respectfully submitted.

GEORGE RYKERT,  
CHAIRMAN.

*Committee Room, Commons House of Assembly,  
1st day of April, 1839.*

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## REPORT OF SELECT COMMITTEE

ON

### PETITION OF R. LACHLAN, ESQUIRE.

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*To the Honourable the Commons House of Assembly.*

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Your Committee to whom was referred the petition of Robert Lachlan, Esquire, Sheriff of the Western District—beg leave to Report:

That they have made enquiries into the fees and emoluments of the Shrievalty of the Western District, and they find them to be so insignificant as to afford no adequate remuneration to the Sheriff for the arduous duties and heavy responsibilities of his office.

Your Committee, therefore, are of opinion that the income of the Sheriff of the Western District is altogether too small for the maintenance of an officer qualified to fill such an important situation; and would recommend your Honorable House to pass an Act to provide for the payment of the sum of fifty pounds currency per annum to the sheriff of the Western

District :—and from circumstances which have come to the knowledge of your Committee, it begs leave respectfully to suggest, that a similar sum be provided for the Sheriff of the Ottawa District for the ensuing four years.

All which is respectfully submitted.

JOHN PRINCE,  
CHAIRMAN.

*Committee Room, House of Assembly,  
3rd April, 1839.*

*Resolved*—That there be granted annually to Her Majesty, her heirs and successors, from and out of the rates and duties levied and collected, or to be levied and collected for the use of this Province, the sum of ——— pounds currency, to be paid and applied as follows; (that is to say) to the Sheriffs of the Western and Ottawa Districts, for the time being, the sum of ——— pounds currency, respectively, for the term of four years.

## REPORT OF SELECT COMMITTEE,

ON

## PETITION OF S. WESTON, AND OTHERS.

*To the Honorable the Commons House of Assembly.*

The Committee to whom was referred the petition of Seth Weston, and others, inhabitants of the township of Norwich, praying for a repeal of the 5th Wm. IV. chap. 26, entitled “An Act to appoint Commissioners to settle disputes respecting certain roads and lines in the Township of Norwich, in the District of London, and to establish the said lines and roads”—

BEG LEAVE TO REPORT :

That as, in the opinion of your Committee, the repeal of the said Act would directly interfere with the private rights of several of the inhabitants of the said Township, your Committee made inquiry, to ascertain whether any notice had been given, in pursuance of the 39th rule of your Honourable House, of the intention of the said petitioners to apply to the Legislature for the purpose aforesaid, and they ascertained that no such notice had been given, though such notice was given prior to the last session of the present Parliament.

Your Committee therefore recommend to your Honourable House, not to entertain the prayer of the said petition, as any such proceeding might be highly prejudicial to the interests of a number of the inhabitants of the said Township.

All which is respectfully submitted.

HENRY SHERWOOD,  
CHAIRMAN.

*Committee Room, House of Assembly,  
4th April, 1839.*

**REPORT**  
OF  
**ROAD AND BRIDGE COMMITTEE,**

ON PETITION OF WILLIAM ANDERTON AND OTHERS.

*To the Honorable the Commons House of Assembly.*

The Committee on Roads and Bridges, to whom was referred the petition of William Anderton, Esquire, and others, from the Western District, praying for a sum of money to make a good road from Sandwich to Chatham—beg leave to report :

That it appears on investigation, that, owing to the unusual rise in the waters of Lake St. Clair, the road from Sandwich to Chatham has become almost impassable, and that a large sum of money will be required to amend such road, and to repair the old bridges, and erect new ones. Your Committee have also ascertained that the said road is of great importance to the Province, both in a civil and military point of view, and that it is equally important that a good communication be established from Fort Malden, by way of Sandwich, to Chatham.

Your Committee therefore respectfully recommend that the prayer of the petition be complied with, and that a sum of money be granted for the purpose set forth in their petition.

All which is respectfully submitted.

E. W. THOMSON,  
CHAIRMAN.

*Committee Room, House of Assembly,  
4th April, 1839.*

**REPORT OF SELECT COMMITTEE,**  
ON  
**PETITION OF E. P. RYERSE, AND OTHERS.**

*To the Honorable the Commons House of Assembly.*

The Committee to whom was referred the petition of Edward Powers Ryerse, John Harris, and others—beg leave to report :

That they have examined into the statements set forth in the petition, as well as the documents hereto appended, which, in the opinion of your Committee, establish a strong claim to the attention of your Honorable House.

Your Committee are aware that two of the Petitioners, Edward Powers Ryerse, and John Harris, have expended a large sum of money in the construction of peirs at Ryerses' Creek, from which expenditure the public and the commerce of the country have already derived great advantage; and, although, on examination of the appended returns, your Committee find that for the years 1834, 1835, 1836, 1837, and 1838, the said Edward Powers Ryerse, and John Harris, have derived an average income, or rather return for the expenditure they have made, of £209 12s 1d per annum: yet your Committee are convinced that the income thus derived has not enabled them to extend their work to a satisfactory completion; and that, therefore, in this case, where private enterprise has tended so much to promote the public good, the aid they have prayed for by way of loan on the credit of the Province, for the period, and on the sureties they have proposed, should be granted.

Your Committee also find, from a statement made by the Collector of the Customs for the Port of Dover, under whose superintendence Ryerses' Creek is placed, that the duties

upon the articles of import entered at Ryersers' Creek for the years 1834, 1835, 1836, 1837, and 1838, amounts to an average of £231 15s 1d per annum; from which fact your Honorable House will perceive, that Ryersers' Creek is a place of a good deal of importance, as regards the public revenue.

Your Committee have agreed to a Resolution, which they report herewith, and earnestly recommend to the adoption of your Honorable House.

All which is respectfully submitted.

WILLIAM SALMON,

CHAIRMAN.

Committee Room, House of Assembly,

5th April, 1839.

*Resolved*—That there be granted to Her Majesty the sum of one thousand pounds, to enable Her Majesty to loan that sum to Edward Powers Ryerse and John Harris, Esquires, for the period of ten years, on their giving satisfactory security for the annual payment of the interest, and the repayment of the principal at the end of that period.

MEMORANDUM of the Exports and Imports at Ryerse's Creek, since January 1834, and the profits arising therefrom.

EXPORTED IN 1834.	£ s. d.	IMPORTED IN 1834.	£ s. d.
5239 barrels flour, a 5½ per brl. ....	120 1 2	1787 bbls. bulk merchandize, a 7½d .....	47 5 8
633 do whiskey, a 7½d.....	19 15 8	155 do salt, 7½d.....	4 16 11
2220 bushels wheat, a 5s. 2d. per 100....	5 14 8	142 do plaister, a 7½d.....	4 8 9
	145 11 6	Total, £202 2s. 10d.]	£ 56 11 4
EXPORTED IN 1835.		IMPORTED IN 1835.	
5009 bbls. flour, a 5½ per bbl.....	114 15 10	1633 bbls. merchandize, a 7½d.....	51 7 8
894 do whiskey, a 7½d.....	27 18 9	297 do salt, " .....	9 5 8
7 do potash, a 9d.....	0 5 3	25 do stone-ware, " .....	0 14 7
850 bushels wheat, a 1½d.....	5 6 3	11 do pork " .....	0 6 5
	£ 148 6 1	216 cwt. leather .....	1 17 6
		9 tons stone coal.....	1 13 9
		70 ploughs.....	2 3 9
		Total, £215 15s. 5d.]	£ 67 9 4
EXPORTED IN 1836.		IMPORTED IN 1836.	
9781 bbls. flour, a 5d. per bbl. ....	203 15 5	1381 bbls. bulk merchandize, a 6d .....	34 10 6
761 do whiskey, a 6d.....	19 0 6	232 do salt, a 7d.....	6 15 4
39 do pork, a 6d.....	0 19 6	176 do plaister.....	5 2 8
3482 bushels wheat, a 2½d. per bushel....	36 5 5	84 cwt. tin.....	0 15 5
	260 0 10	Total, £306 4s. 9d.]	£ 46 3 11
EXPORTED IN 1837.		IMPORTED IN 1837.	
1557 bbls. flour, a 5d. per bbl.....	32 8 9	546 bbls. bulk merchandize, a 6d.....	13 13 0
92 do whiskey, a 6d.....	2 6 0	362 do salt, a 7d.....	10 11 2
65 bushels rye, a 2½d.....	0 13 7		
	35 8 4	Total, £59 12s. 6d.]	£ 24 4 2
EXPORTED IN 1838.		IMPORTED IN 1838.	
5410 bbls. flour, a 5d.....	112 14 2	341 bbls. merchandize, a 6d.....	8 10 6
23 do potash, a 9d.....	0 17 3	1533 do salt, a 7d.....	44 14 3
9 do whiskey, a 6d.....	0 4 6	4½ tons leather .....	0 15 6
8 do pork, a 6d.....	0 4 0	24 cwt. tin, .....	0 4 0
24 sheep-skins.....	0 12 0		
9542 bushels wheat .....	95 8 5	Total, £264 4s. 11d.]	£ 54 4 3
	£ 210 0 4		

WOODHOUSE, RYERSE'S CREEK,  
22nd February, 1839.

EDWARD P. RYERSE.

I hereby certify that the above account is correct, to the best of my knowledge, the most of the business therein referred to having been transacted under my immediate inspection.

GEORGE J. RYERSE,  
Collector, Port Dover.

COMPARATIVE STATEMENT of Duties collected on Imports from the United States, for the years 1834, 1835, 1836, 1837, and 1838, at Ryerse's Creek and the Port of Dover—reported as collected for the Port of Dover.

	Amount of Duties collected at Ryserse's Creek.	Amount of Duties collected at Dover.	Total, as reported to the Government.
1834,.....	£ 142 16 9½	£ 18 6 8¾	£ 161 3 6½
1835,.....	200 17 3	3 7 6	204 4 9½
1836,.....	342 8 8¾	8 8 10	350 17 6¾
1837,.....	243 2 4½	5 19 7¼	249 1 11½
1838,.....	229 10 6¾	31 7 10½	260 18 5¼

The above is a correct account of Duties collected at Ryerse's Creek, and Dover, for the years therein stated; and from the best of my knowledge, upon a yearly average, the Exports of Dover would stand to those of Ryerse's Creek much in the same proportion as the duties above stated, but as I have not the means, I cannot render a detailed statement thereof.

GEORGE J. RYERSE,  
Collector, Port Dover.

## REPORT OF SELECT COMMITTEE,

ON

MESSAGE AND DOCUMENTS ON IMPROVEMENT OF TRENT,

AND

INLAND WATERS OF DISTRICT OF NEWCASTLE.

To the Honorable the Commons House of Assembly in Provincial Parliament assembled.

The Committee to whom was referred the Message of His Excellency the Lieutenant Governor, with the Reports of the Commissioners for the improvement of the navigation of the river Trent, and of the inland waters of the District of Newcastle—beg leave to report:

That having carefully examined the said reports, and ascertained the situation of the said works, your Committee most earnestly recommend that some immediate steps should be taken to enable the Commissioners to fulfil the engagements they have entered into under the authority of an Act of the Legislature. It appears that at the solicitation of the Commissioners, Debentures to the amount of £28,000 sterling were taken and paid for by the Commercial Bank of the Midland District, for the express purpose of being expended in the improvement of the navigation of the Trent, but that more than half that sum has been appropriated to other purposes, and that, in consequence, the Commissioners cannot obtain funds to meet their engagements. That very serious inconvenience and embarrassment has occurred to the Contractors from the inability of the Commissioners to obtain the necessary

funds to proceed with the works, and that unless some means are provided soon for this object, the Province will, at some future period, be called upon to indemnify the contractors for the serious loss they will sustain. The sum required to complete the contracts entered into for the Trent will not exceed twelve thousand pounds. In regard to the inland waters of the District of Newcastle, your Committee find that the Commissioners have great difficulty in obtaining funds, from time to time, to meet their engagements, and in consequence, the works have been carried on greatly to the disadvantage of the public. The sum originally granted for this latter improvement was sixteen thousand pounds, and it might have proved adequate for the purpose if no difficulty had occurred in procuring it as required; nearly twelve thousand pounds have been expended, and it appears an error was committed in the Act making the original appropriation, in reciting that the Engineer's estimate was only £16,000, whereas it was nearly £18,000, and a further grant of £3,000 will be required to complete the work contemplated; by the first grant of £16,000 one section of this work is completed, and some tolls will be collected thereon during the ensuing summer, and if money could have been obtained, as required, the other sections might all have been completed within a year:—should the country return to its former prosperity, and emigration be again directed to our shores, your Committee feel convinced these works will prove highly advantageous and productive to the Province. Your Committee feel themselves justified in urging most strongly the necessity of your Honourable House adopting the most efficient means for completing these works, and trust that the necessary funds, as above mentioned, will be provided for the purpose without delay.

All which is respectively submitted.

G. S. BOULTON,  
CHAIRMAN.

*Committee Room,*  
*4th April, 1839.*

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REPORT OF SELECT COMMITTEE  
ON  
PETITION OF DOROTHY SPAUN.

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*To the Honourable the Commons House of Assembly.*

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THE Committee, to whom was referred the petition of Dorothy E. Spaun, widow of the late Jacob Spaun—beg leave to report:

That they have examined into the statements set forth in said petition, and find that some time in the month of May, 1830, the late husband of the petitioner, together with the late Asa Mann, entered into a contract to perform certain work on the Burlington Bay Canal, for which they were to receive the sum of four thousand one hundred and fifty-one pounds, nineteen shillings and six-pence.

That on examining the Appendix to the Journals of your Honourable House for 1832, your Committee find an account (No. 1) of monies paid to Messrs. Mann and Spaun, the contractors, for and on account of the Burlington Bay Canal, in agreement with the contract, to the amount of three thousand nine hundred and sixty-one pounds, eight shillings; and on account (No. 2) of extra work, done by said contractors, to the amount of one hundred and thirty-three pounds, fifteen shillings—making in all received by them the sum of four thousand and ninety-five pounds three shillings.

Your Committee also find an estimate (marked C) of the work and materials deficient in Messrs. Mann and Spaun's contract with the Commissioners of the Burlington Bay Canal, amounting to £707 13s. 4d., signed by William J. Kerr, Superintendent.

Your Committee also find a letter (marked E) from the Contractors to the Commissioners, wherein they state that the piers in Lake Ontario have cost them, at a moderate calculation, £250 more than was anticipated, on account of the depth of the water being much greater than when the survey was made; and that other work, which they had done, far exceeded in expense their calculations for its completion, in consequence of the water washing over the piers at the east end, thereby undermining them—which they did not expect would have been the case—and in the last clause of said letter they state as follows:

“We have not abandoned the work with any desire not to fulfil our contract, but being deprived of all means by the surety into whose hands all the money has been received, to proceed with the undertaking, and being willing to assume the same, which he has done, you will look to him for a final termination of the contract.

(Signed) MANN & SPAUN.”

Your Committee find that the amount received by the Contractors was £4095 3s., deficiency on contract £707 13s 4d., making in all a sum equal to £4802 16s 4d., while the whole amount of their contract was but £4137 19s. 6d., and for extra work and expenditures, beyond their estimate, £483 15s., making in all a sum equal to £4635 14s. 6d. had said contract been completed; thereby showing that the Contractors actually received the sum of £167 1s. 10d. over and above the full amount of their contract and claim made by them for all extra work done, occasioned by the rise of the water.

All which is most respectfully submitted.

M. AIKMAN,  
CHAIRMAN.

*Committee Room, House of Assembly,  
8th April, 1839.*

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## REPORT OF SELECT COMMITTEE

ON

# PETITION OF JOHN GORDINIER, AND OTHERS, RESPECTING NAPANEE AND KINGSTON ROAD.

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Your Committee to whom was referred the petition of John Gordinier, and one hundred and forty-three others, inhabitants of the Midland District, praying that an additional grant may be made to complete the Macadamized road between the town of Kingston and the village of Napanee—respectfully report:

That it appears that the road has been completed half the distance out of the town of Kingston, the tolls on which, together with the commutation of statute labour, should appear as sufficient to pay the interest of the money expended on that section—that a portion of the road near Napanee village has also been made, and a large hill lowered, a good stone bridge erected, and the road finished for a distance of about two and a-half miles, leaving unimproved a distance of about ———— miles; and there is reason to believe that no objection exists to completing this road, as the tolls and commutation of statute labour would, in the opinion of your Committee, be sufficient to pay the interest of the money required to complete this desirable work, which has become a very popular undertaking, and the objections to which have yielded to the great good which is apparent—and it appears, that in order to connect the two extremes of this work, and to complete it, a sum of about £10,000 would be required; your Committee therefore recommend that a sum of £10,000 be granted to Her

Majesty, to enable the Commissioners and Trustees to complete this work, and that the money be raised by debentures in the same manner as directed by the 7th Wm. IV. ch. 18, sec. 1.

EDMUND MURNEY,  
CHAIRMAN.

Committee Room,  
8th April, 1839.

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THIRD REPORT  
OF  
COMMITTEE ON BANKING.

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*To the Honourable the House of Assembly.*

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The Committee on Banking beg leave to report :

That the Act now in force—under which the Chartered Banks of this Province have suspended the redemption of their notes in specie, will expire at the end of the present session of Parliament. The critical circumstances of the times, both in a mercantile and political point of view, render it of great importance that a just and proper decision should be made with respect to the manner in which the banking institutions of the Province shall be allowed to conduct their business : and your Committee have approached the consideration of this important subject with much diffidence, being fully aware of the responsibility which rests upon them, and of the great anxiety that is felt by the public, as to the proceedings of Parliament upon a subject so deeply affecting the commercial, agricultural, and public interests of the Province.

Your Committee entered upon the consideration of the subject, earnestly desiring, if practicable, that the banks should return to specie payments, not only for the purpose of maintaining the character and credits of the Province, but also in deference to the instructions and recommendations contained in despatches from the Home Government, which have been communicated to your Honorable House by His Excellency the Lieutenant Governor.

The accumulation of floating capital in private hands within this Province is, as yet, very inconsiderable; The greater part of the actual capital of the Province is invested in land, in buildings, and in agricultural stock; while the proportion employed in commerce is so limited as to be barely sufficient to carry it on in a very restricted manner. The banks are almost the only sources from which floating capital can be drawn for the purposes of trade and commerce. It has, therefore, occurred to your Committee, that any measure which would induce the banks to withdraw their circulation, or materially to diminish it, would tend to produce a ruinous depreciation in the value of property, which has been described as already approaching to a *general wreck*; also to cripple agriculture, materially to injure commerce, and to embarrass the public service.

The unsettled state of the public mind in this Province, owing *in part* to internal disquiet and dissatisfaction, but *principally* to the continued inroads and invasions to which we have been subjected, and which we have reason to fear may be repeated by the inhabitants of the neighbouring States—has created a want of confidence, which will materially induce holders of dead capital, in the shape of bank notes, to convert the same into specie. The drain which would take place in this way can hardly be estimated, but it would, no doubt, be very extensive. Many persons are also desirous, it is said, of disposing of their property, even at a great sacrifice, provided specie could be obtained which might be available to them

on their emigrating to another country, as they intend to do in the expectation of being there free from invasion and the fear thereof, and where they expect to enjoy greater security for person and property than can be expected here, while the present state of things continues.

Fears are also entertained that the importation of specie for the banks by the usual route from New York to this Province would be attended with very considerable risk, owing to the lawless disposition and conduct of the Citizens of the neighbouring States. These causes would induce the banks to curtail the the circulation, and to refuse, in a great measure, to make fresh issues to such an extent, as would be very injurious to the country: and, even if such a course should not be absolutely necessary, there can be little doubt but that course would be adopted by the banks as a measure of precaution.

For the reasons already stated, and on considering the evidence given before them, which is hereunto appended, your Committee have been induced to come to the conclusion—that a complete resumption of specie payments might produce very injurious consequences to the country. But although your Committee have come to the conclusion that it would probably produce great injury to the country, to compel the banks to resume specie payments at the end of the present session of Parliament, and under the circumstances above referred to, they are also of opinion, that to permit the continuance of an unconditional or unqualified suspension of cash payments, would be productive of consequences equally injurious; by encouraging over trading generally, and such an excessive issue of incontrovertible paper, as would probably prevent the practicability of returning to a sound currency, when the proper time shall have arrived for so doing.

Your Committee have therefore prepared a Bill, which they now submit to the consideration of your Honorable House. In doing so they have endeavoured—*First*, effectually to prevent the banks from issuing their bills to an extent greater than is required by the wants of the country; and *second*, to compel the banks to hold such an amount of specie during the time of their suspension as would enable them, with safety to themselves, to resume cash payments whenever the internal circumstances above alluded to are removed. Your Committee trust, that by the Bill now submitted, they have accomplished both these important points.

The second enacting clause has a reference to both of the objects. It compels the banks to make weekly returns to the Executive Government, in the same way as is done by the Bank of England, by which means the Government is made acquainted with the extent and progressive increase or curtailment of their operations. It also provides, that *an average monthly statement* shall be published, by which the public will be made sufficiently well acquainted whether or not the security required by this Bill is actually furnished by the several banks.

The third enacting clause, your Committee are of opinion, will effectually prevent any bank from extending its issues beyond what may be required by the wants of the country. In ordinary times the best check against over issues by any particular bank, is the fact, that the surplus quantity of paper so issued soon falls into the hands of the more prudent banks, who call upon the banks so over issuing, to redeem the said surplus in specie: but even this would be insufficient, as a check, if any profit was made by a surrender of the specie. Your Committee are of opinion, that by compelling an exchange of paper, periodically, among all the banks, and by requiring balances due from one bank to another to be settled by bills of exchange on London—they have substituted a check as effectually, for every practical purpose, as if the banks were liable to pay their other debts and notes in specie. It is a well known fact, that in Scotland (which is admitted to enjoy the most perfect system of banking that is known) the practice of the banks, is, to make periodical exchanges in the way proposed by this Bill—with this difference, that the exchanges are more frequent in that country than it is proposed they should be here. In that country the banks never require specie from each other. Balances used to be settled by drafts on London; and the practice is, now, to settle balances either in that way, or by the transfer of Exchequer Bills. These frequent exchanges, the granting of cash credits, paying interests on deposits, and the unlimited responsibility of partners, are the principal features in the Scotch system of banking. Under that system, Scotland has not been subject to panics like England; loss by the public from failures of banks is hardly known; the establishment of weak banks is effectually prevented, and industry and moral habits are encouraged. It may be considered rather out of place, on the present occasion, but your Committee cannot refrain from expressing their opinion, that, if the Scotch system of banking was adopted, either in whole or in part, by the banking institutions of this country, beneficial effects therefrom would soon be felt and acknowledged.

But to return to the clause in question—your Committee are of opinion that funds in the hands of a respectable London Banker, are as good for the public security as the possession of a like amount of specie, and better for the banks themselves; inasmuch as, *in the ordinary course of their business*, they would be able to make a profit thereon. But in order that a sufficient check may exist against over issuing, your Committee have been careful to provide, that the premium of exchange, at which balances are to be settled, shall be such as to leave no profit to the bank paying the balance; and at the same time to give a reasonable profit to the banks upon exchange furnished to individuals. Generally speaking, banks in this Province cannot purchase bills of exchange on England at a lower rate than what is current in Montreal; because, at that rate, it would be eagerly bought up by merchants wishing to remittances. After careful investigation, your Committee find, that the average difference between the premium of exchange on London, in Montreal and in New York, is about  $1\frac{1}{2}$  per cent. The commission, which is generally paid by the banks of this Province to their London agents, is  $\frac{1}{2}$  per cent.; so that it is evident the rates proposed to be enacted for the settlement of balances due from one bank to another, namely,  $\frac{1}{2}$  per cent. above the Montreal rate, and 2 per cent. above the New York rate, will yield no profit to the bank paying the balance, and will offer no inducement to any bank to over issue with a view to making a profit by the settlement of balances.

By the sixth clause of the Bill now submitted, in order that the banks may be enabled to resume specie payments, when the circumstances of the country may warrant it, and for the security of the public, it is provided, that every chartered bank suspending cash payments under the provisions of this Bill, shall have in its possession, from and after the 1st day of July next, an amount of specie equal to one-third of its circulation.—This proportion has been fixed upon, because it is stated by the best writers on political economy and banking, as being the highest which a bank can retain so as to make a fair profit on its issues.

Your Committee beg to call the attention of your Honourable House to the suggestion contained in the evidence, that the value of the coins current in Upper and Lower Canada should be equalized in both Provinces, by a general tariff, previous to the banks being called upon to resume specie payments.

The Bill also contains the same provisions as the Act now in force, for the protection of individuals and for the prevention of vexatious suits during the suspension of specie payments by the banks.

All which is respectfully submitted.

COLIN C. FERRIE,  
CHAIRMAN.

Committee Room,  
6th April, 1839.

## APPENDIX TO REPORT ON BANKING.

COMMITTEE ROOM, 6th March, 1839.

Select Committee on Banking met.

### PRESENT:

MESSRS. FERRIE,	MESSRS. BOCKUS,
" MERRITT,	" SHERWOOD,
" MORRIS,	" RYKERT, and
" ROBINSON,	" THORBURN.

COLIN C. FERRIE, ESQUIRE—Chosen Chairman.

WILLIAM PROUDFOOT, ESQUIRE, *President of the Bank of Upper Canada, called in and examined.*

1. Is it expedient, in your opinion, to allow the Act authorising the Chartered Banks to suspend specie payments, to expire at the end of the present session of Parliament?

I am of opinion it would not be expedient, at this time, to allow the Act to expire, being fully satisfied there would be a run on the Banks, and in consequence, they would necessarily have to curtail their discounts.

2. In the event of the said Act being renewed, how long would you recommend it to be continued in force? Say—till a certain day, to be fixed by the Legislature—Till the Banks in Lower Canada resume specie payments—To leave it to the discretion of the Lieutenant Governor and Council—Or how would you limit the continuance of said Act?

I am of opinion, the time for a resumption of specie payments ought to be left in the discretion of the Lieut. Governor and Council.

3. In the event of the said Act being renewed, do you think that it requires any, and what, alteration and amendment?

I am not aware of any amendment necessary, unless in the event of the Government requiring a loan to carry on the public works in the Province;—it would then be necessary to increase the circulation of the Banks, say to £600,000, in place of £400,000—the Gore Bank, of course in proportion to their capital.

4. In the event of the Banks being required to resume payment in specie, within a few months from this date, how would that affect their means, or ability to grant accommodation to the public, in the way of discounting or otherwise? Would it compel the Banks to curtail their circulation, or to limit their discounts: if so, how soon, and to what extent?

As soon as it is known the Banks would have to resume specie payments, they would stop discounting; the circulation would soon be withdrawn, at least one-half; and when they would be able to discount, would be quite uncertain, as they could not calculate upon receiving payment of their debts.

5. In case the Banks should be required to resume specie payments within a few months, do you think that there would be a demand for specie, to any great extent, and from what quarter would such a demand principally be made: say—

From Foreigners?

From the different Banks in this Province and in Lower Canada?

From Merchants, by way of making remittances, or as a speculation?

From persons leaving the Province, and wishing to invest their capital elsewhere?

Or from persons remaining in the country, who may entertain doubt as to the solvency of the Banks, or the stability of the Government?

I think the demand from Foreigners would not be to a very great extent. I think there would be a demand from the Lower Province by the Banks, as well as from those of our own Province, and no doubt there would from Farmers and from persons wishing to leave the Province. I think the solvency of the Chartered Banks are not much doubted.

6. Are there any, and what objections, to granting permission to the Montreal Bank, and the City Bank of Montreal, to establish Agencies in Upper Canada?

I do not think they would afford any additional accommodation to the public. My opinion upon this point rests in the supposition that they wish to discount drafts in this Province, drawn by individuals here on Houses in Lower Canada, as set forth in their Petition. The Banks in this Province are willing to discount to a greater extent in this sort of business, than is offered; being more profitable, and the payments, generally, more punctually met, than in ordinary discounts.

7. It has been stated that the Bank of Upper Canada has withdrawn its accommodation from the public, at its different offices in the outer Districts: Has that been the case, and to what extent?

In consequence of the unsettled state of the Province, and the uncertainty when the Banks might be called upon to redeem their Notes in specie, as well as losses sustained by persons leaving the Province, the Board deemed it most prudent to stop discounting at the offices; they have, however, continued to renew notes thereupon, receiving small instalments, and in many cases renewed in full, which amounts almost to the same as new discounts.

The Board have not refused to discount any good paper sent here from other Districts, which has been done to a very considerable extent.

8. In case the Act should be renewed, what equivalent, if any, ought the banks to give the public for the privilege of being allowed to suspend specie payments?

I do not feel myself warranted in making any proposition to this question.—The public will certainly benefit as much by the suspension as the banks would.

WM. PROUDFOOT,  
PRESIDENT.

Toronto, 11th March, 1839.

THOMAS G. RIDOUT, ESQUIRE, *Cashier of the Bank of Upper Canada, called in and examined.*

1. Is it expedient, in your opinion, to allow the Act authorizing the Chartered Banks to suspend specie payments to expire at the end of the present session of Parliament?

In my opinion it would not be expedient, in the unsettled state of the foreign affairs of this Province, to allow that Act to expire at the end of the present session of the Legislature, as the interests of the Government, as well as the interests of the Country, require its renewal—the advantages derived from its operations by the banks are, in a great measure, imaginary; as the depression of trade and the check given to all enterprize and improvement has caused a great falling off of bank business—and as there is no probability of any extensive emigration this year—the effect of returning to cash payments would be to drain the banks of specie and totally to prevent all discounts whatever.

2. In the event of the said Act being renewed, how long would you recommend it to be continued in force? Say—till a certain day to be fixed by the Legislature—Till the banks in Lower Canada resume specie payments—To leave it to the discretion of the Lieutenant Governor and Council—Or how would you limit the continuance of said Act?

Under a prospect that the peace of this Country will not be interrupted—and in case of a renewal of the said Act—I would recommend it to be continued so long as the banks of Lower Canada suspend specie payments—and until the current coins of both Provinces shall be equalized by a general tariff—and then that the Lieutenant Governor and Council shall have a discretionary power to compel the banks to resume specie payments on giving them a certain official notice to that effect.

3. In the event of the said Act being renewed, do you think that it requires any, and what, alteration and amendment?

I am not aware, that, in case of the renewal of the Act, that any important alterations or amendments are necessary—unless it might be, that, in consequence of extraordinary disbursements, both civil and military, the present limit restricting the issue of bank notes to twice the capital paid in, might not be found to suffice for the exigencies of the moment; as the foreign trade of the country will not absorb a forced circulation sufficiently rapid to permit new issues, and unless the limits were extended, I am apprehensive that the Government would, at times, be embarrassed or be compelled to issue army bills.

4. In the event of the banks being required to resume payment in specie within a few months from this date, how would that affect their means or ability to grant accommodation to the public in the way of discounting or otherwise—Would it compel the banks to curtail their circulation or to limit their discounts—If so, how soon, and to what extent?

It would, in my opinion, be necessary to lose no time in reducing the discounts by every practicable means, and to curtail the circulation of bank notes as much as possible, and the sooner this was begun, the easier would it be to return to specie payments.

5. In case the banks should be required to resume specie payments within a few months, do you think that there would be a demand for specie to any great extent, and from what quarter would such a demand principally be made: Say—

From foreigners?

From the different banks in this Province, and in Lower Canada?

From merchants by way of making remittances, or as a speculation?

From persons leaving the Province, and wishing to invest their capital elsewhere?

Or from persons remaining in the country who may entertain doubts as to the solvency of the banks, or the stability of the Government ?

The early resumption of specie payments, whilst the banks had a large circulation out, would cause an extensive demand for specie to be made by all the parties mentioned, for as the circulation, to its present extent, is a forced one, so would be its reaction.

6. Are there any, and what objections, to granting permission to the Montreal Bank, and the City Bank of Montreal, to establish Agencies in Upper Canada ?

It is my opinion, that during the suspension of our banks, there is no object to be gained or no advantage to the Country to allow the suspended banks of Lower Canada to establish Agencies in this Province—but when the resumption of specie payments shall become general, there could be no objections to the measure, under certain restrictions, so as not to permit them to exercise any undue advantage over the Chartered Banks of the Province ?

7. It has been stated that the Bank of Upper Canada has withdrawn its accommodation from the public at their different offices in the outer Districts—Has that been the case, and to what extent ?

It ought very little to be wondered at that the Bank of Upper Canada does not, at present, extend through its offices and agencies the same liberal accommodation to the public that it did formerly ; for on reference to the large list of bills over due it will be found that a great portion of them originated at the offices, and the attention of the Bank is now more directed in securing those debts, by granting renewals and other indulgencies to the parties concerned, than in increasing their liabilities by new discounts ; however, those persons of undoubted credit, character, and responsibility, who at times require advances, find no difficulty in having their notes discounted by transmitting them direct to the Bank ; besides, the offices are not in any way restricted in discounting bills upon Lower Canada, founded upon the usual letters of credit.

8. In case the Act should be renewed, what equivalent, if any, ought the banks to give the public for the privilege of being allowed to suspend specie payments ?

I consider that the Government and the public are more interested in requiring the banks to suspend specie payments than the banks are themselves ; how far, therefore, that a forced loan from them, such as the one proposed, would be proper or not, it is best to leave to the wisdom of the Legislature, who will, of course, take precautions that nothing will be done to embarrass the banks by a heavy and inconvertible incumbrance when the proper time shall arrive for a general resumption of specie payments.

THOMAS G. RIDOUT.

*Bank of Upper Canada, Toronto,  
12th March, 1839.*

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*Examination of JAMES LESSLIE, ESQUIRE, President of the "Bank of the People."*

1. Is it expedient, in your opinion, to allow the Act authorising the Chartered Banks to suspend specie payments, to expire at the end of the present session of Parliament ?

I am of opinion it should expire, as the necessity which existed for the suspension of specie payments, viz. the state of the currency in the United States, does not now exist, and as there is very little doubt that the Banks of Lower Canada would also immediately follow the Banks of this Province, and resume the payment of their notes in specie—particularly if this were a stipulated condition upon which the privilege of establishing agencies in Upper Canada was made to depend.

In the event of the said Act being renewed, how long would you recommend it to be continued in force ? Say—till a certain day to be fixed by the Legislature—Till the Banks in Lower Canada resume specie payments—To leave it to the discretion of the Lieutenant Governor and Council—Or how would you limit the continuance of the said Act ?

If the Act be renewed, it ought not, in my opinion, to remain in force after the Banks in Lower Canada have resumed specie payments.

3. In the event of the said Act being renewed, do you think that it requires any, and what, alteration or amendment?

The privilege conferred upon the Banks, by an authorized suspension of specie payments, and the command which they necessarily have over the exchanges of the country, should be countervailed by some adequate provision in the statute, otherwise it will, as it has been, abused. The rate at which the Banks should be required, during the period of suspension, to furnish Exchange for their notes, if they do not pay in specie, might, with advantage to the public, be defined in the Act. The New-York market being the ordinary standard, by adding from two to three per cent. to the rates in that city, on Exchange on London, the rate would equitably be fixed for Upper Canada. This alteration in the Act, I should consider of the utmost importance.

4. In the event of the banks being required to resume payment in specie within a few months from this date, how would that affect their means or ability to grant accommodation to the public, in the way of discounting or otherwise—Would it compel the banks to curtail their circulation, or to limit their discounts—If so, how soon, and to what extent?

There can hardly be any doubt that the appointing of a period when the banks should be required by law to resume specie payments would inevitably lead to a curtailment of their circulation, preparatory to resumption, and necessarily to a limitation of their discounts. This difficulty would apparently be lessened, however, by their being permitted to tender exchange on London at stipulated rates for all sums over £ ———.

5. In case the banks should be required to resume specie payments within a few months, do you think that there would be a demand for specie to any great extent, and from what quarter would such a demand principally be made: Say—

From foreigners?

From different banks in this Province and in Lower Canada?

From merchants, by way of making remittance, or as a speculation?

From persons leaving the Province, and wishing to invest their capital elsewhere?

Or from persons remaining in the country, who may entertain doubts as to the solvency of the banks, or the stability of the Government?

When the rates of the banks are convertible into specie, it is certain that both individual and institutions will, when their interests require it, present them for payment.—The protection already afforded by the Act relative to British silver, and the proposed regulation of the rate of exchange by law, would, I am inclined to believe, obviate the difficulties arising from resumption, and lessen the demand for specie. The principal demand upon the banks would, probably, be from persons residing in the country having small sums by them unemployed.

6. Are there any, and what objections, to granting permission to the Montreal Bank, and the City Bank of Montreal, to establish Agencies in Upper Canada?

I can perceive no reason why the banks of Lower Canada should be prevented from establishing agencies in this Province, but only under the same restrictions and regulations, in regard to the redemption of their notes, as the Provincial banks.

7. It has been stated that the Bank of Upper Canada has withdrawn its accommodation from the public, at their different offices in the outer Districts—Has that been the case, and to what extent?

I cannot, from personal knowledge, give any testimony in regard to this question.

8. In case the Act should be renewed, what equivalent, if any, ought the banks to give the public for the privilege of being allowed to suspend specie payment?

By the proposed regulation of the rate of exchange, the public will receive temporary protection for the privilege of suspension given to the banks, but the only *equivalent* which could be given for powers and privileges so great as are possessed by chartered banks, under suspension, would be to make all the stockholders responsible to the full amount of their estates for the debts or liabilities of the institution.

J. LESSLIE.

Toronto, 12th March, 1839.

JOHN CAMERON, ESQUIRE, *Cashier of the Commercial Bank of the Midland District, in this City, called in and examined.*

1. Is it expedient, in your opinion, to allow the Act, authorizing the Chartered Banks to suspend specie payments, to expire at the end of the present session of Parliament?

It is not. The Banks would, in that case, be compelled too suddenly to curtail their issues, and abridge the accommodation they are now affording the country.

2. In the event of the said Act being renewed, how long would you recommend it to be continued in force—say, till a certain day, to be fixed by the Legislature—Till the Banks in Lower Canada resume specie payments—To leave it to the discretion of the Lieutenant-Governor and Council—Or how would you limit the continuance of the said Act?

I am of opinion, that it would be better that a period should be fixed by the Legislature, reserving, however, a power to the Lieutenant-Governor and Council, further to defer the period of resumption, in the event of any emergency occurring to render the exercise of this power necessary for the benefit of the country: certainly not before the Banks in the Lower Province resume. I would consider that six months from the passing of any renewed Act, would be sufficient to enable the Banks, and the community at large, so to frame their respective operations as to make resumption safe and expedient to all.

3. In the event of the said Act being renewed, do you think that it requires any, and what alteration, or amendment?

I do:—That a clause should be added, compelling Banks to settle for balances of notes, which the one may hold against the other,—say, on the first of each month—by Bills of Exchange, or otherwise; and, if by drafts on London at the current rate—and this fixed by a fair and proportionate advance on that on Montreal or New-York,—say, about half per centum on the former, or two on the latter.

4. In the event of the Banks being required to resume payment in specie, within a few months from this date, how would that affect their means or ability to grant accommodation to the public, in the way of discounting, or otherwise—Would it compel the Banks to curtail their circulation, or limit their discounts, and if so, how soon, and to what extent?

Should the Banks be called upon to resume specie payments in a few months from the present time, it would necessarily, to a certain extent, abridge their ability to grant accommodation to the public, in the way of discounting, as well as compel them to curtail their issues; and that to do so immediately, and to an extent of probably over one-third of their present circulation; I anticipate, in giving this opinion, a simultaneous resumption of specie payments, by the existence of the most friendly feeling between the Banks in both Provinces, when they would the more easily and speedily possess the full confidence of the public, and be enabled thereby the more quickly to grant their usual accommodation to the country.

5. In case the Banks should be required to resume specie payments within a few months, do you think that there would be a demand for specie, to any great extent, and from what quarter would such a demand principally be made: say—

From Foreigners?

From the different Banks in this Province and in Lower Canada?

From Merchants, by way of making remittances, or as a speculation?

From persons leaving the Province, and wishing to invest their capital elsewhere?

Or from persons remaining in the country, who may entertain doubts as to the solvency of the Banks, or the stability of the Government?

I do not anticipate that the demand for specie would be to any great extent. Such an amount of the notes of these Banks as are held by the Banks, or individuals of the frontier towns of the United States, will, I doubt not, be presented for redemption. To what extent, I have no means of ascertaining. The Banks here, and in Lower Canada, may require the settlement of such balances as the one may hold against the other.

From the mercantile community, in speaking for the Commercial Bank, whose policy I am only acquainted with as regards the operations with that body, I think nothing is to be feared. The demand will, I fear, be principally made by persons leaving the Province, and those who may entertain a doubt as to the stability of the Government.

6. Are there any, and what objections, to granting permission to the Montreal Bank, and the City Bank of Montreal, to establish Agencies in Upper Canada?

I am not prepared to reply to that question.

7. It has been stated that the Bank of Upper Canada has withdrawn its accommodation from the public, at their different offices in the outer Districts: Has that been the case, and to what extent?

I beg to decline replying to that question.

8. In case the Act should be renewed, what equivalent, if any, ought the Banks to give the public for the privilege of being allowed to suspend specie payments?

I know not what equivalent the Banks could offer to the public for the privilege of being allowed to suspend specie payments, beyond the extended accommodation the Act of the Legislature enables them to afford to the public, as I have always considered the Act, authorizing suspension, to have been passed more for the accommodation and support of the public, than for the purpose of aggrandizing the Banks.

JOHN CAMERON,  
CASHIER.

*Commercial Bank, M. D.,  
Toronto, 12th March, 1839.*

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*Examination of BENJAMIM SMITH, ESQUIRE, Manager of the Bank of British North America.*

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1. Is it expedient, in your opinion, to allow the Act, authorizing the Chartered Banks to suspend specie payments, to expire at the end of the present session of Parliament?

I think not.

2. In the event of the said Act being renewed, how long would you recommend it to be continued in force, say—Till a certain day to be fixed by the Legislature—Till the banks in Lower Canada resume specie payment—To leave it to the discretion of the Lieutenant-Governor and Council—Or how would you limit the continuance of said Act?

Until the banks in Lower Canada resume specie payments.

3. In the event of the said Act being renewed, do you think that it requires any, and what alteration, or amendment?

The Bank of British North America having an "Act to sue and be sued," 7 Wm. IV. c. 34, I think it should be *named*, in the Act authorizing the suspension of specie payments, because the 20th clause of their Act says, that, "On failure to redeem their notes in specie, they are to discontinue banking operations:" and the Act passed 11th July 1837, secures to incorporated banks *only*, their privileges during the suspension of specie payments.

4. In the event of the banks being required to resume payment in specie within a few months from this date, how would that affect their means or ability to grant accommodation to the public in the way of discounting or otherwise—Would it compel the banks to curtail their circulation or limit their discounts, and if so, how soon, and to what extent?

I think the banks would immediately lessen their discounts, and take every other method to curtail their circulation, until the effect of the resumption was known.

5. In case the banks should be required to resume specie payments within a few months, do you think that there would be a demand for specie to any great extent, and from what quarter would such a demand principally be made: Say—

From foreigners?

From the different banks in this Province and in Lower Canada?

From merchants, by way of making remittances, or as a speculation?

From persons leaving the Province and wishing to invest their capital elsewhere?

Or from persons remaining in the country who may entertain doubt as to the solvency of the banks, or the stability of the Government?

I think there would be a demand for specie from all these parties, so long as the present high rate of exchange on New York continues.—Should the rate be reduced to 1 or 2 per cent. above par, I think the demand would be confined to persons leaving the Province, and those who doubt the stability of the Government.

6. Are there any, and what objections, to granting permission to the Montreal Bank, and the City Bank of Montreal, to establish Agencies in Upper Canada?

The banks at present established in Upper Canada being able to afford all the accommodation required by the public in their transactions with the Lower Province, I do not think that any benefit would be derived from the establishment of Agencies by the Montreal and City Banks.

7. It has been stated that the Bank of Upper Canada has withdrawn its accommodation from the public at their different offices in the outer Districts: Has that been the case, and to what extent?

I do not know.

8. In case the Act should be renewed, what equivalent, if any, ought the banks to give the public for the privilege of being allowed to suspend specie payments?

During the suspension, I think that those banks which are favoured with the Government Bills of Exchange on London ought to allow the public 1 per cent. upon the amount of such exchange, as they get it at a low rate, in consequence of its not being offered to the other banks or to the public generally, and pay for it in their own notes which are not redeemable.

B. SMITH.

MANAGER.

*Bank of British North America,  
Toronto, 11th March, 1839.*

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THE HONOURABLE JOHN HENRY DUNN, *examined.*

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1. Is it expedient, in your opinion, to allow the Act, authorizing the Chartered Banks to suspend specie payments, to expire at the end of the present session of Parliament?

I think that the Banks should not be compelled, at present, to resume specie payments.

2. In the event of the said Act being renewed, how long would you recommend it to be continued in force: Say, till a certain day, to be fixed by the Legislature—Till the Banks in Lower Canada resume specie payments—To leave it to the discretion of the Lieutenant-Governor and Council—Or how would you limit the continuance of said Act?

I think the Act should be continued in force till the end of the next session of Parliament.

3. In the event of the said Act being renewed, do you think that it requires any, and what alteration or amendment?

I am not prepared at present to suggest any amendment.

4. In the event of the banks being required to resume payment in specie within a few months from this date, how would that affect their means or ability to grant accommodation to the public in the way of discounting or otherwise—Would it compel the banks to curtail their circulation or limit their discount, and if so, how soon, and to what extent?

I think the banks would be compelled, for their own protection, to cease discounting altogether—and thereby paralyze the whole commercial community.

5. In case the banks should be required to resume specie payments within a few months, do you think that there would be a demand for specie to any great extent, and from what quarter would such a demand principally be made: Say—

From foreigners?

From the different banks in this Province and in Lower Canada?

From merchants, by way of making remittances, or as a speculation?

From persons leaving the Province and wishing to invest their capital elsewhere?

Or from persons remaining in the country who may entertain doubt as to the solvency of the banks, or the stability of the Government?

I am of opinion that a demand would come from all these quarters more or less.

6. Are there any, and what objections, to granting permission to the Montreal Bank, and the City Bank of Montreal, to establish Agencies in Upper Canada?

I am of opinion that no objection can be made.

7. It has been stated that the Bank of Upper Canada has withdrawn its accommodation from the public, at its different offices in the outer Districts: Has that been the case, and to what extent?

I have no personal knowledge as to this.

8. In case the Act should be renewed, what equivalent, if any, ought the banks to give the public for the privilege of being allowed to suspend specie payment?

Liberal accommodation in the way of discounting.

FRANCIS HINCKS, ESQUIRE, *Cashier of the Bank of the People, called in and examined.*

1. Is it expedient, in your opinion, to allow the Act authorizing the Chartered Banks to suspend specie payments to expire at the end of the present session of Parliament?

Most decidedly.—The effect of a suspension of specie payments in this Province is to enable the banks to defraud the public by charging an exorbitant premium on foreign exchange. It does *not* enable them to extend their accommodation. There is, in my opinion, a very prevalent error in this subject. If a bank has to redeem its liabilities with foreign exchange, it may just as well do so with specie, except that it is enabled to charge its own price for exchange in consequence of its creditors having no alternative. It would be ruinous to the Country for the banks to suspend payment altogether, as the Bank of England formerly did, because, even assuming that public confidence would be unbounded, there are no Capitalists to hoard the notes, and thus keep them at nearly par value. For a short time the Bank of Upper Canada refused to give anything for its bills, and the inconvenience caused by this conduct was very great. The Commercial Bank Agency at Toronto has assumed a right to redeem its notes for such parties as it pleases—viz., its own customers. This is, of course, better than not paying at all, but is still very unjust. Under the present Act, the Chartered Banks are enabled to suspend payment virtually, and from the conduct of the Bank of Upper Canada, it is to be apprehended that they might do so; if they did the credit of the Province would be destroyed—specie and exchanges would be 20 or 30 per cent. premium, and every thing else in proportion. I can see no excuse for a continued suspension. I am not aware that the Government has borrowed money from any of the Chartered Banks, and I think it ought not, because all the banking capital in the Province is required to sustain the commercial interests. I feel convinced the sole object of suspension is to enable the banks to charge an exorbitant premium on exchange, and that this will be its effect.

2. In the event of the said Act being renewed, how long would you recommend it to be continued in force? Say—till a certain day to be fixed by the Legislature—Till the banks in Lower Canada resume specie payments—To leave it to the discretion of the Lieutenant Governor and Council—Or how would you limit the continuance of said Act?

I think that the Act should be allowed to expire, but, if the Legislature think otherwise, I am of opinion that a day should be fixed for a resumption. The resumption or suspension in Lower Canada does not affect us in the least, so long as the bank balances are settled in exchange. Those banks have suspended, owing to a vexatious run caused by the disturbed state of the Province, and they will, doubtless, resume whenever the political state of the Country will permit. As far as I can learn, they have acted with strict honour during their suspension, having given exchange at all times at a moderate rate. Still there are complaints that they have charged too much. I think that if the Suspension Act is renewed, a pledge should be exacted from the banks, that they would furnish exchange on London for their paper at a fair rate—say 2 or at most 3 per cent. above New York, and exchange on New York at 2 or 3 per cent. It would be optional with them to give either. I do not think that a clause could be framed in the Act to compel them to do so, but they might be induced to give a pledge which, being public, they could not violate without exposure.

3. In the event of the said Act being renewed, do you think that it requires any, and what, alteration and amendment ?

As I hardly think the suggestion made in my last answer could be embodied in the Act, I should say that I am not aware of any improvement.

4. In the event of the banks being required to resume payment in specie within a few months from this date, how would that affect their means or ability to grant accommodation to the public in the way of discounting or otherwise—Would it compel the banks to curtail their circulation or to limit their discounts—If so, how soon, and to what extent ?

I do not think that the resumption of specie payments would prevent the banks affording the usual accommodation to their customers. There would of course be a demand for a small quantity of silver to supply the wants of the country, small change having almost disappeared, but this would not be sensibly felt.

5. In case the banks should be required to resume specie payments within a few months, do you think that there would be a demand for specie to any great extent, and from what quarter would such a demand principally be made : Say—

From foreigners ?

From the different banks in this Province, and in Lower Canada ?

From merchants by way of making remittances, or as a speculation ?

From persons leaving the Province, and wishing to invest their capital elsewhere ?

Or from persons remaining in the country who may entertain doubts as to the solvency of the banks, or the stability of the Government ?

I do not believe there would be any extraordinary demand for specie—not from Foreigners, because there is very little Upper Canada paper in circulation in the United States. That circulation would be increased if specie payments were resumed, because it would re-establish confidence which has been entirely destroyed. There would be no demand from the banks in either Province on one another beyond what there has always been in ordinary times, and what there always must be. Merchants never demand specie to remit, except when the exchanges rise to an exorbitant rate—the liability to pay specie is the salutary check on exchanges, but merchants are always slow, perhaps too slow, in availing themselves of it. Persons leaving the Province must have specie or its equivalent, whether there is suspension or not, and not one dollar more would go out of the Province if a resumption was to take place. These persons have now to pay a premium for silver, and a good deal of traffic goes on in the commodity, but it still goes out of the Province. If these persons were the only sufferers by the suspension of specie payments the grievance might not be considered so severe, but it presses on the commercial interests with far greater force. There would probably be a demand on the banks for silver, in case of resumption, from the inhabitants of the Province, particularly while rumours of war and political excitements prevail ; but I do not believe this demand would be so serious as is generally supposed. I do not believe the amount of money lying unemployed in this Province to be very great, and unless the specie was drawn out for the purpose of *hoarding*, no evil would result from a partial demand. It is difficult to judge what may be the extent of the annoyance from this source, but the sooner the evil is met the better. My own opinion is, that there is more hoarding in the Country at present than if specie payments existed. The very careful or timid man loses confidence in institutions which do not pay specie, and turn their bills into specie, on the best terms he can, and hoards it. If he knew that he could get silver at a moment's notice, he would probably hold bills. I do not think there would be any material run on the banks in case of resumption, either from political motives or from fear of their solvency. The continued suspension has a most injurious tendency. It induces Capitalists at home to think either that the Province is insolvent or that the Government is unstable—perhaps both. The suspension of the Lower Canada Banks at the very outbreak of the late Rebellion will afford good ground for the latter opinion, but I am sure the Honourable Committee will agree with me that the political state of Upper Canada does not require a suspension of specie payments. The fatal destruction of our credit, which I have alluded to, has been incurred, that the banks may obtain unreasonable and usurious profits, without affording any real benefit to the community at large.

6. Are there any, and what objections, to granting permission to the Montreal Bank, and the City Bank of Montreal, to establish Agencies in Upper Canada ?

I would encourage in every way the introduction of foreign capital, and I would therefore say, there can be no objection. As however, these institutions are chartered, there would be no liability to the people of this Province, not even the double security clause. I know not whether they could be sued. I think, therefore, that if a branch or branches were established here with limited liability, they should issue notes redeemable in specie at the branches where issued—should give a statement of their affairs to the Legislature—in fact, these branches should be like the branches of the great Banks in Ireland, separate establishments with a permanent local capital, &c. &c. under the superintendence of the Mother Institution. These are my views, but I confess I have formed them hastily, and have not given much attention to the subject. The Montreal Bank has been as far as I can judge, most ably conducted, and it would be a most essential service to the Province if its operations could be extended here. It would in a short time instruct our Directors in the system of Commercial Banking, which very few of them understand.

7. It has been stated that the Bank of Upper Canada has withdrawn its accommodation from the public at their different offices in the outer Districts—Has that been the case, and to what extent?

I know nothing of the outer Districts, I believe there is hardly a Merchant in this City who banks with that Institution, and I have heard that its Cashier has stated that they did not want Merchants accounts—a most extraordinary assertion, if true, for the manager of a Bank. My own opinion, founded, I wish it to be understood, entirely on hearsay, is, that the Capital of the Bank of Upper Canada is so locked up in debentures, mortgages, long loans, and other unavailable securities, that it is compelled to extort exorbitant premiums on exchanges, in order to realize its usual profits. Hence the desire for continued suspension.

8. In case the Act should be renewed, what equivalent, if any, ought the banks to give the public for the privilege of being allowed to suspend specie payments?

I should be very sorry indeed were the Legislature to sell to the Banks a privilege to suspend. If they did so, the power would unquestionably be abused—the Banks would cease redeeming their Bills altogether, and would have a plausible excuse enough for so doing.

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JOHN S. CARTWRIGHT, ESQUIRE, *President of the Commercial Bank of the Midland District, called in and examined.*

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1. Is it expedient, in your opinion, to allow the Act authorising the Chartered Banks to suspend specie payments, to expire at the end of the present session of Parliament?

I am of opinion that it would be most advisable to renew the Act. The chartered banks could resume specie payments, if insisted on, as far as the banks themselves are concerned, by importing specie at a great expense. But, in self-defence, they would be compelled to suspend all accommodation, demand payment, decline negotiating drafts, or purchasing exchange, or affording any banking facilities; the consequences of which, to the mercantile community and the public generally, can hardly be appreciated. Exchange would fall in consequence of the means of purchasing it being withheld, and it is difficult to understand how the public business could be conducted. The Commissary General's expenditure for Upper Canada I conceive to exceed £100,000 sterling per month. The Commercial Bank paid out for account of the Commissary General £43,000 sterling within the month of February; and he has, on more than one occasion, declared the utter impossibility of procuring a supply of specie, by any means, sufficient to meet the wants of the public service. In the event of resumption the banks must suspend their issues of paper, and I see no means of carrying on the public service, except the issue of army bills, not convertible into specie. Under no circumstances would it be just to compel the banks in this Province to resume until the currency was equalized between Upper and Lower Canada.

2. In the event of the said Act being renewed, how long would you recommend it to be continued in force? Say—till a certain day, to be fixed by the Legislature—Till the Banks in Lower Canada resume specie payments—To leave it to the discretion of the Lieutenant Governor and Council—Or how would you limit the continuance of said Act?

At present I am of opinion that it would be best to fix a certain day, but I am not quite prepared to say how far distant it should be.

3. In the event of the said Act being renewed, do you think that it requires any, and what, alteration and amendment?

I think the Act does not require any amendment.

4. In the event of the Banks being required to resume payment in specie, within a few months from this date, how would that affect their means, or ability to grant accommodation to the public, in the way of discounting or otherwise? Would it compel the Banks to curtail their circulation, or to limit their discounts:—if so, how soon, and to what extent?

Answered in reply to first question.

5. In case the Banks should be required to resume specie payments within a few months, do you think that there would be a demand for specie, to any great extent, and from what quarter would such a demand principally be made: say—

From Foreigners?

From the different Banks in this Province and in Lower Canada?

From Merchants, by way of making remittances, or as a speculation?

From persons leaving the Province, and wishing to invest their capital elsewhere?

Or from persons remaining in the country, who may entertain doubt as to the solvency of the Banks, or the stability of the Government?

I do not apprehend much difficulty between the banks in Upper Canada, whose mutual interest it would be to sustain each other. I apprehend a great drain from foreigners and speculators; and also in the peculiar circumstances of the country, from persons leaving it or who may be apprehensive of future trouble.

6. Are there any, and what objections, to granting permission to the Montreal Bank, and the City Bank of Montreal, to establish Agencies in Upper Canada?

I am of opinion there exists no necessity for the establishment of such Agencies: but would not object to permission being granted, provided they were compelled to redeem in specie all notes issued by them in the Upper Province, and to receive in payment of all claims their notes, whether issued in Upper or Lower Canada. I am not aware of the refusal, in ordinary times, by any of the Chartered Banks in Upper Canada, to discount drafts to any amount, in Lower Canada considered good. Nor has the Commercial Bank at any time declined negotiating drafts on Lower Canada, to any extent, on safe houses. Nor do I conceive that much greater facilities for drawing and negotiating drafts on Lower Canada, by establishing the proposed Agencies, would be afforded.

7. It has been stated that the Bank of Upper Canada has withdrawn their accommodation from the public, at their different Offices in the outer districts.—Has that been the case, and to what extent?

Intended for the Bank of Upper Canada.

8. In case the Act should be renewed, what equivalent, if any, ought the banks to give the public for the privilege of being allowed to suspend specie payments?

I am of opinion that the continuance of accommodation to the public, by discounts, and the prevention of the stagnation of business consequent upon resumption, would be sufficient equivalent; but I think the Banks would not object loaning to the Province, in proportion to their capital, at a reduced rate of interest—the sums so loaned to be repaid before being called upon to resume specie payments.

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*Examination of JAMES F. SMITH, ESQUIRE, Merchant, Toronto.*

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1. Is it expedient, in your opinion, to allow the Act authorizing the Chartered Banks to suspend specie payments, to expire at the end of the present session of Parliament?

I think it is.

2. In the event of the said Act being renewed, how long would you recommend it to be continued in force? Say—till a certain day to be fixed by the Legislature—Till the Banks in Lower Canada resume specie payments—To leave it to the discretion of the Lieutenant Governor and Council—Or how would you limit the continuance of the said Act?

As the banks in this Province neither suspended nor resumed specie payments when the banks in Lower Canada did so, I see no reason for the former delaying to resume until such time as the latter see fit to do it.

3. In the event of the said Act being renewed, do you think that it requires any, and what, alteration or amendment?

Not answered.

4. In the event of the banks being required to resume payment in specie within a few months from this date, how would that affect their means or ability to grant accommodation to the public, in the way of discounting or otherwise—Would it compel the banks to curtail their circulation, or to limit their discounts—If so, how soon, and to what extent?

I cannot imagine the country can ever be in a better situation, or the banks better prepared for the resumption of specie payments, than they now are, not only from the past, but future expenditures of the Imperial Government, which enables the banks to place funds in every quarter where they are required, and leaves the inhabitants (generally) in but little want of accommodation, compared to their previous wants. I therefore (see No. 5.) do not think that the banks who may have been discounting would find it necessary to curtail their discounts to any great extent.

5. In case the banks should be required to resume specie payments within a few months, do you think that there would be a demand for specie to any great extent, and from what quarter would such a demand principally be made: Say—

From foreigners?

From different banks in this Province and in Lower Canada?

From merchants, by way of making remittance, or as a speculation?

From persons leaving the Province, and wishing to invest their capital elsewhere?

Or from persons remaining in the country, who may entertain doubts as to the solvency of the banks, or the stability of the Government?

The demand for specie will, in a great measure, depend upon the conduct of the banks themselves; if they will sell exchange on England, drafts on New York or Montreal, at a moderate premium, very little specie would be required. A merchant going to New York to purchase goods would prefer giving a moderate premium for a draft on that city, instead of carrying specie with him, but if he is charged 4 or 5 per cent premium, as has been the case all winter, he will prefer taking the specie with him—this will also apply to persons leaving the Province and wishing to invest their capital elsewhere.

6. Are there any, and what objections, to granting permission to the Montreal Bank, and the City Bank of Montreal, to establish Agencies in Upper Canada?

I do not think permission ought to be granted to any banks (not of this Province) to establish agencies in it—it would materially injure the banks already established—would compel them to curtail their discounts much more than the resumption of specie payments, from the circumstance of the balance of trade being so much against this Province, and in favour of the Lower one. All notes granted or drafts drawn by or upon merchants, for the purchase of goods in the Lower Province, or drafts drawn by the same on persons of the Lower Province, to purchase produce, would naturally pass through the Banks in Montreal, or their Agencies in this Province, which would enable them, in almost all cases, to have balances against the Banks of this Province, which would compel them to curtail their discounts.

7. It has been stated that the Bank of Upper Canada has withdrawn its accommodation from the public at their different offices in the outer Districts: Has that been the case, and to what extent?

Of my own knowledge I know nothing—report says, that it has in this city as well as the outer districts.

8. In case the Act should be renewed, what equivalent, if any, ought the banks to give the public for the privilege of being allowed to suspend specie payments?

Not answered.

*Examination of MR. HUGH SCOBIE, Editor of the Colonist Newspaper.*

1. Is it expedient, in your opinion, to allow the Act, authorizing the Chartered Banks to suspend specie payments, to expire at the end of the present session of Parliament?

It would require to be shown before renewing the Act, that the banks have severally used the privilege of suspension for the general benefit of the public, as well as for their own profit; that they have continued their operations during the suspension to accommodate the commercial and agricultural interests to a reasonable extent—and that they have not sought for themselves other channels wherein to engage their capital to the detriment of these interests.

The Bank of Upper Canada is generally looked upon as the controlling institution. Her aim seems to have been to regulate the banking operations of the Province, and with the aid of the Provincial Government and of the Commissariat Department, it is generally admitted that she possesses advantages over the other banks, which she can use at any time to promote her own ends.

For sometime back it is notorious that the Bank of Upper Canada has extended no accommodation to the mercantile and agricultural interests—that their operations have been chiefly confined to the negotiation of Commissariat Business. In this manner the usual amount of money put in circulation by them, by discount or otherwise, has been withdrawn—and the funds of the Institution have been chiefly employed in the transaction of Commissariat business. The Commissariat is presumed to pay in specie—in this instance they have paid in paper, for which neither specie could be procured, nor at times an equivalent in exchange. The country was thus deprived of a two-fold advantage—in the first place they were deprived of the issue of bullion by the Commissariat, and secondly, of the customary accommodation by the Bank of Upper Canada.

I understand the intention of the Act authorizing the suspension of specie payments to have been to protect the banks in continuing their usual business—but it would appear that it has been taken advantage of by the Bank of Upper Canada, to produce profit to the Institution, by withdrawing their accommodations from the public, and employing their capital otherwise, without extending to the public a corresponding benefit. During the suspension, the public were entitled to expect reasonable accommodation from the bank as usual—and had these been granted them, they would have had the advantage besides of the Commissariat issues, and trade would have flourished in proportion. I would not, therefore, recommend a continuance of the suspension of specie payments, unless it could be so regulated as to ensure reasonable accommodation to the public.

2. In the event of the said Act being renewed, how long would you recommend it to be continued in force? Say—till a certain day to be fixed by the Legislature—Till the banks in Lower Canada resume specie payments—To leave it to the discretion of the Lieutenant Governor and Council—Or how would you limit the continuance of said Act?

In the event of the Act being renewed it is not easy to prescribe a definite period for its continuance, unless, indeed, it were until the banks in Lower Canada resumed—or in the event of that not taking place sooner, until the end of the next ensuing session of Parliament. Considering the connection of the Executive Government with the bank of Upper Canada, and the manner in which that Institution has, for some time past, been conducted, as well as the proceedings generally of the Executive with respect to financial affairs, since the troubles of the Country commenced, I would not advise that a discretionary power should be vested in that body.

3. In the event of the said Act being renewed, do you think that it requires any, and what alteration, or amendment?

Not having the Act now before me, I decline answering this question. (See answer 8.)

4. In the event of the Banks being required to resume payment in specie, within a few months from this date, how would that affect their means or ability to grant accommodation to the public, in the way of discounting, or otherwise—Would it compel the Banks to curtail their circulation, or limit their discounts, and if so, how soon, and to what extent?

To answer this question satisfactorily, it would be necessary to know the relative amount of business done by the banks, before and during the suspension, and the probable demand

for specie that would have taken place had the suspension not been authorized. If the banks are prepared to resume, it ought to be understood that they do so, without limiting their present amount of business—as the extent of accommodation now afforded by them, does not amount to that required by the public.

5. In case the Banks should be required to resume specie payments within a few months, do you think that there would be a demand for specie, to any great extent, and from what quarter would such a demand principally be made: say—

From Foreigners?

From the different Banks in this Province and in Lower Canada?

From Merchants, by way of making remittances, or as a speculation?

From persons leaving the Province, and wishing to invest their capital elsewhere?

Or from persons remaining in the country, who may entertain doubts as to the solvency of the Banks, or the stability of the Government?

The banks should be prepared at all times to provide a fair amount of specie, in proportion to their issues. The public accommodation should be considered as much, at least, as their own profit. I do not suppose the demand for specie would exceed that which the Banks ought to be prepared to answer—and that demand would proceed more or less from the different sources mentioned in the question.

6. Are there any, and what objections, to granting permission to the Montreal Bank, and the City Bank of Montreal, to establish Agencies in Upper Canada?

I am of opinion that the business of banking should be carried on, on as liberal a scale as is consistent with the safety of the public. I cannot see that the public interests would suffer by permitting the banks in Montreal to have agencies in this Province. The business of banking ought to be open to fair competition, subject to Legislative supervision; and the admission of agencies of the Montreal Banks into this Province, would be beneficial, in as much as it would be the means of introducing additional Capital into the Country—produce a check on the Banking institutions now in this Province, and facilitate the exchanges between Upper and Lower Canada.

7. It has been stated that the Bank of Upper Canada has withdrawn its accommodation from the public, at its different offices in the outer Districts: Has that been the case, and to what extent?

I cannot answer exactly this question, but if the proceedings of the Bank in Toronto are taken as a criterion whereby to judge of their doings in the outer Districts, it is very probable that they have withdrawn their accommodations from the Public there also.

8. In case the Act should be renewed, what equivalent, if any, ought the banks to give the public for the privilege of being allowed to suspend specie payment?

If I am to understand the bearing of this question to be, that the Banks should give the public a certain amount of money for the privilege of suspension, I view it as a dangerous experiment. Under the suspension Act, as it now exists, the Banks have sufficient power reposed in them to injure the public, but in the event of a sum of money being paid by them, for a continuance of the suspension Act, it would be nothing less than that they purchase from the Legislature a right to act just as they choose. We have paid for our privilege, they may say, and we are entitled to use it in the most profitable manner for ourselves, and the public cannot object because they have already been rewarded.

If the suspension be continued, the Banks ought to be obliged to furnish the public during the suspension with exchange on England at a fixed rate over the sales of Commissariat exchange at Montreal or Toronto—or over the current rate of exchange at New York on England. They ought also to be obliged to exchange with one another, the notes in their possession belonging to each other at fixed periods, and to settle balances by bills of exchange on England or New York, at a reasonable rate below the selling price to the public.

It would appear proper that the Banks should be obliged always to keep in circulation a given amount of Notes of the denomination of Five Shillings, for which specie might be demanded.

This answer may apply more properly in some respects to the third question.

H. N. SCOBIE.

*Examination of WILLIAM ROSS, ESQUIRE, Merchant, Toronto.*

1. Is it expedient, in your opinion, to allow the Act authorizing the Chartered Banks to suspend specie payments to expire at the end of the present session of Parliament?

I think the Act ought to be allowed to expire, the privilege having been much abused.

2. In the event of the said Act being renewed, how long would you recommend it to be continued in force—say, till a certain day, to be fixed by the Legislature—Till the Banks in Lower Canada resume specie payments—To leave it to the discretion of the Lieutenant-Governor and Council—Or how would you limit the continuance of the said Act?

Should the Act be renewed I think it should only be till the banks in Lower Canada resume—at all events, no power ought to be invested in the Executive Council, considering how they exercised that power for the same purpose in 1837.

3. In the event of the said Act being renewed, do you think that it requires any, and what alteration, or amendment?

Should the Act be renewed, the banks ought to be made to give exchange for their paper at all times during the suspension at a fair rate, say on New York and London at the same rate as the banks in Lower Canada—this they have never yet done.

4. In the event of the banks being required to resume payment in specie within a few months from this date, how would that affect their means or ability to grant accommodation to the public in the way of discounting or otherwise—Would it compel the banks to curtail their circulation or limit their discounts, and if so, how soon, and to what extent?

Some of the banks may find it necessary to curtail their circulation to a small extent, but may, at the same time, be able to give the same accommodation to the public they now give. It would be better for the public to have a less circulation, if issued in a legitimate way, and redeemed in specie or exchange at a fair rate, than as it is now.

5. In case the banks should be required to resume specie payments within a few months, do you think that there would be a demand for specie to any great extent, and from what quarter would such a demand principally be made: Say—

From foreigners?

None: British silver is sufficient to protect the banks from this quarter.

From the different banks in this Province and in Lower Canada?

A more liberal course among themselves would prevent this, and that they have much need in cultivating.

From merchants, by way of making remittances, or as a speculation?

Exchange at a fair rate would prevent this.

From persons leaving the Province and wishing to invest their capital elsewhere?

Exchange at a fair rate would also prevent this.

Or from persons remaining in the country who may entertain doubt as to the solvency of the banks, or the stability of the Government?

Any demand of this kind would be very trifling, and the British silver is more than sufficient to protect them.

6. Are there any, and what objections, to granting permission to the Montreal Bank, and the City Bank of Montreal, to establish Agencies in Upper Canada?

I think it is very desirable that every facility should be given the Montreal and City Banks to establish Agencies in this Province. A great many of our merchants are obliged to send paper to Montreal regularly to be discounted.

7. It has been stated that the Bank of Upper Canada has withdrawn its accommodation from the public, at their different offices in the outer Districts: Has that been the case, and to what extent?

I cannot say to what extent the Upper Canada Bank has withdrawn its accommodation from the public in the outer Districts, but I know that they have almost entirely withdrawn it from the mercantile community in this City and neighbourhood.

8. In case the Act should be renewed, what equivalent, if any, ought the Banks to give the public for the privilege of being allowed to suspend specie payments?

Should the Act be renewed, the best and only equivalent the public should receive from the banks is, to restrict them as pointed out in the answer to the third question.

WM. ROSS.

*Examination of ALEXANDER OGILVIE, ESQUIRE, Merchant, Toronto.*

1. Is it expedient, in your opinion, to allow the Act, authorizing the Chartered Banks to suspend specie payments, to expire at the end of the present session of Parliament?

The high rate of Exchange charged here for Bills on England, compared with Bills drawn at New York and Montreal, convinces me at once of the justice of allowing this Act to expire at the end of the present Session of Parliament. The Banks have derived much advantage from the suspension, at a great sacrifice to the public.

2. In the event of the said Act being renewed, how long would you recommend it to be continued in force, say—Till a certain day to be fixed by the Legislature—Till the banks in Lower Canada resume specie payment—To leave it to the discretion of the Lieutenant-Governor and Council—Or how would you limit the continuance of said Act?

I think it should only be renewed until the Banks in Lower Canada resume specie payments, and that no discretionary power should be vested in the Governor and Council.

3. In the event of the said Act being renewed, do you think that it requires any, and what alteration or amendment?

I think that the Banks should be obliged to take their own notes for Exchange on New York or London, at a fair rate—say from 2 to 2½ per cent. premium on New York, and the same advance on the New York rate on London.

4. In the event of the banks being required to resume payment in specie within a few months from this date, how would that affect their means or ability to grant accommodation to the public in the way of discounting or otherwise—Would it compel the banks to curtail their circulation or limit their discount, and if so, how soon, and to what extent?

I do not know the extent of their circulation, and am not prepared to give a positive answer, but it is my impression that those Banks that have supported the mercantile interests of the Province, would have no occasion to curtail their circulation or limit their discounts.

5. In case the banks should be required to resume specie payments within a few months, do you think that there would be a demand for specie to any great extent, and from what quarter would such a demand principally be made: Say—

From foreigners?

I think not, British silver would protect them.

From the different banks in this Province and in Lower Canada?

A proper regulation of exchange, and an amicable understanding among themselves would be required.

From merchants, by way of making remittances, or as a speculation?

Merchants will always remit on the most favorable terms.

From persons leaving the Province and wishing to invest their capital elsewhere?

To no extent.

Or from persons remaining in the country who may entertain doubt as to the solvency of the banks, or the stability of the Government?

They are so very few that no apprehension need be entertained on their account.

6. Are there any, and what objections, to granting permission to the Montreal Bank, and the City Bank of Montreal, to establish Agencies in Upper Canada?

I know no objections, on the contrary I think they should be encouraged.

7. It has been stated that the Bank of Upper Canada has withdrawn its accommodation from the public at their different offices in the outer Districts: Has that been the case, and to what extent?

I do not know, having no transactions with them, and knowing none who have.

8. In case the Act should be renewed, what equivalent, if any, ought the banks to give the public for the privilege of being allowed to suspend specie payments?

By selling exchange about the rate stated in the third answer, the Banks would enable the importer to sell his goods at a cheaper rate than he is now able to do, and would therefore benefit the public greatly.

Toronto, 11th March, 1839.

ALEX. OGILVIE.

*Evidence of JAMES CHARLES, ESQUIRE, Merchant, of Toronto.*

1. Is it expedient, in your opinion, to allow the Act, authorizing the Chartered Banks to suspend specie payments, to expire at the end of the present session of Parliament?

Yes.

2. In the event of the said Act being renewed, how long would you recommend it to be continued in force: Say, till a certain day, to be fixed by the Legislature—Till the Banks in Lower Canada resume specie payments—To leave it to the discretion of the Lieutenant-Governor and Council—Or how would you limit the continuance of said Act?

When the Lower Canada Banks do—no power left to the Governor in Council.

3. In the event of the said Act being renewed, do you think that it requires any, and what, alteration or amendment?

To compel all the Banks to give Exchange upon England, for their own paper, at a rate not exceeding  $\frac{1}{2}$  per cent. above what the Commissariat sells at, which Bills being drawn at 30 days, and the Bank being 60, is equal to 1 per cent.

4. In the event of the banks being required to resume payment in specie within a few months from this date, how would that affect their means or ability to grant accommodation to the public, in the way of discounting or otherwise—Would it compel the banks to curtail their circulation, or to limit their discounts—If so, how soon, and to what extent?

I do not think it will cause the Banks to curtail their discounts to commercial men.

5. In case the banks should be required to resume specie payments within a few months, do you think that there would be a demand for specie to any great extent, and from what quarter would such a demand principally be made: Say—

From foreigners?

To prevent this, make the British half crown and sovereign a legal tender in the same ratio as the shillings and sixpences, and exchange on New York at two per cent.

From the different banks in this Province and in Lower Canada?

Specie will not be required when exchange is to be had at fair rates.

From merchants, by way of making remittances, or as a speculation?

Answer as above.

From persons leaving the Province, and wishing to invest their capital elsewhere?

It will be to a very small extent, and the Banks supplying themselves with British coin will be sufficient protection.

Or from persons remaining in the country, who may entertain doubts as to the solvency of the banks, or the stability of the Government?

There possibly may be some persons who will call upon the Banks for specie, but to a very small amount.

6. Are there any, and what objections, to granting permission to the Montreal Bank, and the City Bank of Montreal, to establish Agencies in Upper Canada?

None whatever; but a great benefit.

7. It has been stated that the Bank of Upper Canada has withdrawn their accommodation from the public, at their different Offices in the outer districts.—Has that been the case, and to what extent?

I cannot answer the above, except by way of remittances, which I have received from the Western District in notes, (and in some instances cut in halves for better security) per post, saying drafts on this place could not be procured for even their own paper.

8. In case the Act should be renewed, what equivalent, if any, ought the banks to give the public for the privilege of being allowed to suspend specie payments?

At all times to act with liberality, and discount good substantial commercial paper, and not cease in toto at times when most required "as they have done," also grant exchanges as previously stated.

JAMES CHARLES.

12th March, 1839.

THOMAS TAYLOR, ESQUIRE, *late Agent for the Farmer's Bank at St. Catharines, called in and examined.*

1. The original amount of Subscribed Stock?

Refer to the Manager—such account being only at the Toronto or Home Board.

2. The original number of Partners?

As number one.

3. The amount of forfeited stock, and how applied?

As numbers one and two for the general account—but in the Niagara District where nearly, or quite, four thousand shares were subscribed for, I have no means of knowing now; but my impression is, that there are not now as many hundreds—the rest having been taken in by the Bank, chiefly for liabilities, at a discount of 20 to 25 per cent., which penalties are applied to pay dividends—for lack of profits.

4. From what fund was the first dividend paid?

The Manager can best tell.

5. The names of the Parties who forfeited their stock, and what occupation and residence?

Refer to the Manager.

6. The number of agencies during the first period of the Bank, and how many are now in existence?

Believe four if not five—now one.

7. What was the amount of stock originally taken at St. Catharine's, or in the Niagara District?

Replied to by answer number three.

8. What amount of stock has been purchased by the Trustees of the Bank since the commencement—at what rate?

Refer to the Manager—but for example I refer to answer number three, as relates to the then principal District—Niagara.

9. What amount of stock has been purchased by the Bank in the Niagara District, St. Catharine's, &c.—and at what rate?

Refer to answer number three.

10. What is the number of the present Shareholders, their names, occupation, and residence?

Refer to the Manager.

11. What is the present amount of the absolute and bona-fide capital—viz., How many shares held by the present Shareholders, and how much paid on the same—How many shares purchased by the Bank, and how much was paid on the same—How many shares

forfeited by individuals, and how much paid upon the same, making the amount of the subscribed capital—In what manner is the capital of the Bank defined—Does it include the amount of forfeited stock, and also the amount of stock purchased by the Bank?

As number ten.

12. Is the amount of forfeited stock and the stock purchased by the Bank available to any Purchaser in the market, or is that stock considered absorbed, and never intended for sale?

It might be, if a purchaser could be found.

13. Were any promises held out to the original Shareholders that only one or two instalments at most, would be required?

Most certainly: it was stated, if not positively so, that it was not probable much more, if any, would be required or called for.

14. What amount of shares were subscribed, and how much stock was paid in at the time the Bank commenced discounting?

I refer to the books of the Bank, and to the Manager—but I have heard much below the amount required by the deed of settlement.

15 & 16. Is it, in your opinion, expedient to allow the Act authorizing the Chartered Banks to suspend specie payments, to expire at the end of the present session of Parliament? In the event of the said Act being renewed, how long would you recommend it to be continued in force? Say—till a certain day to be fixed by the Legislature—Till the Banks in Lower Canada resume specie payments—To leave it to the discretion of the Lieutenant Governor and Council—Or how would you limit the continuance of the said Act?

It would, in my opinion, be expedient to resume specie payment, but not partially—i. e. the resumption in Upper Canada should be governed by Lower Canada, when they resume, I am of opinion, we should do the like.

18. In the event of the said Act being renewed, do you think that it requires any, and what, alterations and amendments?

This is answered by the above.

18. In the event of the Banks being required to resume payment in specie, within a few months from this date, how would that affect their means, or ability to grant accommodation to the public, in the way of discounting or otherwise? Would it compel the Banks to curtail their circulation, or to limit their discounts:—if so, how soon, and to what extent?

I understand the only bank now discounting, or accommodating the public, is the Commercial Bank; were they compelled to an immediate specie payment, or before the banks of Lower Canada resume, they must contract, and greatly so, their accommodation to the public, as the merchants would drain them of their specie to make their payments at Montreal, where the notes of Upper Canada are at a discount; it may be said that would cease on the general resumption, so it of course would, but the Lower Canada merchants would send the notes in immediately for specie—the result would therefore be the same.

19. In case the Banks should be required to resume specie payments within a few months, do you think that there would be a demand for specie, to any great extent, and from what quarter would such a demand principally be made: say—

From Foreigners?

From the different Banks in this Province and in Lower Canada?

From Merchants, by way of making remittances, or as a speculation?

From persons leaving the Province, and wishing to invest their capital elsewhere?

Or from persons remaining in the country, who may entertain doubt as to the solvency of the Banks, or the stability of the Government?

I am of opinion, if the Banks in Canada are compelled to cash payments, there would no doubt be a demand for specie, by merchants having the means of obtaining discounts for the notes paid to them for those discounts. If not openly, covertly: as it is at all times the most advantageous mode of payment for goods; and in this respect, Upper Canada would suffer more than Lower Canada, as the merchants of Upper Canada purchase all, or chiefly so, of the importers from England, in Lower Canada, and also from New York, and are not importers from England themselves, whereas the Lower Canada merchants, or store-keepers, do

not buy at all in New-York, but, either import from England themselves, or purchase in Montreal from those who do, and specie is not remitted by them to England, but Bills on London: which, of course, if all the Banks pay in specie, are at the same premium for notes or cash—they being synonymous. As to persons leaving the country, or those doubting the solvency of the Banks, or the stability of the Government, I do not see much to fear from them, particularly the latter, as but few in this country, I apprehend, have much to spare to lay by, in any way.

20. Are there any, and what objections, to granting permission to the Montreal Bank, and the City Bank of Montreal, to establish Agencies in Upper Canada?

I do not see any objection to, or evil likely to arise from, the establishment of Agencies in Upper Canada, by Lower Canada Banks. Especially, if all pay in specie, but with the understanding, that all notes issued at these Agencies, be made payable at them in specie, and not in Montreal, only, competition and accommodation in money matters, I consider equally desirable and advantageous, as in mercantile affairs—care being in all cases taken to keep within due bounds.

21. It has been stated that the Bank of Upper Canada has withdrawn its accommodation from the public at their different offices in the outer Districts—Has that been the case, and to what extent?

To this I can only answer by hearsay—I have so understood it to be.

BANK OF UPPER CANADA,  
Toronto, 13th March, 1839.

SIR,

I have the honour to acknowledge the receipt of your letter of yesterday's date, in which you desire to know what kind of business is done at the offices of this Bank throughout the Province, and what amount of discounting has been done at each—say monthly, for the last twelve months—or the aggregate during the year, which may not include Exchange on England or New-York, or drafts on Montreal;—in reply to which, I beg leave to inform you, that within the limits prescribed by your question, this Bank has transacted little or no new business at its Agencies, within the last year, as I have already stated in my answers to the Committee, that our principal business at the office has been renewing notes, instead of granting fresh discounts—for it is a fact, that all the new discounting that has been done, has been passed by the Board here.

I have the honour to be,

SIR,

Your obedient Servant,

THOMAS G. RIDOUT,

Cashier.

COLIN C. FERRIE, Esquire,  
Chairman of Committee,  
House of Assembly.

WILLIAM SCOTT BURN, Esquire, of Hamilton, Gore District, examined.

1. Is it expedient, in your opinion, to allow the Act authorising the Chartered Banks to suspend specie payments, to expire at the end of the present session of Parliament?

Most certainly not. Were the banks compelled to resume specie payments in the present uncertain state of political affairs, the whole mercantile interests of the country would be involved in ruin.

2. In the event of the said Act being renewed, how long would you recommend it to be continued in force? Say—till a certain day, to be fixed by the Legislature—Till the Banks in Lower Canada resume specie payments—To leave it to the discretion of the Lieutenant Governor and Council—Or how would you limit the continuance of said Act?

I would by no means leave it to the discretion of the Lieutenant-Governor and Council. It is also clear, that the Banks in Upper Canada cannot resume specie payments till those in Lower Canada have done so, or otherwise, we shall see ourselves placed in the same position in which we were last year, when the bills of the Upper Canada Banks were greedily bought up at a premium, to be converted into specie; and therefore these Banks would not advance a dollar, even on the most unexceptionable security. I would recommend that the Act be renewed for eighteen months, which will give the next session of the Legislature time to consider the question.

3. In the event of the said Act being renewed, do you think that it requires any, and what, alteration and amendment?

Yes: the banks should be compelled to exchange their bills with each other, and pay their balance at least once every month, by draft on Montreal, at sight and par, or by exchange on London, at say one per cent. above the rate in Montreal, or  $2\frac{1}{2}$  per cent. above that in New-York. This would as effectually prevent any one bank from over-issuing, as if specie payments were resumed;—in fact it would establish a check of equal power with the other. As complaints have been generally made, that the profits made on government exchange, have caused a bank or banks to narrow their accommodation to the public, it would be well to compel the banks to keep a certain portion of their issues on mercantile discounts. For it can never for one moment be supposed, that the Legislature had any thing else in view, in chartering banks with limited responsibility in the partners, than that this very diminution of the responsibility should cause the general mercantile business of the country to be done at the lowest possible rate of profit.

4. In the event of the banks being required to resume payment in specie within a few months from this date, how would that affect their means or ability to grant accommodation to the public in the way of discounting or otherwise—Would it compel the banks to curtail their circulation or to limit their discounts—If so, how soon, and to what extent?

The Banks must cease discounting immediately, and curtail their issues by every means. I even think that they would be unable to issue paper for pay of the troops, or for commissariat supplies. The business of the country being thus narrowed, the price of all kinds of goods would be greatly enhanced to the manifest loss of this country and the commissariat—exchange would also fall, (during the last war with the United States I think it went down below par) which would further immensely increase the expenses of the Home Government.

5. In case the banks should be required to resume specie payments within a few months, do you think that there would be a demand for specie to any great extent, and from what quarter would such a demand principally be made: Say—

From foreigners?

From the different banks in this Province, and in Lower Canada?

From merchants by way of making remittances, or as a speculation?

From persons leaving the Province, and wishing to invest their capital elsewhere?

Or from persons remaining in the country who may entertain doubts as to the solvency of the banks, or the stability of the Government?

There would be a demand from all these quarters—and further an immense drain of specie for the purpose of hoarding. When times are likely to be those of trouble, every one would naturally wish to put his spare capital in a shape which would be available under every possible contingency. By every one, I mean farmers, and all who have no mercantile knowledge or means of making investments in British or other secure funds.

6. Are there any, and what objections, to granting permission to the Montreal Bank, and the City Bank of Montreal, to establish Agencies in Upper Canada?

None whatever. On the contrary, such agencies would be most beneficial. What the country requires is a competition in Banking which will bring it to right principles. With this view would it not be right to include the Bank of British North America in any new Act for the suspension of specie payments? Another advantage would follow from this, which would be the thus opening a channel for the flow of British capital into the Province, which is precisely what we want most. Another advantage would be, that as that Bank is to do business on the principles of the Scotch Banks, the working of these principles in this Province would be introduced and tested.

7. It has been stated that the Bank of Upper Canada has withdrawn its accommodation from the public, at their different offices in the outer Districts: Has that been the case, and to what extent?

Of this I know nothing personally, but the rumour of it caused the remarks in my answer to the third Query.

8. In case the Act should be renewed, what equivalent, if any, ought the Banks to give the public for the privilege of being allowed to suspend specie payments?

The best equivalent would be, for the Banks to do the business of the country liberally, steadily, and at a cheap rate.

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*Examination of CHARLES THOMPSON, ESQUIRE, Director, Farmers' Bank.*

1. Is it expedient, in your opinion, to allow the Act, authorizing the Chartered Banks to suspend specie payments, to expire at the end of the present session of Parliament?

My answer is yes—most decidedly.

2. In the event of the said Act being renewed, how long would you recommend it to be continued in force, say—Till a certain day to be fixed by the Legislature—Till the banks in Lower Canada resume specie payment—To leave it to the discretion of the Lieutenant-Governor and Council—Or how would you limit the continuance of said Act?

If it be determined to renew the Act, I would not recommend its renewal until the Banks in Lower Canada resume specie payments.

3. In the event of the said Act being renewed, do you think that it requires any, and what alteration or amendment?

If the Act be renewed, it is most important that some provision should be made for the regulation of Foreign Exchanges.

4. In the event of the banks being required to resume payment in specie within a few months from this date, how would that affect their means or ability to grant accommodation to the public in the way of discounting or otherwise—Would it compel the banks to curtail their circulation or limit their discounts, and if so, how soon, and to what extent?

The consequences of a resumption of specie payments appear to me embodied in the next question and answer.

5. In case the banks should be required to resume specie payments within a few months, do you think that there would be a demand for specie to any great extent, and from what quarter would such a demand principally be made: Say—

From foreigners?

I do not believe that a demand to any extent would be created by the United States, as I have reason to know there is little Upper Canada paper in that country, and what is there is as current as United States paper.

From the different banks in this Province and in Lower Canada?

I cannot speak as to the Lower Canada Banks, but little or none from those of this Province.

From merchants, by way of making remittances, or as a speculation?

None, when Exchange could be obtained at a fair rate.

From persons leaving the Province and wishing to invest their capital elsewhere?

I should not anticipate much from this class, at all events not to a greater degree than at present.

Or from persons remaining in the country who may entertain doubt as to the solvency of the banks, or the stability of the Government?

I do not fear this, as the people in the country always appeared to me to have the greatest confidence in the Banks.

6. Are there any, and what objections, to granting permission to the Montreal Bank, and the City Bank of Montreal, to establish Agencies in Upper Canada ?

There is no question in my mind that it would be most advisable to allow these Banks to establish agencies—more money is wanted in the Province.

7. It has been stated that the Bank of Upper Canada has withdrawn its accommodation from the public, at its different offices in the outer Districts: Has that been the case, and to what extent ?

I cannot reply to this.

8. In case the Act should be renewed, what equivalent, if any, ought the banks to give the public for the privilege of being allowed to suspend specie payments ?

I should say that they ought to take debentures for public works at 4 per cent. ratably in proportion to their circulation, say 20 per cent. a Bank issuing £300,000 in paper, to take £600,000 of such debentures.

CHARLES THOMPSON.

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R E P O R T

ON

PETITION OF REV. THOMAS GREEN, AND REV. R. M'GILL.

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*To the Honorable the Commons House of Assembly.*

THE Committee to whom was referred the petition of the Reverend Thomas Green, and the Reverend Robert McGill, members of the Board of Education for the District of Niagara, praying for a legislative enactment, to entitle the Treasurer of the said District of Niagara to receive any money or moneys that is or may be due, or become due, for the support of the Teachers of the Common Schools of the said District of Niagara, under and by virtue of any Act or Acts of the Legislature of the Province of Upper Canada, but which cannot now be received, in consequence of the insolvency of the late Treasurer—

BEG LEAVE TO MAKE THE FOLLOWING REPORT :

Your Committee find that the above petition sets forth, that the late Treasurer of the District of Niagara did obtain monies from the Receiver General, by virtue of warrants from the Lieut. Governor of the Province on account and for the support of common schools in the said District, which several sums of money were in his hands at the time he became insolvent, and were not applied for the benefit of the Teachers as intended by the several Acts appropriating the same.

Your Committee have examined the late Treasurer of the said District touching the complaint preferred against him by the Petitioners, and he admits that he is unable, by reason of insolvency, to make good the same, and has no prospect of doing so :—that he is now on the jail limits of the District for other debts ; that he does not consider his sureties for such moneys accountable, as they are only bound for the faithful appropriation of moneys raised under, and by virtue of 59, Geo. 3, Ch. 7.

Your Committee have also examined the Acting Inspector General, James Nation, Esquire, and by him they are informed, that the latest return of the application of monies for the support of common schools in said district, is dated 20th July, 1838, being for the permanent grant for 1837—and for the special grants, the latest return is dated 20th January of the same year, and being for the fiscal year of 1836.

They have also examined the Receiver General, and find, that on the 23rd May, 1837, William Clarke, the late Treasurer, was paid by that officer for the support of common schools in the said District of Niagara, the sum of £500. And on the 5th April, 1838, a further sum of £500; and on the 9th August following, a further sum of £250—on Warrants of the late and present Lieutenant Governors. The warrant for the first mentioned sum was issued under and by virtue of 7 Wm. IV. c. 105—the warrant for the second mentioned sum was by virtue of 1 Victoria, c. 60—and the warrant for the third and last mentioned sum was issued under 4 Geo. IV. c. 8—but which your Committee think should have been 60 Geo. III. c. 7.

Your Committee would most respectfully draw the attention of your Honourable House to the following circumstances elucidated during their investigation and examination of this most painful subject.—*First*, The Act 60 Geo. III. c. 7, provides for the permanent support of common schools, appropriating certain sums of money for each and every District in the Province, under certain limitations, restrictions, and conditions; the first of which is, that no teacher shall have a greater sum than £12 10s. for any one year; the *second*, that it shall not be lawful for the Governor, Lieutenant Governor, or person administering the Government, to issue any further warrants on the Receiver General, under the provisions of said Act, to any District Treasurer until a faithful account shall be rendered, authenticated by proper Vouchers, and attested by the oath of the respective Treasurers, of the expenditure of the sums already advanced, or which may hereafter be advanced, on account of the respective Districts—the *third*, that any balances remaining in the hands of any Treasurer over and above the payment of *lawful* requisitions or certificates of the Trustees respectively, shall be paid over by him to the Receiver General for the public use of the Province. But notwithstanding the existence of such salutary restrictions as a plain rule for the guidance of the heads of departments, your Committee find that the Inspector General, or the Acting Inspector General, did accept the returns of the Treasurer of the District of Niagara without the oath of attestation. That the Acting Inspector General, James Nation, Esquire, says, that the Inspector General has not required returns of expenditure of the special grants, and that the Treasurer obtains his warrant on the Receiver General from the office of the Lieutenant Governor, without a reference from the office of the Inspector General; and is not required by law to account for the expenditure of special grants of money for the support of common schools, although the Acts authorizing the payments of such monies expressly state that the monies therein granted shall be applied in the same way and manner, and in conjunction with the present sums granted by law in support of common schools.

Your Committee considering the subject as one of vital importance, addressed a note to the Hon. John Macaulay, Civil Secretary and Inspector General, requesting to be informed by him how warrants for special grants of money for the support of common schools were issued, and they hereunto append his answer, dated 4th inst. It fully appears that Mr. Clark obtained warrants on the Receiver General without having complied with all the lawful conditions, as no oath of attestation is on the accounts rendered for the special grant of £500, dated 5th April last—nor was there any account at all made for the preceding special grant of £500. In the investigation of the accounts given in to the Legislature for the appropriation of common school moneys, they find that no regard has been had by certain Boards of Education to the annual limitation of £12 10s. to each Teacher, as in some instances a larger sum has been paid.

Your Committee would observe, that Mr. Nation does not consider the annual grants in any way to be regulated by the accounting clauses of the permanent grants, from which opinion your Committee dissent.

Your Honourable House will perceive, from the foregoing investigation and examination, that the late Treasurer of the District of Niagara, has not accounted, as by law required, for the sum of £1250; and that, in consequence, his successor cannot render vouchers for the faithful application of the said sum; wherefore, no future grants for the support of Common Schools for that District can be made before relief is given, in accordance with the prayer of the petitioners; and in order that the same may be done, your Committee herewith submit a Bill for that purpose.

But before dismissing this subject, your Committee are decidedly of opinion that a Bill should be passed to prevent Treasurers from obtaining moneys for Common School appropriations, without first giving sufficient security for the faithful application of all sums of money which they may be entitled by law to receive for that purpose, as they are of the same opinion as Mr. Clarke, that the sureties of District Treasurers are only liable for the faithful application of monies raised under and by virtue of 59 Geo. III. chap. 7.

Since preparing their Report, your Committee have received from Mr Clarke an affidavit, together with two sheets, (appended hereto) purporting to be a return of the appropriation of £420 5s. 4d. of the Common School monies granted for the year 1837, but for which there appears only vouchers for the sum of £324 5s. 4d. leaving unaccounted for the sum of £925 14s. 8d. Mr. Clarke stating at the same time that there was a third sheet, containing a further return of the application of said monies, but that he had lost it, as will appear by the aforesaid affidavit.

All which is respectfully submitted.

DAVID THORBURN,  
CHAIRMAN.

Committee Room, House of Assembly,  
8th April, 1839.

Government House,  
4th April, 1839.

SIR,  
In reply to your note, of this date, stating that "Mr. Nation of the Inspector-General's Office, informs you that a District Treasurer gets warrants from the Lieutenant-Governor's Office for Common School appropriations of special grants, without reference to the Inspector-General," and desiring information from me as to the manner of issuing warrants for monies on the Receiver-General; I have the honor to acquaint you, that *all* money warrants prepared in the Government Office, previous to receiving the Lieutenant-Governor's signature, are submitted for the approving signature of the Inspector-General; it being a special duty of that officer to take care that all such issues of money be made in strict compliance with the limitations and conditions of such Acts of the Legislature as may have a bearing on them.

I have the honour to be,

Sir,

Your most obedient humble servant,  
JOHN MACAULAY.

DAVID THORBURN, Esquire, M. P. P.

Teachers' Names.	Townships.	Period.	Scholars.		Amount.	
			Scholars.	Months.		
William Hamilton.....	Bertie .....	1st Jan. to 31st Dec. 1837.	38	12	£ s. D. 8 10 8	William Hamilton. Amos Whitmore, <i>By his Attorney,</i> John Street, Junr. David F. Leonard. George Young. F. E. Elles, <i>By his Attorney,</i> James Osborne. A. W. Williams. James Brown. Amos Adams. John Campbell. Thomas E. FitzGerald. Robert Beatty. David Thompson. Michael M. Foley. William E. Pointer.  E. B. Dunning. <i>By his Attorney,</i> Mahlon Brookfield. <i>By his Attorney,</i> George Young. Pollexfen Herbert.  John Haun. W. A. E. Murray. E. S. Turman.
Amos Whitmore.....	Thorold .....	do do	21	12	8 10 8	
David Leonard.....	Do .....	do do	29	12	8 10 8	
George Young.....	Caistor.....	do do	24	12	8 10 8	
F. C. Elles.....	Beamsville ..	do do	27	12	8 10 8	
Allan W. Williams.....	Caistor.....	do do	21	12	8 10 8	
James Brown.....	Bertie .....	do do	28	12	8 10 8	
Amos Adams.....	Grontham .....	do do	28	12	8 10 8	
John Campbell.....	St. Davids .....	do do	25	12	8 10 8	
Thomas FitzGerald.....	Bertie .....	do do	27	12	8 10 8	
Robert Beatty.....	Niagara .....	do do	22	12	8 10 8	
David Thompson.....	Do .....	do do	34	12	8 10 8	
Michael Foley.....	Queenston ..	do do	21	12	8 10 8	
William E. Pointer.....	Stamford .....	do do	42	12	8 10 8	
Joseph A. Wilford.....	Thorold .....	do do	28	12	8 10 8	
Samuel Glover.....	Crowland .....	do do	26	12	8 10 8	
E. B. Dunning.....	Grimsby .....	do do	33	12	8 10 8	
C. McAlpine.....	Crowland .....	do do	32	12	8 10 8	
George Creenan.....	Humberstone.	do do	23	12	8 10 8	
Pollexfen Herbert.....	Niagara .....	do do	26	12	8 10 8	
James Knox.....	Crowland.....	do do	26	12	8 10 8	
John Haun.....	Bertie .....	do do	35	12	8 10 8	
W. E. Murray.....	Do .....	do do	34	12	8 10 8	
E. S. Turman.....	Beamsville...	do do	26	12	8 10 8	

Teachers' Names.	Townships.	Period.	Scholars.		Amount.	
			Scholars.	Months.		
Thomas Foley .....	Louth.....	1st Jan. to 31st Dec, 1837.	30	12	£ 8 10 8	Thomas Foley.
William Maxwell .....	Caistor .....	do do	26	12	8 10 8	<i>By his Attorney,</i> Edward Gordon.
F. Elridge .....	Pelham .....	do do	51	12	8 10 8	Freeman Elridge.
Thomas R. Gilber .....	Do .....	do do	26	12	8 10 8	<i>By his Attorney,</i> Amos Whitmore.
James Barber .....	Granton .....	do do	26	15	10 13 4	James Barber.
M. W. Lecher .....	Gainsboro' ..	do do	20	12	8 10 8	M. W. Lecher.
George Silver .....	Clifton .....	do do	21	12	8 10 8	George Silver.
David Black .....	Pelham .....	do do	25	12	8 10 8	
Alexander Gardner .....	Do .....	do do	30	12	8 10 8	
R. Whitney .....	Stamford .....	do do	29	12	8 10 8	
William Cane .....	Niagara .....	do do	25	12	8 10 8	
Levi Martin .....	Stamford .....	do do	37	6	4 5 4	
James Cochrane .....	Bertie .....	do do	30	12	8 10 8	James Cochrane.
James E. Macken .....	Do .....	do do	42	12	8 10 8	James Macken, <i>By his Attorney,</i> J. P. Gozier.
Thomas Donohoe .....	Grimsby .....	do do	21	12	8 10 8	Thomas Donohoe.
G. M. Flecher .....	Grantham .....	do do	33	6	4 5 4	G. M. Flecher.
J. Clendenning .....	Do .....	do do	23	6	4 5 4	J. Clendenning, <i>By his Attorney,</i> John Campbell.
Timothy Shyne .....	Stamford .....	do do	24	12	8 10 8	<i>By his Attorney,</i> Edward Gordon.
L. S. Yokum .....	Crowland .....	do do	35	6	4 5 4	
B. S. Farr .....	Waufleet .....	do do	28	12	8 10 8	
Patrick Lee .....	Stamford .....	do do	26	6	4 5 4	Patrick Lee.
Joel Kennedy .....	Louth .....	do do	31	6	4 5 4	Joel Kennedy.
John Meyers .....	Do .....	do do	9	9	6 8 0	John Meyers.
Thomas Ray .....	Thorold .....	do do	31	12	8 10 8	
William Sutton .....	Do .....	1st July to 31st Dec. 1837.	36	6	4 5 4	William Sutton.
William Cockell .....	Niagara .....	do do	26	12	8 10 8	William Cockell.
George Stewart .....	Grantham .....	do do	20	6	4 5 5	George Stewart, <i>By his Attorney,</i> Patrick Trim.
John B. Reed .....	Do .....	do do	28	6	4 5 4	John B. Reed.
Robert B. Campbell .....	Caistor .....	do do	21	12	8 10 8	
Jacob Hafman .....	Bertie .....	do do	20	3	2 2 8	
W. J. Omulvenny .....	Grimsby .....	do do	24	6	4 5 4	William J. Omulvenny.
					£420 5 4	

Personally appeared before me, John Ewart, Esquire, one of Her Majesty's Justices of the Peace for the Home District; William Clarke, of the City of Toronto, Esquire, who, being duly sworn, deposed and saith, That the Pay-list herewith produced, together with one sheet, which has been mislaid, is a detail of the distribution and payments of the extra appropriation for Common Schools in the Niagara District, made by the Commons House of Assembly, for the year one thousand eight hundred and thirty-seven—That the two sheets herewith, together with the one mislaid, would account for the five hundred pounds appropriated, to the best of deponent's belief.

WILLIAM CLARKE.

Sworn before me, at Toronto,  
This 8th day of April, 1839.

JOHN EWART, J. P.

# REPORT OF SELECT COMMITTEE

ON SUBJECT OF

## DUTY ON WHEAT AND FLOUR.

**On Petitions of D. Thompson and 56 others, and S. Battersby and others.**

*To the Honourable the House of Assembly.*

The Select Committee, to whom were referred the several petitions from various Counties of this Province, relating to the comparative value of Wheat in the State of New-York, and Canada have given the subject their best attention, and, in compliance with the request of the petitioners, submit, for the information of your Honourable House, the following Report:—

The petitioners “most respectfully represent that, for many years past, *Wheat*, the only staple article we grow for exportation, has averaged at least one shilling and three pence per bushel higher in the neighbouring State of New-York, than in this Province.—That so long as the grower in the United States is protected by a duty from all foreign competition, and so long as the grower in Canada is liable to such competition, without a protecting duty, so long will this inequality of prices exist—operating as a direct bounty to the farmer residing in the State of New-York, and a direct draw-back on the farmer residing in Canada, *whenever the market for bread stuffs is higher in America than in Europe.*

“In the State of New York a steady market is ensured at their sea ports by this protecting duty, which has a tendency to confine the trade between the miller and grower. In Upper Canada the want of this protecting duty invites competition from all the foreign European ports, as well as the American States, which produces uncertainty and constant fluctuation in our sea ports; thus necessity introduces a third party who purchases from the grower and sells to the consumer, by which means the former sustains the loss gained by the third party without any corresponding benefit to the consumer.

“Various other causes are assigned for producing this great variation in the value of this one most useful production, among which your petitioners beg to call to consideration, the want of control over our natural sea ports—the regulation of our internal commerce—the high prices of transportation, and a more general and better system of banking may be numbered.

They, therefore, pray your Honourable House will enquire into the true causes which produce this unnatural state of things, and adopt such measures as may secure them the full value of their industry.”

It appears evident to your Committee, that, whenever the price of bread stuffs is higher in America than in Europe, wheat always commands a much higher price in the adjoining State of New York than in this Province. It also appears, that, whenever the price of bread stuffs is higher in Europe than in America, this inequality of price ceases. This Act convinces your Committee the cause cannot be ascribed to any local circumstances or any superiority the Americans may possess in machinery or management.

The protecting duty on wheat in the United States is correctly described by the petitioners, it insures a steady demand in their sea ports—confines the trade to two parties—the grower and the miller—the latter being interested in ensuring a good supply to keep the capital invested in his mills employed, secures the former at all times the highest price the article will bear.

The want of this protecting duty in Canada invites competition from foreigners—this produces uncertainty and fluctuation in prices. The market becomes overstocked—sales cannot be effected—charges multiply—engagements must be met—sacrifices ensue—the article passes into the hands of capitalists, or ultimately sours from heat and delay.

This uncertainty produces a third party in the market, who speculate on this additional hazard, what he gains, the grower loses without a corresponding reduction in price to the

consumer. Thus we see American millers come into our market, pay higher prices than the Canadian miller can afford—with agency, storage duty, freight, transportation and carriage to their mills. They manufacture the article, gain the transportation and toll for their canals, besides commission and all incidental profits to their merchants—all of which should be gained by our grower, to place him on equal terms with the American grower.

The operation of the two systems in effect ensures one quarter more value for property and labor in New York than in Canada.

The cause is clearly traced to the provision contained in the Canada trade Act, and your Committee have unanimously recommended for the consideration of your Hon. House, the accompanying address.

All which is respectfully submitted.

WM. HAMILTON MERRITT,  
CHAIRMAN.

*Committee Room,*  
*8th day of April, 1839.*

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**REPORT OF SELECT COMMITTEE,**  
TO  
**SEARCH THE JOURNALS OF THE LEGISLATIVE COUNCIL,**  
ON THE SUBJECT OF THE  
**UNION OF THE PROVINCES.**

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*To the Honourable the Commons House of Assembly.*

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The Committee appointed to search the journals of the Honourable the Legislative Council on the subject of an Union of the Provinces of Upper and Lower Canada, beg leave to report, that they have examined the journals of the Honourable the Legislative Council, and found recorded as follows:

*Monday, 25th March.*

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

MR. SPEAKER,

The Commons House of Assembly communicate to the Honourable the Legislative Council certain resolutions passed by them on Saturday last, on the subject of an Union of the two Provinces of Upper and Lower Canada, and also on the subject of sending an Agent or Agents to England to represent the interests of this Province for the concurrence of that Honourable House.

ALLAN N. MACNAB,  
SPEAKER.

*Commons House of Assembly,*  
*25th March, 1839.*

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The foregoing resolutions of the Assembly were then read by the Clerk as follows:—

*Resolved*—That during the last session of the Legislature a series of resolutions were adopted by this House, attributing the chief causes of the evils under which these Provinces

have suffered to the injudicious division of Canada into two Provinces; which, with an address, dated 26th February, 1838, were transmitted to the Home Government, praying for the adoption of such measures as would carry the same into effect.

*Resolved*—That the experience of the past year confirms this House in the opinions then expressed, and they are still of the same opinion, that an United Legislature for the Canadas, on the terms then proposed, is indispensable—and that further delay must prove ruinous to the best interests of the Canadas.

*Resolved*—That as measures deeply affecting the future interests of this Province are now pending before the Imperial Parliament, it is of the utmost importance that one or more authorized Agents, deputed by this House, should proceed forthwith to England to represent the true interests and opinions of Her Majesty's faithful subjects residing in Upper Canada.

Truly extracted.

JAMES FITZGIBBON,

*Clerk of Assembly.*

On motion made and seconded, it was ordered, that the above-mentioned resolutions be referred to a Committee of the whole House, on Saturday next, and that the same do stand as the first item upon the orders of that day; and ordered, that the Members in town be summoned to attend in their places on Saturday next.

*Thursday, 28th March.*

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

MR. SPEAKER:

The Commons House of Assembly have passed a further series of resolutions, on the subject of the Union between the Provinces of Upper and Lower Canada, which they communicate to the Honourable the Legislative Council, for their concurrence thereto.

ALLAN N. MACNAB,

SPEAKER.

*Commons House of Assembly,*

*27th March, 1839.*

The above-mentioned resolutions were then read by the Clerk, as follows:

*Resolved*—That in reference to the resolutions of this House on the subject of a Legislative Union of the Provinces of Upper and Lower Canada, this House is distinctly opposed to that measure, unless the conditions as embodied in the following resolutions be fully carried out in any Act to be passed by the Imperial Legislature for that purpose.

1st. *Resolved*—That in the event of the Union of the Provinces of Upper and Lower Canada, the seat of Government should be within the present boundary of Upper Canada.

2nd. *Resolved*—That that portion of Lower Canada laying to the east of Madawaska, and south of the St. Lawrence, consisting of the Counties of Gaspé, Bonaventure, and Rimouski, be attached to the Province of New Brunswick.

3rd. *Resolved*—That a proper qualification for members of the Legislative Council and House of Assembly be fixed upon by the Act of Union.

4th. *Resolved*—That the Act of Union not to make void any of the appointments of the present Legislative Council, in full confidence that future appointments will be made in such manner, from the different Districts, as best to secure the commercial, agricultural, and general interests of the Province.

5th. *Resolved*—That the number of members to be returned to serve in the House of Assembly be as follows:

From Lower Canada, 50 members.

From Upper Canada, as at present.

That the elective franchise in counties be confined to those who hold their lands in free and common soccage, from and after a time to be settled by the Imperial Parliament, not later than the year 1845, and that it be strongly urged on the Imperial Parliament to pass immediate measures for facilitating the change of tenure in Lower Canada, so as to extend to them the exercise of the elective franchise with as little delay as possible.

6th. *Resolved*—That a new division of Lower Canada in counties be made by the Governor and Council of that Province, so as to provide for the election of such number of members as together with the members from cities and towns, make up the number to be returned from Lower Canada.

7th. *Resolved*—That the English language be spoken and used in the Legislature, Courts of Justice, and in all other public proceedings.

8th. *Resolved*—That Courts of Appeal and Impeachment be established within the United Province.

9th. *Resolved*—That the surplus revenue of the Post-office, together with the casual and territorial, and every other branch of revenue, be placed under the control of the Legislature.

10th. *Resolved*—That until otherwise provided for by the joint Legislature, the courts and laws to remain as at present.

11th. *Resolved*—That the debt of both Provinces shall be chargeable on the revenue of the United Provinces.

12th. *Resolved*—That the local Legislature have power to originate duties, or reduce them from time to time, as they may deem necessary and advisable, subject however to restrictions similar to those of 42nd section of 31 Geo. 3rd chap. 31 respecting certain local Acts.

13th. *Resolved*—That with the above exceptions, the principles of our constitution as contained in 31st Geo. 3 chap. 31 remain inviolate.

14th. *Resolved*—That there be two Commissioners appointed to proceed to England on the part of this House, and that Sir Allan N. McNab Speaker of the House, and William Hamilton Merritt, Esq. M. P. for the county of Haldimand, be the said Commissioners.

Truly extracted.

JAMES FITZGIBBON,

CLERK OF ASSEMBLY.

On motion made and seconded, it was ordered, that the further resolutions of the Assembly received by message this day, on the subject of an Union of the two Provinces, be referred to a Committee of the whole House on Saturday next.

*Tuesday, 2nd April, 1839.*

The Honourable Mr. Sullivan brought up the petition of the Mayor and others, inhabitants of the City of Toronto, praying the House to take into their favourable consideration the proceedings of a public meeting of the said inhabitants, on the subject of an Union of the Provinces, and to arrest the further progress of the measure in order that an opportunity might be afforded to the people of this Province of expressing their opinions thereon; and it was ordered that the forty-eighth rule of this House be dispensed with, and that the said petition be read presently.

The same was then read by the Clerk accordingly.

On motion made and seconded, it was ordered, that the last mentioned petition be referred to the Committee of the whole House, this day, upon the several resolutions of the Assembly, on the subject of an Union of the two Provinces.

Pursuant to the order of the day, the House was put into a Committee of the whole on the several resolutions of the Assembly on the subject of an Union of the two Provinces, together with the petition of the Mayor and others, presented this day, in reference thereto.

The Honourable Mr. Hamilton took the chair.

After some time the House resumed.

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

*Ordered*—That the report be received and leave granted accordingly.

Wednesday, 3rd April, 1839.

Pursuant to the order of the day, the House was again put into Committee, of the whole, upon the several resolutions of the Assembly on the subject of an Union of the two Provinces, together with the petition of the Mayor, and others, praying against the measure.

The Honourable Mr. Radcliff took the chair.

After some time the House resumed.

Thursday, 4th April, 1839.

The Honourable Mr. Crooks moved, that the nineteenth rule be dispensed with, to enable him to introduce the following resolutions—which he read to the Committee of the whole House, yesterday, on the resolutions sent up from the Assembly, for an Union of the Provinces of Upper and Lower Canada.

*Resolved*—That, at the last session, the Legislative Council adopted a report of a select Committee, to whom was referred the "State of the Province," in which report (amongst other suggestions) the Union of the Provinces of Upper and Lower Canada was proposed as one of the remedies for the evils under which this Province laboured, and the evils still continuing, and, if possible, being greatly aggravated since last session—it is the opinion of this House, that an humble Address be presented to Her Majesty, praying that Her Majesty would be graciously pleased to submit to the Imperial Parliament the measure of an Union of the Provinces of Upper and Lower Canada upon such just and equitable principles as will secure to all the inhabitants of both Provinces their religion, property, and other privileges, and by an equitable division of the electoral districts of Lower Canada, give to the inhabitants of British origin, that voice in the United Assembly, to which they are entitled by their numbers; and also provide, in any enactment which may pass the Imperial Parliament for that purpose, that the seat of Government shall continue and remain within the present limits of Upper Canada."

The said motion being seconded, and the question of concurrence being put thereon, it was carried in the affirmative, and it was ordered that the nineteenth rule be dispensed with accordingly.

The said resolution, after having been first read by the Clerk, was then moved and seconded, and in amendment thereto it was moved and seconded, that after the word "that," in the original resolution, the whole be expunged and the following inserted:—"this House still adheres to the sentiments, opinions, and remedies set forth in their report on the state of the Province, and in their Address to Her Most Gracious Majesty the Queen, bearing date respectively the 13th and 23th days of February, 1838, nor have any events happened since that time of a nature to induce them to depart from the principles or reasonings therein contained or the measures therein proposed as necessary to restore peace and tranquillity to this as well as the sister Province of Lower Canada, and to promote their peace, prosperity, and happiness, and perpetuate their happy connexion with the British Empire."

The question of concurrence being put, the said amendment was carried in the affirmative, and it was then moved and seconded, that it be *Resolved*—That a copy of this resolution be communicated to His Excellency the Lieutenant-Governor, the House of Assembly, and the Honourable the Chief Justice of this Province, now in England.

Whereupon the question of concurrence was put upon the last mentioned resolution, and the same was carried in the affirmative.

Friday, 5 April, 1839.

To the rejection of the resolution, moved by the Honourable Mr. Crooks, yesterday, in relation to certain resolutions sent up from the Commons House of Assembly on the subject of an Union of the two Provinces—dissentient.

Because the Act 31, Geo. III. chap. 31, was passed by the Parliament of Great Britain for the mutual benefit of all the subjects of the Kingdom, who then resided in the Province of Quebec, or who might afterwards inhabit the Provinces of Upper and Lower Canada; and the experience of nearly half a century has shewn that the advantages anticipated by the eminent statesmen who promoted that measure, have not been realized, in as much as the people of Lower Canada, of French origin, are, in consequence of the division of the Colony—the continuance of the Feudal Tenures—the use of the French language in the Legislature and in the Courts of Justice, as much a foreign people, as they were at the conquest of the country, and perhaps even less disposed to adopt the laws, customs and language of Great Britain, than they were at that period;—and further, that the division of the Province of Quebec deprived that part of the population resident in the Upper Province of a seaport for the landing of goods, or the shipment of the products of their fields and forests—thereby depriving them of the means of regulating their own trade—of imposing, reducing or repealing duties on imports, without the consent of the people of Lower Canada.

That these circumstances have hitherto engendered a feeling of mutual jealousy and distrust—have caused misunderstandings and dissatisfactions, with regard to the division of the revenue, and have prevented the undertaking and prosecution of public improvement, upon corresponding plans and principles;—that, although the revenue collected at the ports of Quebec and Montreal has, since the passing of the Imperial Statute 3 Geo. IV. chap. 119, been apportioned to both Provinces upon the basis of their respective population, Upper Canada has suffered great loss, by reason of the imposition of duties since that enactment was made, to which it is said she has no legal claim.

All which is respectfully submitted.

WILLIAM MORRIS,  
WILLIAM DICKSON,  
JOHN HAMILTON,  
JAMES CROOKS,  
ROBERT C. WILKINS,  
JOHN McDONALD,  
ADAM FERGUSSON,  
HENRY SHERWOOD,  
GEORGE RYKERT.

REPORT OF SELECT COMMITTEE,  
ON REPORT OF COMMITTEE OF WHOLE,  
ON  
CLERGY RESERVES.

*To the Honorable the Commons House of Assembly.*

The select Committee to whom was referred the Report of the Committee of the whole, on the subject of the Clergy Reserves, beg leave to report the following resolutions, which they recommend to the adoption of your Honorable House.

1st. *Resolved*—That there be reserved or purchased in each and every township of the Province, one or more lots of land, of 100 acres, each lot for a Glebe or residence for one or more resident Ministers of the churches of England and Scotland, so soon as a resident Minister or Ministers of either church may be appointed, provided always that the lands heretofore appropriated to either church, be taken into account in the general appropriation.

2nd. *Resolved*—That a similar allotment be reserved, or purchased, in each and every circuit, for one or more resident Ministers of the “Wesleyan Methodist church in Canada, in connexion with the English Wesleyan Conference” so soon as a resident Minister or Ministers may be appointed.

3rd.—*Resolved*—That the whole of the remainder of the Clergy Reserves be sold, as Crown Lands are at present sold, and that the interest of the proceeds thereof, with the interest of those already sold, be disposed of as follows :

1st. To secure to each and every resident Minister of the churches of England and Scotland, the sum of £75 per annum.

2nd. To secure to the “Wesleyan Methodist Church in Canada, in connexion with the English conference,” at the rate of £75 per annum, for each and every Minister of that church regularly authorised, and actually officiating in the discharge of his Ministerial duties.

3rd. That the residue of interest be paid annually to the several conferences, or other bodies representing the several other christian denominations recognized by law, and not otherwise provided for, from any public source, in proportion to the number of ascertained Ministers regularly authorised, and actually officiating in the discharge of their Ministerial duties of each denomination respectively, such sum, in no case to exceed the amount of £75 per annum for each Minister, and to be appropriated in such manner as the respective denominations may from time to time determine, according to the respective rules and regulations of their church government, and whose religious tenets do not prohibit their bearing arms.

4th. The surplus interest (if any) to be expended in the erection of suitable places for public worship in the several townships, and for the religious and moral education of youth within the same.

4th. *Resolved*—That there be secured to the Ministers of the churches of England and Scotland, at present resident in this Province, the several amounts at present paid to them, but that on the death or removal from office, the several amounts at present paid to them, their successors shall become subject, and liable to the same regulations as to salary and allowances, as the other ministers of those churches hereafter to be appointed.

5th. *Resolved*—That the amount of the Sales of the Clergy Reserves already invested in the English funds, and the proceeds of future Sales be invested in the Debentures of this Province, in the discretion of the Board of Commissioners hereafter to be appointed.

6th. *Resolved*—That three Commissioners be appointed by the Legislature to carry out the provisions of a bill, embodying the foregoing resolutions, who shall remain in office for four years, but in case of a vacancy by death, resignation, or otherwise, the vacancy to be supplied by the Lieutenant Governor.

OGLE R. GOWAN,  
CHAIRMAN.

*Committee Room, House of Assembly,  
9th April, 1839.*

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R E P O R T  
OF  
W E L L A N D C A N A L C O M M I T T E E.

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*To the Honourable the Commons House of Assembly.*

The Committee to whom were referred the report and other documents of the Welland Canal Company, and also the petitions of sundry private Shareholders in the said Company—

BEG LEAVE TO REPORT :

That they have carefully examined all the documents referred to them, and find that a difference of opinion exists, as well among the Directors of the Company, as among various

legal gentlemen who have been consulted as to the true intent and meaning of the Act 7th William IV.

The majority of the Directors contend that the 17th clause of said Act was intended to secure from the future income of the canal, First, the payment of the interest on loans or public debentures subsequently granted by the Legislature for that work, and the remainder to be divided between the private Shareholders until it shall amount to six per cent. From this construction of the said clause the minority of the Directors wholly dissent. The former being sustained by the opinions of a number of legal gentlemen, and the latter by the opinion of the Attorney General, as will appear by the documents herewith submitted.

Your Committee not being prepared to decide upon this point, and finding by reference to the petitions, that very general dissatisfaction prevails among the private Shareholders on this subject, recommend that all doubts should be removed as to the future dividends by a declaratory Act of the Legislature.

It appears from the report of the Directors, that they unanimously concur in the opinion, that the public interest imperatively requires that the interest of the private Shareholders should be purchased out, and make the canal strictly and exclusively a public work.

Your Committee fully concurring in the suggestion of the Directors, and finding that the petitioners too are desirous that their stock should be purchased out, strongly recommend to your Honourable House that a bill should be passed during the present session for that purpose.

And with this view, your Committee submit, herewith, resolutions for the consideration of your Honourable House, embracing the conditions upon which they recommend the purchase of the private stock.

Your Committee beg to refer your Honourable House to the report of the President and Directors of the Company, and also to that of their Superintendent, W. B. Robinson, Esquire, for the present state of that work, and other particulars connected therewith.

They regret to learn that nothing has yet been done towards building stone locks, and otherwise constructing the Welland Canal in that permanent manner contemplated by the Legislature when the sum of £245,000 was granted expressly for that purpose: and your Committee entirely concur in the remarks of Mr. Robinson's report, as to the "absolute waste of public money in continuing to expend large sums (intended for the permanent completion of that important work) in repairing the old locks with the same perishable materials."

It now only remains for your Committee to impress upon your Honourable House, the great necessity of endeavouring to procure funds to commence the contemplated permanent improvements of the Welland Canal, without further delay. If, however, this should be found impracticable, in the present embarrassed state of our Finances, they would recommend that the expenses of the Company should, in the mean time, be reduced as much as possible.

All which is respectfully submitted.

GEORGE RYKERT,  
CHAIRMAN.

Committee Room,  
8th April, 1839.

*Resolved*, Therefore, that a law having been passed during the first session of the present Parliament, authorising the payment of a dividend to the private shareholders of the Welland Canal Company, from and out of the tolls received thereon; and whereas the said private shareholders have petitioned to have their interest in the said Canal purchased by the Province, in order that the same may become wholly the property of the public.

*Resolved*, That it is expedient to comply with the request of the petitioners, with the following terms, viz. :—

The Shareholders to receive Debentures, payable in twenty years, in England, bearing interest as follows, viz. :—3 per cent. the first two years, 4 per cent. the next two years, and 6 per cent. after that period: the interest to be paid out of the income of the Canal, instead of paying dividends on stock.

REPORT OF COMMITTEE,  
ON  
REPORT OF DIRECTORS OF GRAND RIVER COMPANY.

*To the Honourable the Commons House of Assembly.*

Your Committee, to whom was referred the Report of the Directors of the Grand River Navigation Company, and other documents on the same subject—beg leave to report :

That they have examined the said Report and documents, and find that the Directors were unable, during the past year, to raise money for the completion of that work on the debentures issued for that purpose, in consequence of their being made payable in this Province. Your Committee, therefore, recommend the passing of a Bill, herewith submitted, by your Honourable House, making them payable in London.

They fully concur in the opinion of the Directors—that the public interest would be best promoted by making this a Provincial Work. Being merely a continuation of the Welland Canal, they conceive that both works should be under the same direction and interest ; and for other strong reasons, set forth in said Report, a copy of which is hereto appended, your Committee recommend that the stock of the private shareholders, amounting to no more than £5000, should be purchased by the Province upon the same terms and conditions as recommended for the purchase of the stock of the private shareholders in the Welland Canal.—They therefore submit herewith, a Resolution, for the consideration of your Honourable House.

All which is respectfully submitted.

GEORGE RYKERT,  
CHAIRMAN.

*Committee Room,  
8th April, 1839.*

*Resolved,* That it is expedient that the stock held by private individuals, in the Grand River Navigation, be purchased by this Province, upon the following terms and conditions, viz. :—The Shareholders to receive debentures, payable in England in twenty years, bearing interest as follows, viz. : 3 per cent. the first two years, 4 per cent. the next two years, and 6 per cent. after that period.

REPORT OF THE DIRECTORS  
OF THE  
GRAND RIVER NAVIGATION COMPANY.

COMPANY'S OFFICE,  
*Seneca, 19th January, 1839.*

The Directors, when making their last Report, in February, 1835, confidently expected that, long before the present period, they would have been enabled to report the successful completion of the important works under their management, and a permanent and uninterrupted navigation between Lakes Erie and Ontario, and the Village of Brantford, by way of the Welland Canal, by means of the contemplated Lock at Dunnville, and the improvement of the Grand River. Although at that period no apparent obstacle presented itself, they regret to state, that subsequent circumstances and difficulties, beyond their control, prevented its accomplishment.

The Directors were much gratified to find that the Board of Directors of the Welland Canal Company has, in the fall of 1836, ordered the construction of a Lock at Dunnville, with the view of opening a direct communication to Lake Erie from that point, and which was commenced with a spirit that warranted a belief in its early and successful completion. The work, however, was suddenly discontinued in 1837, and has not, up to the present moment, been recommenced.

Although the navigation of the Grand River is greatly improved, and has been partially used, and tolls collected thereon for the last three seasons, it is not yet permanently completed throughout. An apron at Dam No. 3—raising the embankment at the Indiana Cut from one to two feet—making a towing-path from Lock No. 5 upwards—removing some boes in the bed of the River, and other minor improvements, are still required to render the navigation from Cayuga to Peter Green's, perfect and permanently useful to the public.

The lateral cut from Peters Green's to Brantford, has not been commenced, and the Directors deem it imprudent to undertake that part of the work in the present state of the finances of the Company, nor would it be just to do so, until their creditors are paid; many of whom have suffered much, from the unavoidable delay in paying the amount due them.

In the session of 1836 and 1837, the Legislature authorized the loan of £12,500, for the completion of this work, on the security of the Six Nations Indians, and private individuals. Those securities were duly entered into, and debentures were issued to the amount of £6,500, on the credit of the Province. Nevertheless, all the efforts to induce the Banks, or any other monied institutions within the Province, to purchase those debentures, have utterly failed, with the single exception of £500, taken by the Gore Bank, which enabled the Directors to liquidate a part of the most pressing debts.

On the opening of the navigation, several of the dams and embankments had settled, and were in imminent danger of being swept away, and no available means at the disposal of the Company to secure them. The only alternative that presented itself to the Directors, under these pressing circumstances, was either to abandon the work, or issue the Company's notes, payable in one year after date, with interest, with the hope and expectation that the Legislature would, at the ensuing session, adopt some more effectual means to make their debentures available. The latter was adopted, and about £1,250 of those notes have been paid out, and the work by that means is placed out of immediate danger.

The receipts and expenditures of the Company up to the present time are as follows:—

Expenditures for works, real estate, damages, &c. ....	£28,500	
Current expenses, including Collectors and Lock-tenders .....	2,430	
		£30,930
Total expenditure.....		
Receipt of 50 per cent on stock called in.....	£24,044	
For village and park lots sold .....	333	
Tolls collected .....	835	25,212
		£5,718
Leaving a balance yet due from the Company .....		
There is due the Company for lands sold .....	£751	
Mill rents .....	861	
Stock called in .....	735	
		£2,347

There will, however, be some reduction in this sum for lands sold which are not occupied nor improved. For mill rents remitted for certain reasons—and on stock part of which will, doubtless, be forfeited to the Company—besides the balance which may be actually due after such reduction is made, cannot be available for present purposes, owing chiefly to the embarrassed state of the country.

The Company will, consequently, have to provide means to pay the debts actually due as above stated—

Amounting to.....	£5,718 0 0
And the amount required to complete the navigation to Peter Green's, as per Engineer's estimate .....	2,091 0 0
	£7,809 0 0
Making a total amount.....	
To be immediately provided for by the Company.	

From the above statement it will be seen that the cost of the improvement of the navigation of the Grand River from Dunnville up to within two miles of Brantford, a distance of 57 miles, will not, when fully completed, exceed £33,000, a sum comparatively trifling when compared with the great advantages which will be derived by the public from its outlay.

The Directors are aware that the magnitude and importance of this work are not sufficiently understood and appreciated. There are already erected upon this navigation, three grist mills and one plaster mill, with six run of stones in operation—fourteen saw mills, one of which has a gang of seventeen saws, and other less machinery; on completion of the towing-path by the Welland Canal Company from Dunnville to Cayuga, which has been surveyed, and that part above lock number five, a part of which is now under contract—a continued and uninterrupted navigation will be made from Port Dalhousie, on Lake Ontario, to Bunnell's Landing, near Brantford Road.

The Directors are unanimously of the opinion that the public interest would be best promoted by making this a Provincial work, which would, in connexion with the Welland Canal, reduce the costs of management, and, as a necessary consequence, the amount of tolls. The means required to effect this important object, so far as the Company is concerned, cannot be considered a matter of much moment, or as presenting any serious obstacle in the way, when it is known that the number of shares held by private individuals is only 1815, on which the whole of the fifty per cent. called in, amounts to no more than £5,671 17s. 6d., of which sum a little less than £5,000 has been paid in.

This latter sum of £5,000 is the only amount requiring immediate liquidation in case of a transfer of the works to the Welland Canal Company or the Government. The balance of the stock being owned exclusively by the Indian Department for the Six Nations Indians, they would doubtless be willing to accept of legal interest on the amount paid in by them, or retain an interest in the work equivalent to the amount of their stock.

All which is respectfully submitted.

(Signed) WM. HAMILTON MERRITT,  
PRESIDENT, G. R. N. C.

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## REPORT OF COMMITTEE

ON

## PETITION OF DONALD CAMERON.

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*To the Honourable the Commons House of Assembly.*

Your Committee to whom was referred the petition of Donald Cameron, beg leave most respectfully to report, that they have examined the Journals of your Honorable House, and the report of a select Committee to whom the same subject was referred at the first session of the present Parliament, dated Committee room, House of Assembly, January 27th 1837, and that they fully concur in that report, and more particularly that the said Donald Cameron offers to give security that if he fails making good his allegations he will pay the whole expense of the Commission recommended by said report to be appointed.

All of which is most respectfully submitted.

E. H. THOMSON,  
CHAIRMAN.

*Committee Room, House of Assembly,  
9th April, 1839.*

REPORT OF SELECT COMMITTEE  
ON  
PETITION OF DESJARDINS' CANAL COMPANY.

*To the Honorable the Commons House of Assembly.*

The Committee to whom was referred the petition of the President, Directors, and Stockholders of the Desjardins' Canal Company, beg leave to report :

That they have duly considered the proposal of the said petitioners, and, although, they would be most happy to recommend the advance of the requisite sum to deepen the Desjardins' Canal, if the state of the finances of the Province were such as to justify such a loan, but, in the opinion of your Committee, (the canal being navigable for small boats) the deepening thereof should be deferred for the present.

Your Committee append to this report certain documents furnished them by the Company.

All which is respectfully submitted.

W. CHISHOLM,  
CHAIRMAN.

*Committee Room,  
10th April, 1839.*

*Canal Office, Dundas, 18th February, 1839.*

**REPORT :**

THE Directors of the Desjardins' Canal Company beg leave to submit the following Report :

That the canal, after many years of exertion on the part of the Directors, was opened on the 16th day of August, 1837, for vessels drawing 7½ feet water, since which period, until the close of the navigation on the 17th November, 1838, there have passed through the canal, as per documents herewith, for which tolls have been received, and due, to the amount of £599 2s. This sum may appear small for that time, but when the state of the country is taken into consideration, and reference had to the exports and imports of former years, when the only water communication was by the circuitous windings of a small creek, the conclusion must be more cheering.

The Directors accompany this report with an abstract account of the Company's affairs, and other documents, up to the present date, by which it will appear that the canal has already cost £22,058 10s. 8½d. and that, from such calculations as may be depended upon, there will be required, at least, £5,000 to make it a permanent work, giving 10 feet water throughout.

The Directors are sorry to say, they see no way of raising this sum, in the present circumstances of the country, unless by again referring to the Legislature, in doing so the Directors beg to suggest the propriety of the stock holders petitioning both Houses of Parliament, to assume the work on behalf of the Government, they even would urge the suggestion for the following reasons—That there are now in many places only 5½ feet water, which is chiefly caused by the water falling in Lake Ontario—that many complaints have been made by those deeply interested in the Trade—that ordinary sized vessels cannot navigate the canal, they being thereby subjected to great additional expense, by re-shipment, &c. and the utter inability of the Directors to make the canal what it ought to be.

There is also accompanying this Report, a letter lately received from Her Majesty's Receiver-General, with an account of interest on monies borrowed by the Company amounting to £1853 11s. 2d. taken into the statement of the Company's affairs.

JOHN O. HATT,  
PRESIDENT, D. C. C.

Desjardins Canal Office, Dundas, 18th February, 1839.

Detailed Report of Imports and Exports through the Canal since the opening thereof on 16th August, 1837, to the close of Navigation on 17th November, 1838.

From 16th August to 4th December, 1837.		
<b>IMPORTS.</b>		
6528 cwt. merchandize, at 3d. per cwt. ....	81 12 0	
1336 brls. salt at 3 $\frac{3}{4}$ d. per bbl. ....	20 17 6	
26 cwt. hops at 5d. per cwt. ....	10 10	
		103 0 4
<b>EXPORTS.</b>		
2307 brls. of flour at 2d. per bbl. ....	19 4 6	
467 brls. whiskey at 6d. per do. ....	11 13 6	
25 brls. pork at 6d. per do. ....	12 6	
171 cwt. merchandize at 3d. per cwt. ....	2 2 9	
93 $\frac{1}{2}$ thousand puncheon staves at 2s. 6d. per M. ....	11 13 9	
76 bushels wheat at $\frac{1}{2}$ d. per bushel ....	3 2	
18 barrels beer at 4d. per barrel ....	6 0	
		45 16 2
<b>VESSELS, &amp;c.</b>		
70 trips by steamboats at 2s. 6d. each ....	8 15 0	
25 do by small boats at 2s. 6d. ....	3 2 6	
12 do by schooners 1 at 2s. 6d. 6 at 5s. & 5 at 10s. each..	4 2 6	
Collected at wharf for horses wagons, &c. ....	1 7 2	
		17 7 2
		£ 166 3 8
From 8th April, to 17th November, 1838.		
<b>IMPORTS.</b>		
6510 cwt. merchandize, a 2d. per cwt. ....	54 5 0	
4496 bbls. salt, a 3d. per bbl. ....	56 4 0	
33 casks of oil, a 9d. per cask ....	1 4 9	
		111 13 9
<b>EXPORTS.</b>		
822 bbls. whiskey, a 6d per bbl. ....	22 1 0	
42 do ashes, a 7 $\frac{1}{2}$ d. per bbl. ....	1 6 3	
21870 do flour, a 2d. per bbl. ....	182 5 0	
340 cwt. merchandize, a 2d. per cwt. ....	2 16 8	
8 bbls. plaister, a 2d. per bbl. ....	0 1 4	
47 do pork, a 6d. per bbl. ....	1 3 6	
8 do beer, a 3d. per bbl. ....	0 2 0	
6 casks tallow, a 6d. per cask. ....	0 3 0	
2167 bushels wheat, and 300 bush'ls. barley, a $\frac{1}{2}$ d. per bus.	5 4 0 $\frac{1}{2}$	
464,000 puncheon staves, a 2s. 6d. per M. ....	58 0 0	
1,500 pipe do a 5s. per M. ....	0 7 6	
		273 10 3 $\frac{1}{2}$
<b>VESSELS, &amp;c.</b>		
142 trips by small boats, a 2s. per trip ....	14 4 0	
57 do by schooners, a 5s. per trip. ....	14 5 0	
		£ 385 4 0 $\frac{1}{2}$
Carried forward. ....		

	£	s.	D.	£	s.	D.
Brought forward.....				385	4	0½
52 do by steam-boats a 5s. per trip.....	13	0	0			
Collected at wharf, for horses and wagons, cattle, &c. . .	6	5	3½			
				47	14	3½
				432	13	4
Amount of tolls, from 16th August to 4th Dec'r. 1837.....	166	3	3			
Do. do. from 8th April to 17th Nov'r. 1838.....	432	18	4			
				599	2	0

JOHN O. HATT,  
President, D. C. C.

JOHN DICKIE,  
Secretary, D. C. C.

*Abstract Account of Receipts and Disbursements for the Desjardins' Canal Company from the 21st December, 1836, to 1st March, 1838. (Printed.)*

	Dr.			Cr.		
	£	s.	D.			
<i>To sundries, as entered in the Company's Books—</i>						
To Cash on hand, 21st December, 1836 .....	887	2	2			
To amount of Government Debentures, since received .	5000	0	0			
To Cash received for outstanding accounts due, and tolls collected .....	366	0	7			
To Stock paid by Cash, on accounts rendered .....	178	16	6			
<i>By sundries, as entered in the Company's Books—</i>						
Interest paid the Receiver General.....				1770	0	0
Repaid the Hon. Joseph Wells, borrowed money.....				1000	0	0
Interest thereon paid .....				35	0	0
Lyon and Howard's account in full, per contract, for Dredging .....				1718	15	0½
Charges for pumping water from the basin .....				414	11	10
Charges for Dredging-machine when employed by the Company .....				152	19	2
Cost of building two Shanties at the bridges .....				34	17	6
Cost of Basin and Wharf, since April, 1837 .....				863	2	0
Sundry outstanding accounts paid, due before April, 1837 .....				130	1	10
Cost of Store-house for canal purposes .....				123	15	0
Interest paid, sundries .....				5	5	2
Incidental charges, per account .....				183	11	8½
	£6431	19	3	£6431	19	3
<i>Debts now due to and by the Company:</i>						
<i>To sundries, as entered in the Company's books—</i>						
To mortgages on property .....	612	5	7½			
To notes of hand, now due.....	89	4	0			
To open accounts due.....	359	3	4½			
By sundry debts due by the Company, per list.....				346	19	2
By balance due the Company.....				713	13	10
	£1060	13	0	£1060	13	0

	Dr.			Cr.		
	£	s.	D.	£	s.	D.
It appears that stock has been paid in full for 366 shares.....				4575	0	0
That on 167 shares amounting to .....	2087	10	0			
There has been paid .....	943	17	4			
				943	17	4
Due on the above 167 shares .....	1143	12	8			
Seventy-four shares of stock subscribed, of which none is paid .....	925	0	0			
Due on stock subscribed .....	2068	12	8			
Amount of stock that appears to be collected.....				5518	17	4
Amount of Government Debentures.....				17000	0	0
				£ 22518	17	4
Less the balance due the Company as above .....				713	13	10
Appearing at the Debit of the Desjardins' Canal .....				21805	3	6

The abstract account from the 21st December, 1836, to 1st March, 1838, and the debts due to and by the Company, as stated in the accounts herewith exhibited, are correct as posted in the Company's Books; there may be, however, more stock paid than entered, previous to October, 1832, when the Company's books were destroyed. The Directors, desirous of having all the accounts correct before the next Annual Election for Directors, gave two different notices through the news papers since the opening of the canal, "That any receipts or documents produced at the Canal Office would be taken to the credit of Stockholders;" several such documents have been received, and credit given accordingly. Some Stockholders may not have seen these notices, or neglected to attend thereto, until that is done, no accurate statement can be given of the stock accounts. A detailed statement of the accounts herewith, can be seen at the Canal Office.

JOHN PATERSON, PRESIDENT.

Desjardins' Canal Office, Dundas, March, 1838.

JOHN DICKIE, SECRETARY.

DESJARDINS' CANAL OFFICE,  
Dundas, 18th February, 1839.

ABSTRACT Account of Receipts and Disbursements for the Canal since printed Abstract of 1st March last.

PAID.	£	s.	D.	£	s.	D.
Hiram King, per contract, for dredging, raising piling machine, building a scow, and other charges, per ledger .....	160	3	8½			
Mens' wages attending the swing bridges, repairing the bridges, work done on the banks of the canal and basin, and incidental charges .....	253	1	7			
Removing one of the shanties at bridges .....	3	10	0			
Outstanding accounts paid since 1st March last, per ledger .....	168	4	6			
Interest paid since 1st March last .....	3	2	11½			
				588	2	11
<b>RECEIVED LESS BALANCE.</b>						
On account of canal stock, per ledger .....	12	19	4½			
Outstanding accounts collected since 1st March last .....	143	11	3			
Tolls collected, per toll book .....	425	13	9			
Balance due the Secretary, and taken into the annexed statement of the Company's affairs.....	5	18	6½			
				588	2	11

JOHN DICKIE, Secretary, D.C.C.

JOHN O. HATT, President, D.C.C.

## A STATEMENT of the Company's Affairs at this Date.

	£	s.	D.	£	s.	D.
Interest due Her Majesty's Receiver General.....	1853	11	2			
David Thorburn, Commissioner for Dredging Machine .....	£38	3	1½			
Interest since 26th December, 1837 .....	2	17	1½			
George Monro's note.....	£60	0	0	41	0	3
Interest since 2nd February, 1838....	3	18	0			
Debts due by the Company, per ledger, audited .....				63	18	0
Accounts not paid, and accounts not yet furnished.....				115	8	6
						2073 17 11
<b>DEBTS DUE THE COMPANY.</b>						
Mortgages on property, viz. Patterson's and Flynn's, with interest to date of sale, disposed of to James Coleman, payable in two years from the 29th September, 1837, with interest thereon .....				288	15	11
David Gibbs disposed of to Samuel Dynes for £375 0 0 Received on account.....				37	10	0
				337	10	0
(Terms of sale were, £20 to be paid when deeds made out, one half of the balance on the first day of August following, and the remainder in two years from date of sale, viz. on the 21st December, 1837.)						
Peter H. Hamilton's balance of debt, no interest calculated. (This debt could be collected if the debtor was relieved from his security given to the Government for loans made to the Canal.)				130	12	5
Store on Basia of the Canal cost.....				132	5	0
Amount of notes and other accounts in the hands of the Company's law Agent .....				58	17	1½
Sundry debts due, per ledger, including some toll accounts due.....				65	16	0½
						1013 16 6
Debt due by the Company, if their claims are collected.....				1060	1	5

JOHN O. HATT,  
PRESIDENT, D. C. C.

JOHN DICKIE,  
SECRETARY, D. C. C.

Desjardins' Canal Office,  
Dundas, 18th February, 1839.

It appears that the Canal has now cost, per Stock Book—

396 Shares appear to have been paid in full, at £12 10s. each .....	£4,950	0	0
158 Shares appear paid in part .....	822	4	6½
	£5,772	4	6½
Cost of the Canal, as appears by printed Abstract of 1st March last, was ..	21,805	3	6
	£27,577	8	0½
Less per printed Abstract of 1st March last.....	5,518	17	4
Now at Debit of Desjardins' Canal account .....	£22,058	10	8½

JOHN O. HATT,  
PRESIDENT, D. C. C.

JOHN DICKIE,  
PRESIDENT, D. C. C.

At a meeting of the stockholders of the Desjardins' Canal held at the Inn of Peter Bamberger, on February 18th, 1839, pursuant to notice, to take into consideration the most advisable plan of making the canal of sufficient depth for vessels drawing ten feet water. The Honorable James Crooks was called to the chair, and John Gamble acted as Secretary, when the directors submitted a report stating the affairs of the company, upon which the following resolutions were proposed and adopted.

*Resolved*—That from a report of the directors, submitted to the meeting, the canal appears to have cost £22,058 10s. 8½d. that the sum of ..... £17,000 0 0  
Is due to the government on loans and interest on the same..... 18,53 11 2

Making..... £18,853 11 2

the tolls collected on the canals since August 1837, amount to £599 2s. as per documents produced.

That from an estimate laid before the meeting, the canal tolls would have been more than double the past year had the water in the canal been ten feet throughout the navigable season.

From the rapidly increasing amounts of import and exports, it is the opinion of this meeting that the tolls will be double, and perhaps treble, in a very short period, and as a proof of the increase, there has been shipped during the past season 465000 of puncheon and pipe staves, an article of which none were formerly shipped from this place, the number of vessels loaded at Dundas the past year, appears to be 57, and 142 trips by boats, and 52 trips by steam boats.

That although there appears to be a balance on stock subscribed for, but not paid up, of the sum of £1152 15s. 5½d and upon stock subscribed, upon which no instalments have been paid £950, making together the sum of £2102 15s. 5½d. yet no dependence can be made thereon, for the completion of the canal or paying any part due the government.

That there is the sum of £1013 16s. 6d. due the company, by the mortgages, and otherwise, and that the company owes sundry debts amounting to £220 6s. 9d. leaving a balance in favor of the company of £793 9s. 9d. none of which is at present available for canal purposes.

That the whole of the amount collected as toll and otherwise, has been expended upon the canal, and incidental charges, and £5 13s. 6½d. more.

That it is the opinion of this meeting, that the further sum of £5000 will be necessary for making a towing path, and otherwise completing the canal, so as at all times to enable vessels drawing ten feet water to navigate the same.

That under these circumstances, it is the opinion of this meeting that petitions be presented to the different branches of the Legislature, if the stockholders at Toronto and elsewhere, do concur therein, praying that the Provincial Government take the canal into their own hands, until the debt and said proposed loan is satisfied, the stockholders remaining unpaid until the debt is wholly satisfied.

That these resolutions and a copy of the documents submitted to this meeting, be laid before the meeting of the stockholders at Toronto, if the said meeting concur in the petition to the Legislature—that the same be carried into immediate effect, and that the said meeting at Toronto be called as soon after the meeting of the Legislature, as may be practicable.

The foregoing resolutions were adopted *nem. con.*

(Signed) JAMES CROOKS,  
CHAIRMAN.

(Signed) JOHN GAMBLE,  
SECRETARY (TO THE MEETING.)

JOHN DICKIE,  
SECRETARY,

D. C. C. *Witness.*

**REPORT OF SELECT COMMITTEE,**  
ON  
**PETITION OF DONALD M'DIARMID.**

*To the Honorable the Commons House of Assembly.*

The Committee, to whom was referred the petition of Donald McDiarmid, beg leave to report:—

That the petitioner has held the office of Lieutenant in the Glengarry Militia, and was in the discharge of his duty at the capture of the American fort at Ogdensburgh, in the year 1813, where he had the misfortune of receiving a wound, which placed him on the pension list until the year 1821. That an inspection of the pensioners was ordered by the Lieutenant-Governor, but from the circumstance of the petitioner living at that time in Lower Canada, and knowing nothing of such inspection, did not attend at the time and place appointed by the medical officers, appointed to examine and report upon the several cases of the pensioners, and no report was made on the petitioner's individual case, which had the effect of removing him from the pension list. That the petitioner subsequently applied for an inspection of his wounds, which, being granted, had the effect of replacing him upon the pension list, on the 26th of October, 1835. That your Committee, assuming the fact of his reinstatement on the pension list as proof of the continuance of the disability, is of opinion, the petitioner has an equitable claim to fourteen years' pension, as an officer disabled in action with the enemy.

All which is respectfully submitted.

ALEX. McLEAN,  
CHAIRMAN.

*Committee,*  
10th April, 1839.

**REPORT OF SELECT COMMITTEE,**  
ON  
**PETITION OF JAMES MITCHELL, ESQUIRE,**

*To the Honourable the Commons House of Assembly.*

The Committee, to whom was referred the petition of James Mitchell, Esquire, late Judge of the District Court for the District of London, beg leave to report—

That, from the long period of twenty-five years, which the petitioner has served as Judge of a District Court—his advanced age—the bodily infirmity with which he is afflicted, and his straightened pecuniary circumstances, have induced your Committee to recommend that a small pension of seventy-five pounds per annum be granted to him during his natural life—which they hope may meet with the favorable consideration of your Honourable House.

All which is respectfully submitted.

M. BURWELL,  
CHAIRMAN.

*Committee Room, House of Assembly,*  
10th April, 1839.

*Resolved,* That there be granted to Her Majesty the sum of £75 per annum, to provide a pension for James Mitchell, Esquire, late Judge of the District Court for the District of London, during his natural life.

## REPORT OF SELECT COMMITTEE

ON

### PETITION OF ELISHA HUFF, AND OTHERS.

*To the Honourable the Commons House of Assembly.*

Your Committee, to whom was referred the petition of Elisha Huff, and sixty-six others, beg leave to report :—

That they have taken into their consideration the said petition of Elisha Huff, and others, praying your Honourable House to pass a Bill to establish the course of the side lines of the 2nd concession, west of Green Point, from No. 53 to No. 79,—and are of opinion, that it would be highly improper for your Honourable House to pass a bill to establish any survey on the imperfect evidence within their reach—particularly where there are conflicting interests, as in this case.

Your Committee are of opinion, that cases of the nature of that referred to them, may much more properly be brought before “the boundary commissioners,” who can call the parties interested before them—examine the different surveys—order further surveys to be made, and hear evidence upon oath, thereby enabling them to arrive at a correct decision.

All which is respectfully submitted.

CHARLES BOCKUS,

CHAIRMAN.

*Committee Room,*

12th April, 1839.

## REPORT OF COMMITTEE

ON

### RETURNS FROM THE CLERK OF THE CROWN,

AND OTHER PUBLIC OFFICERS.

*To the Honourable the Commons House of Assembly.*

The Committee to whom was referred the message of His Excellency the Lieutenant Governor, with the returns from the offices of the clerk of the Crown, of the Secretary of the Province, of the Surveyor General, and from the several clerks of Assize.

BEG LEAVE RESPECTFULLY TO REPORT :

That they have examined the several returns, and maturely considered the subject referred to them, with a view to ascertain in what manner the offices could be regulated, so as to afford greater satisfaction to the public, and at the same time increase the general revenue of the Province. Your committee have ascertained, from the return of the clerk of the Crown, and from an examination of that officer, as also of his principal clerk, that the emoluments of that office for the last year, amount to upwards of £3500 exclusive of an account for criminal

business, which has been claimed from the government, but which has not yet been paid, amounting to upwards of £400. Your committee are aware that the emoluments of this office have very materially increased, during the period that the present incumbent has held the office, and that they will continue to increase with the population of the country. In providing a salary for the clerk of the crown, your committee have made the same provision for him, as has been provided for each of the puisne judges, and although the income heretofore enjoyed by that officer, and derived from Fees, far exceeds that provision, your committee trust your honorable House will deem it very ample, and adequate to the services performed, which are not of so onerous and responsible a nature, as those rendered by the judges.

Your committee therefore recommend, that the office of the clerk of the crown should be regulated by law, and that instead of that officer being paid by fees as at present, he should receive a salary, as also all those connected with his department. For this purpose your committee have prepared the accompanying bill which they recommend for the adoption of your honorable house. Your committee are surprized to learn, that notwithstanding an adequate salary has been attached to the office of Secretary of the Province, and to that of Surveyor General, each of those officers have enjoyed a considerable addition of income arising from fees which your committee recommend should hereafter be paid into the hands of the Receiver General, half yearly, on account of the general revenues of the Province. Your committee further recommend, that the several deputy clerks of the Crown in the several districts of this Province, should, after the present spring assizes, discharge the duties of clerks of assize. By the alterations thus proposed, your committee confidently anticipate a diminution of expense in the administration of justice, and an increase to the revenues of the Province of about two thousand pounds per annum.

All which is respectfully submitted.

G. S. BOULTON,  
CHAIRMAN.

*Committee Room,  
13th April, 1839.*

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R E P O R T  
OF  
**COMMITTEE ON ROADS,**  
ON THE  
**PETITION OF THOMAS MILBURN, SEN'R. AND OTHERS.**

*To the Honourable the Commons House of Assembly.*

The Committee, to whom was referred the petition of Thomas Milburn, Senior, and two hundred and eighty-five others, inhabitants of the Newcastle District, praying that the Road from Peterboro' to Chemong Lake, a distance of six miles, may be macadamized—most respectfully beg leave to report—

That, having duly enquired into the circumstances set forth in the said petition, and ascertained them as facts, and that the said distance, from the proximity of materials and the favorable position of the line of road, may be fully and finally macadamized, for the sum of two thousand five hundred pounds currency.

Your Committee are also made aware, that the improvement sought for forms a portion of the internal communication—much of which is at present under contract—between the head of the Bay of Quinte and Lake Simcoe—known as the communication road—having on the

East and West, a distance of upwards of sixty miles of navigable waters—thereby rendering this portage a very great thoroughfare, and one that, in the opinion of the Committee, would soon repay any necessary outlay.

The Committee, therefore, respectfully recommend that the sum of two thousand five hundred pounds be appropriated to that purpose, and advanced to Trustees, to be named in the Act of appropriation, upon the security of the Tolls, and the credit of the said District of Newcastle.

All which is respectfully submitted.

E. W. THOMPSON.  
CHAIRMAN.

*Committee Room,*  
13th April, 1839.

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REPORT OF SELECT COMMITTEE  
ON  
PETITION OF COMMITTEE OF MANAGEMENT  
OF THE  
HOUSE OF INDUSTRY.

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*To the Honourable the Commons House of Assembly.*

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Your Committee, to whom was referred the petition in behalf of the House of Industry, in the City of Toronto, beg leave to submit the following Report:—

The experience of another year has given strength to the opinion expressed on a former occasion by a Committee of this House in favour of the House of Industry.

During the past year an expenditure of nearly nine hundred pounds has been made in relieving sick and destitute persons in the City of Toronto—and no less than nine hundred and six persons have been aided by the Committee during that period.

The aid afforded from the public funds has only been three hundred and fifty pounds, which shows clearly that a very heavy burden has been sustained by the charitably disposed, whose contributions have enabled the Committee of the House of Industry to relieve so many applicants.

There is no reason to believe that the number of sick and destitute persons will be diminished, while it is not reasonably to be expected that a larger sum can be obtained from the charitably disposed inhabitants of the City, than was contributed during the last year.— Unless, therefore, a further grant be made, it is obvious that much misery and suffering will occur among those unfortunate individuals who are without the means of assisting themselves.

Your Committee beg leave to observe, that, it appears the services of those gentlemen who superintend and manage this Charitable Institution, are gratuitously afforded—and that no part of the moneys raised by public grant or private subscription are directed from the beneficent object for which they were originally designed.

Your Committee, therefore, recommend a continuance of the aid heretofore granted to the Establishment from the public funds of the Province.

All which is respectfully submitted.

WM. H. DRAPER,  
CHAIRMAN.

*Committee Room, House of Assembly,*  
16th April, 1839.

R E P O R T  
OF  
COMMITTEE ON ROADS AND BRIDGES,  
ON PETITIONS OF  
G. CHALMERS & OTHERS, AND W. J. SUMNER & OTHERS.

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*To the Honourable the Commons House of Assembly.*

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The Committee on Roads and Bridges, to whom was referred the petition of George Chalmers, and others, and also the petition of W. J. Sumner, and others—

BEG LEAVE TO REPORT :

That your Committee have had before them the petition of George Chalmers, and others, praying for a grant of money, by way of loan, for continuing the Macadamization of Dundas-street, from the Western boundary of the Home District, through the Gore District, to the Town of Hamilton, and from the manifest advantage that would result to the community at large, your Committee recommend that the prayer of the Petition be complied with upon the same terms as grants have been made for like purposes in other Districts—the interest to be paid out of the funds of the District. And your Committee also recommend that the prayer of the petition of J. Sumner, and others, of the Gore District, praying for a loan of money to plank the road from Oakville, on Lake Ontario, to Owen's Sound, on Lake Huron, be complied with so far as to enable the Petitioners to plank the said road from Oakville to Post's Tavern, on Dundas-street.

All which is respectfully submitted.

E. W. THOMSON,  
CHAIRMAN.

*Committee Room, House of Assembly,  
16th April, 1839.*

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REPORT OF SELECT COMMITTEE  
**ON TURNPIKE TRUSTS,**  
AND ON  
**Petitions of John Taber and others, and Peter Milne, Esquire, and others.**

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*To the Honourable the Commons House of Assembly.*

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Your Committee appointed to enquire into the state of the turnpike trusts in the Home District, and to whom was referred the petitions of John Taber and others, and Peter Milne, Esq. and others, have considered it their duty, in order to obtain a correct knowledge of the condition of these trusts, to send to the chairman of each, a series of questions which, with the respective answers, are appended to this report; they have also had before them Mr. Thomas Roy, civil Engineer, whose observations on the proper system of road making and the state of the Macadamized roads now finished, together with two other papers on the same subject from persons who appear to possess a knowledge of the manner of constructing roads in England, are also appended hereto. In order that the state of each trust might be clearly shown, your Committee have added to this report tables exhibiting the amount of money paid

by the Receiver General to each separately—the sums borrowed by the commissioners upon their own responsibility—the length of road finished on each—the materials of which they are constructed—the average cost per mile—the amounts expended where the road is not completed—the revenue of each for 1838, arising from tolls and commutation of statute labor—the expenditure for repairs during 1837 and 1838, together with the amount of interest paid out of the principal money, and interest now due. The advantages that have been derived by all classes of the inhabitants of the Home district, in the vicinity of these roads, from their improvement, is unquestionable, but at the same time your Committee cannot conceal the fact, that these benefits have been obtained at an immense expense. The whole distance now completed is thirty-seven miles, at a cost of eighty thousand pounds, averaging two thousand one hundred and sixty-two pounds per mile.

The expense of constructing the north road has been more than double that of the west, and greatly exceeds the cost of the east. This is attributed by the commissioners to the difficulty in procuring materials, and the great outlay at Hogg's Hollow; this trust is also in arrear for interest, which may in a great measure be accounted for, by the failure of the lessee of one of the gates, whose sureties the commissioners are now prosecuting for the sum due—£600.

The eastern road has been made with 3 inch plank, for considerably more than half the distance, now completed, and your Committee call the attention of your Honorable House to the fact, that the expenditure on this road averages £400 per mile more than that of the west road, where the materials are of the most durable description; and they also remark the great expense incurred in repairing the 3 miles made with stone, for the last two years—exceeding £900. There is no interest due by this trust, but it has been paid out of the principal, to the amount of £470.

The western road has been the least expensive in its construction, and which may partially have arisen from the general level surface of the country over which it passes, together with the facility of procuring materials; the tolls collected upon this road, although charged at too low a rate, have nearly equalled the interest, which has been paid up to 31st December last: the sum taken from the principal for that purpose, is £150.

The tolls collected upon these roads have not hitherto equalled the amount payable for interest, but in the opinion of your committee they may be increased, so as to accomplish that object, and also provide for the necessary repairs without being burdensome, provided that they are levied upon a just and equitable principle, in such a manner that those who use the road shall pay for it in proportion to that use, and the injury done thereby. Upon the north road the tolls appear to be collected fairly and justly, the gates being nearly equi-distant from each other.

Upon the east road there are two gates, within four miles of the City of Toronto—the rate charged at the two amounting to 15d. for a carriage drawn by two horses;—of this the first named petitioners complain, and so far as the statements made in their petition apply to the tolls, they are, in the opinion of your Committee, well founded.

Upon the West Road the course hitherto pursued seems objectionable—the rate of tolls appears to have been altered without the concurrence of the majority of the Commissioners, and to have been kept at too low a rate—in one case an additional gate appears to have been unnecessarily erected by them—an increased expense in collecting the tolls unwisely incurred; and at one gate an unfair distinction appears to have been sanctioned by the Board of Commissioners—different rates being charged to different persons.

The attention of your Committee has been drawn to a point requiring serious consideration—viz: whether the system now adopted by the Commissioners of the east road of making that road with plank will answer the purpose intended. If the statement is correct, that it can be laid down for £550 per mile, and last seven years without repairs, it would appear desirable that that plan should be more generally adopted; but your Committee are of opinion that the actual cost would prove *much greater*, 3 or 4 hundred pounds per mile at least, for forming the road in the first instance, which requires to be done as well when it is planked, as when other materials are used for the surface. In that case the advantages arising from the use of wood as a material, may well be questioned, and it would not be advisable to allow it to be continued, unless the amount of tolls raised should be equal to the repayment of the principal, together with the interest, in seven years.

Your Committee feel it their duty to allude to circumstances of questionable propriety that have occurred on the north and west trusts—The Commissioners of the former have employed one of their own number as Secretary, to whom they have paid a salary of £125 annually—while those of the latter have this year given £50 as a compensation to their Chairman. Those Gentlemen have probably not been sufficiently remunerated for their services, but a system under which the Commissioners have legally voted money to each other in any capacity seems to be one very open to abuse, and requiring amendment—the practice also that has hitherto obtained in all the trusts of allowing the Commissioners to furnish team work and materials, should not, in the opinion of your Committee, be allowed to continue.

Your Committee are of opinion that the continuation of these improvements will be greatly facilitated, the expenditure much reduced, and the roads constructed in a more substantial and scientific manner, if it were made compulsory upon the Commissioners to employ a competent person as Engineer, or Surveyor, whose practical knowledge of road-making would, for the future, prevent the Commissioners from falling into such costly errors as crossing Hogg's Hollow on Yonge-street, in a straight line, or ascending the Rouge Hill in a similar manner—to effect this purpose they recommend that these trusts should be consolidated, *which would* enable the Commissioners to employ a properly qualified person to superintend the three roads, and be the means of furnishing them with an efficient executive at a less expense than that now incurred. Several matters of minor importance require to be regulated by Legislative enactments, but your Committee do not consider it necessary further to allude to them than to remark that they have been provided for in the bill already reported, and which they recommend for the adoption of your Honourable House.

J. W. GAMBLE,

CHAIRMAN.

Committee Room,  
16th April, 1839.

NORTH ROAD.		£	s.	D.
Amount paid to Commissioners by the Receiver General.....		32922	4	5½
Advanced by the Bank of Upper Canada on the responsibility of the Commissioners .....		3950	0	0
		36872	4	5½
Total distance completed, 11½ miles—material, stone—breadth generally 16 feet, but the part completed in Summer of 1836, only 12 feet, average cost per mile .....		3277	10	7
Amount of Tolls received in 1838 .....	£1035 13 3			
Amount of ditto due, secured by bond of Jacob Snider .....	600 0 0			
Amount of commutation of statute labour, 1838 .....	134 12 8			
		1770	5	11
Amount expended in repairs, during the year 1838, for bridges	£920 0 0			
Ditto for road.....	243 0 0			
Repairs 1837 .....	32 10 10			
		1195	10	10
Amount expended in repairs in addition to the above .....		199	2	11
		1394	13	9
Interest paid out of principal.....	£133 6 10			
Ditto due the Receiver General .....	887 13 3			
		1021	0	1

No. of Gates, 3—at nearly equal distances, rate of each, 4d. for a double team, = 1d. per mile.

EAST ROAD.		£	s.	D.
Amount paid to the Commissioners by the Receiver General .....		22088	17	9
Unexpended balance in hand of the Commissioners .....	£2915 16 9			
Amount expended upon the hills at the Rouge and other places .....	648 2 6½			
Ditto where the road is not completed .....	1013 14 0			
		4577	13	3½
		17511	4	5½
Total distance completed, material, Stone .....				
	4 miles,			
	" Plank .....			
	5¼ do.			
	Average cost, 9¼ miles, = per mile	1893	2	0
Amount of nett proceeds of Tolls, 1838.....		858	16	10
Amount of Repairs.				
Three miles Stone road 1837 .....	£315 4 11			
Do. do. do., 1838 .....	605 12 6			
		920	17	5
Amount of interest paid out of the principal .....		470	17	10½
Interest paid up to 31st December.				
One Toll Gate, Don Bridge, rate .....	6d.			
One do., 4 miles from City, rate.....	9d.			
One do., on the mile of Macadamized road near the Rouge, rate..	4d.			
Average rate for double team, 2d. per mile.				
WEST ROAD.				
Amount paid to Commissioners by Receiver General .....		23922	4	4¾
Advanced by Bank of Upper Canada, upon responsibility of Commissioners .....		1500	0	0
		25422	4	4¾
Amount expended at the River Credit, and the Lake Road, where the roads are not Macadamized .....		974	16	7½
		24447	7	9¼
Total distance completed.				
Material, stone, Dundas Street, .....	12 miles,			
Do. Gravel, do. ....	3			
Do. Stone, 6 inches only, Lake Road.....	1¼			
Average cost, per mile.....	16¾ miles,	1459	10	0
Amount of Nett proceeds of Tolls, 1838 .....		805	19	1
Amount of commutation of statute labour .....		23	5	0
		829	4	1
Amount of Repairs, 1837 and 1838 .....		205	0	0
Amount of interest paid out of principal.....		150	0	0
Interest paid up in full to 1st January, 1839.				
Four Toll Gates—1st one, rate .....	6d.			
2nd, on Dundas Street .....	4d.			
3rd, do. do. ....	3d.			
Average rate of tolls per mile, less than 1d. for a carriage drawn by two horses.				

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 QUESTIONS.
 

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- 1st.—For what trust are you a Commissioner ?
- 2nd.—Under what Act were you appointed ?
- 3rd.—What distance of road is completed under your trust ?
- 4th.—What materials have been used in its construction ?
- 5th.—Has it been found necessary to re-construct any part of it since its formation ?
- 6th.—What sum has been expended in repairs and re-constructing ?
- 7th.—From what you have seen, are you of opinion that the stone roads will resist the action of Frost, and not break up in the spring ?
- 8th.—Do you think it would be advantageous to employ an engineer ?
- 9th.—Do you recommend plank roads where stone or gravel is difficult to be procured ?
- 10th.—What amount of money has been granted for your trust ?
- 11th.—What amount has been received and expended ?
- 12th.—Was not the road on Lot Street as well constructed as any in the District ?
- 13th.—What sum has been expended in repairs since its formation ?
- 14th.—In your opinion is contract work or day labour the most economical ?
- 15th.—What check have you on the Overseer ?
- 16th.—What is the average rate of toll per mile, and is any system followed in levying tolls ?
- 17th.—Do you not think that they should be regulated by the weights carried ?
- 18th.—Have you any check on the toll Collector ?
- 19th.—Are any of the tolls let ?
- 20th.—Have the tolls amounted to the full sum payable for interest on the money expended ?
- 21st.—How much has been paid out of the principal ?
- 22nd.—What is the average cost of constructing the road per mile ?
- 23rd.—Have any sums been at any time voted to any of the Commissioners ?
- 24th.—In what capacity, at what time ?
- 25th.—Have any of the Commissioners been in the habit of furnishing materials or team work ?
- 26th.—What is the opinion of consolidating the trusts ?

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 ANSWERS
 

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*Of C. C. SMALL, Esquire, to Questions put by a Committee of the House of Assembly, relative to the Roads.*

- To the first question—I answer, the eastern trusts.
2. By 3rd Wm. 4th, chapter 37.
  3. The answer to this question will be found upon reference to the annual reports transmitted to His Excellency, the Lieutenant Governor.
  4. Both wood and stone—The plank road has of late altogether been adopted, as will appear upon reference to the reports.
  5. It was found necessary to reconstruct a considerable part west of the Don Bridge, and a few yards east thereof, in consequence of there not being a sufficient quantity of metal laid down in the first instance.

6. The answer to this question will be found upon reference to the exhibits accompanying the reports already before you.

7. I am of opinion that the stone roads will resist the action of the frost, and not break up in the spring, provided they are made upon correct principles, such as thorough drainage from beneath the centre of your metal bed, and a sufficient quantity of the metal laid in the first instance, say at least 10 or 12 inches.

8. I think it necessary to employ an Engineer when and only when his services are required—To employ a permanent Engineer upon the roads would run away with from £150 to £200 per annum of public money, when two-thirds of that amount would be saved by employing a practical man by the day, when you required his services.

9. I would certainly recommend plank road or one made of that material when stone or gravel is difficult to be procured, the difference of expense is considerable, a plank road will cost £550 per mile laid down, where a stone road the same width, 10 inches in depth will require 326 toise of stone; the stone on the East Road has cost from 16 to \$20 per toise broken, which would bring your road to £1469 per mile for material, exclusive of laying down; so that in fact you may have a plank road for 15 years by renewing it every five, for what a stone road will cost in the first instance, or you make three miles of plank road for one of stone—My own opinion is, that a plank road will last seven or eight years, and it is attended with no expense in repairs, whereas that of stone must be considerable.

10. Ten thousand pounds granted by 3 William IV. for the three roads.

Ten thousand pounds for the Eastern Section by 6 William IV., and twenty thousand pounds by 7 William IV.

11. From the first grant the Eastern Section received £2,200. From the second grant £8000. And from the last £11,889.

But for a more detailed state of receipts and expenditure I beg to refer you to the Reports.

12 and 13. I cannot answer.

14. In my opinion it is necessary to resort to both in certain cases, though, generally speaking, if you can procure a faithful Overseer, I should recommend day labour as the most economical.

15. No further check than a constant and watchful observance by the Trustees that both men and Overseers discharge their duty.

16. In answering this question, I beg to refer to the Exhibits attached to former Reports.

17. I do if practicable.

18. None further than his own affidavit when required.

19. No.

20. Nearly so.

21. Four hundred and seventy pounds seventeen shillings and ten-pence half-penny.

22. The answer to this question will be had upon reference to the reports.

23. No.

24. This question is answered by the above.

25. They have, those possessing saw-mills have furnished plank for the road at the same rate that was paid to Mr. Willard and others.

26. My opinion (and that of my brother Trustees,) is opposed to consolidating the trust, and desire that it may be perfectly understood, that if such a measure should be approved of by the House, they desire to be left out of the Act as Commissioners.

Respectfully submitted.

CHARLES C. SMALL,  
CHAIRMAN.

ANSWERS TO QUERIES proposed by a Committee of the House of Assembly on the Home District Road Trusts.

1. For the North York-road.
2. Act 7 Wm. IV.
3. About eleven and a quarter miles.
4. Stone—principally granite, with a thin coating of sand on the surface of the metal bed.
5. None of it has been re-constructed.
6. The sum of £920 has been expended in repairs of bridges, and £243 in repairs of the road within the limits of the City of Toronto.
7. Decidedly.
8. Certainly not, solely, for the North York Road—but could a really intelligent person be found who could take charge of the engineering department of the three trusts, and be well acquainted with the construction of Macadamized roads, such an appointment might be beneficial, but the Trustees are not of opinion that a person so qualified could be easily met with in this country.
9. On a clay soil, certainly not, where stone can by any possibility be procured. The Trustees are not of opinion that a plank road is a judicious mode of laying out the public funds.
10. Thirty-two thousand eight hundred and twenty-two pounds four shillings and five pence has been received from the Government, and three thousand nine hundred and fifty pounds borrowed from the Bank of Upper Canada, on the personal security of the Trustees.
11. Thirty-six thousand seven hundred and seventy-two pounds four shillings and five pence.
12. We do not consider that any of the roads in Toronto have been judiciously constructed.
13. Previous to the appointment of the present Commissioners, no regular accounts appear to have been kept since May, 1837. The total sum expended in repairs of the Macadamized road is £343 5s. 3d.
14. The difficulty of finding parties who can be depended upon to execute contract work, renders day labour more desirable with good superintendents.
15. The Overseers merely take account of the time of the day labourers, but the money is paid to the individuals every second week by Mr. Young.
16. The average rate of toll per mile is 1d.—when the work is completed, a better system can be adopted than at present: owing to the immense expenditure at Hogg's Hollow, the toll to cover the interest would average one penny farthing per mile.
17. During the summer season, teams should only be allowed to carry a certain weight on a certain breadth of wheel.
18. The Toll Keepers swear to their monthly accounts.
19. None at present.
20. No they have not.
21. The sum of £133 6s. 10d. appears to have been paid out of the principal—and there is now due to the Receiver General £887 13s. 3d. which is covered by the balance in the bank and the amount of Snider's bond.
22. Deducting the expense of excavating at Hogg's Hill—it may be averaged at £2000 per mile.
23. £125 per annum has been voted to Mr. Young for keeping the accounts and paying the labourers, &c.
24. No other sums except the above amount have at any time been granted.
25. Both materials and teams have been furnished at various times, by Messrs. Hogg, Bridgeford and the late Dr. McCague—to Mr. Hogg a considerable amount has been paid.

26. The trustees are not aware of any advantage that the North York road would derive from being connected with the other trusts, and they have every reason to believe, that on a fair inspection of the road under their charge, and likewise of their accounts—it will be clearly proved, that the monies intrusted to their care have not been improperly applied.

JOHN BARWICK,

*Chairman, North York Road.*

*Yonge Street, March 27, 1839.*

THE CHAIRMAN of Board of Trustees for the Western Dundas Road having had 26 Questions put to him, by a Committee of the House of Assembly on Turnpike Trusts, begs leave to submit the following answers to the same:—

1. I am a trustee of the Western Dundas road.
2. Under the 7th Wm. 4th, chap. 76.
3. 12 miles complete have been Macadamized on Dundas street, and about three miles beyond that gravelled, making as pleasant a road for travel, and also the hills at the River Credit lowered, besides this about  $1\frac{1}{2}$  miles Macadamized with stone laid 6 inches deep, and the rest of the road formed to the river Humber on the lake road, together with some hills levelled beyond the bridge over the Humber.
4. Stone.
5. No.
6. About £205 has been expended in repairs only since the commencement of the works.
7. Yes, when the roads are sufficiently drained.
8. Only as at present, when the Commissioners find it necessary.
9. In consequence of having no experience in plank roads, I am unable to give an answer to this question.
10. £30,000 sterling, besides a portion of the first grant of £10,000 for the 3 roads, which was expended upon this road, amounting to £2,200 currency.
11. £23,922 4s. 5d. currency have been received and expended on account of the grants in addition to £1,500 currency raised by the trustees upon their personal security.
12. Considering the low, wet soil, upon which the road was constructed, it appears to stand as well as any in the District.
13. About £150 since its commencement upon the road as far as Col. Givins's gate; this sum would not have been so great had not the trustees been prevented repairing it in the fall of 1837.
14. Day labour.
15. The Overseer produces an account to the Clerk, of the number of days worked upon the road, as well as of materials purchased for the same, the Clerk makes all the calculations, which are then examined by the Board, the men are paid by him, who takes their receipts for the same. The Overseers are sworn to their accounts or returns.
16. The average rate of toll is not quite one penny per mile, no particular system is followed in levying the tolls.
17. No.
18. No particular check.
19. Only one gate is let, and that is a side-bar at Mr. Crookshank's lane.
20. The tolls have, during 1836, overpaid the interest, during 1837 were equal to it, and during 1838 fell rather short, which deficiency is now made up by the erection of two other gates on Dundas-street.
21. One hundred and fifty pounds have been paid out of principal since the commencement.

22. Two and a half miles have been made 20 feet wide and 10 inches deep, and 9½ miles have been made 16 feet wide and 10 inches deep, which average is about £1450 a mile, for Macadamizing and excavating, not including gravelling.

23. Yes, several times.

24. As the individual trustees, having the direct management of the expenditure of the sums so devoted, in 1836 and 1837—A sum of £50 was also voted to Thomas Fisher, Esq. in March 1839, as a remuneration for certain services rendered the trust during the last two years, in addition to the usual duty of a Commissioner, and at the special order of the Board, and not for his duty as Chairman.

25. Several of the Trustees have been in the habit of furnishing materials in the same manner, and upon the same terms as other persons, and sometimes team-work has also been performed in that manner.

26. I see no advantage to be gained by such a measure.

THOMAS FISHER,

*Chairman to the Western Turnpike Trust.*

On receipt of a number of Questions proposed by a Committee of the House of Assembly, I called a meeting of the Commissioners, when the above Answers were those agreed upon by the board.

My individual opinion regarding the Answer to the 12th Question, does not agree with that Answer, inasmuch as I do not think the road in Lot Street stands as well as any in the District.

My opinion is that the tolls should be regulated by the weights carried.

THOMAS FISHER.

## ON THE CONSTRUCTION OF ROADS.

### LAYING OUT A ROAD.

Roads ought to be carried along a level line as nearly as possible, and only having gentle acclivities and declivities; for a greater distance on a road nearly level, is productive of less expense of animal strength than a lesser distance passing over considerable elevations.

The following tables, the general results of experiments, and drawn from approved formula, will render this manifest:—

**TABLE 1.**

*Force of Traction required on various inclinations of Road—Load 25 cwt. velocity two and half miles per hour.*

RATE OF INCLINATION.	FORCE REQUIRED
Level .....	115 lbs.
1 in 600 .....	120 "
1 in 57 .....	140 "
1 in 40 .....	164 "
1 in 29 .....	200 "
1 in 26 .....	218 "
1 in 19 .....	300 "
1 in 14½ .....	400 "
1 in 11½ .....	500 "
1 in 8½ .....	700 "
1 in 7½ ultimum of Traction .....	800 "

TABLE 2.

*A horse can exert the following moving forces at different velocities for six hours per day.*

MILES PER HOUR.	STRONG HORSE.	ORDINARY HORSE.
2	169 lbs.	100 lbs.
2½	156 "	90 "
3	144 "	81 "
3½	132 "	72 "
4	121 "	64 "
5	100 "	49 "
6	81 "	36 "
7	64 "	25 "
8	49 "	16 "
9	36 "	9 "

By the Woburn experiments the mean force exerted by 144 horses in 52 teams, was 163 lbs. each horse—inclination and velocity not given; force exerted by a strong horse, at a dead pull, 480 lbs.

From the above tables it is manifest, that a moderately strong horse can draw 25 cwt. on a nearly level road, but upon inclinations exceeding 1 in 40, such a load is beyond his strength for any considerable distance. However, if the inclination is short, he will be able by considerable exertion to draw this load on an inclination of 1 in 26—but upon an inclination of 1 in 14½, it is beyond the strength of an ordinary horse at a dead pull. These deductions assume the road to be firm and wrought into true inclinations; where the roads are loose and ill-formed, the required force of traction is greatly increased.

#### PROPER FORM OF A ROAD.

After a proper location for the road has been established, the ground should be carefully levelled and levelling stakes placed at every hundred feet distance. Sections of it should be made, and the whole be laid out into true levels or inclinations as the case may be. This will not only facilitate the future operations, but will also tend to lessen the expense; for it will prevent all improper excavations or embankments from being done. The metal bed is then to be formed, and the soil to be carefully drained, which is an operation of great consequence and requires much skill to execute it properly. The metal bed should be levelled transversely, and made as firm as possible. The metal should be so laid as to render it impervious to water. This can only be effected by laying it on in thin layers and giving each layer time to be settled by the action of the wheels, before the next in succession is laid on. The first layer should be about five inches thick, quite level, and be well pressed down upon the metal bed, and consolidated before the next layer is put on, so as to form a species of concrete bottoming for the road. Should the road be narrow and the traffic light, another layer of five inches average thickness will form a good road; but if the road is wide and the traffic heavy, it will require two more layers of four inches each, which form a road strong enough for any situation. The form of the surface of the road when finished, ought to be the segment of a circle, radius eight hundred feet. If the width of the metal or the chord be 16 feet—the versine or rise should be 2½ inches nearly. Thus, if an average of 10 inches of metal is to be given, the thickness at the edges should be 8¾ inches, and at the middle it should be 11¼ inches. This curve is quite sufficient to drain off the water, and it is strictly in accordance with the required strength of the road at the centre and at the sides—for by observation it is found that on a road much used by wagons, the waste is in the following propositions:—

Action of the Atmosphere	20 per cent.
Carriage wheels	35 per cent.
Horses feet	45 per cent.

Therefore, if the atmospheric action is equal over the breadth of the road, and the action of the horses feet being most frequently on or near the centre, it follows that the centre ought to be stronger than the edges, in the proportion of 7 to 9. Hollow arching of the materials ought to be carefully guarded against; for a percolation of water from the surface will take place wherever it exists. This hollow arching cannot be avoided when the full thickness of

the metal is put on at once ; therefore it ought never to be done. Covering the surface of the road with loose materials such as gravel or sand, has a still more pernicious effect. It forever prevents the angles of the stones from combining, and a road so used must always remain hollow underneath.

It has been found on roads where great traffic exists, that if they are made of clean hard broken stones placed on a firm foundation, and rendered impervious to water, and sufficiently strong not to yield under the pressure of the wheels, the wear is about one inch in thickness per annum—but on weak ill-drained roads, pervious to water, and yielding under the pressure of the wheels, the wear of materials has been as much as 4 inches per annum.

The size of the broken stone ought to bear a proportion to the hardness of the material used.

One and a half inch Cubes, of Aberdeen Granite are compressed by a	
weight of .....	24,536 lbs.
Peterhead Granite .....	18,636 do.
Cornish, do. ....	14,302 do.
Purbeck Limestone .....	20,610 do.
Compact Sandstone .....	15,560 do.

It follows if  $1\frac{1}{2}$  inch Cubes of Aberdeen Granite is a proper size,  $2\frac{1}{2}$  inch Cubes of compact Sandstone (the material chiefly used in this country) would be equivalent to resist the same pressure.  $2\frac{1}{2}$  inches is too large, but certainly upon every sound principle, the softer Stone ought not to be broken so small as the harder.

Having briefly traced the outlines of the formation and construction of a well made road, we shall endeavour to examine how far the roads lately made in the Home District are conformable to sound principles of road making, and in so doing shall take each road in succession.

Yonge Street road was the first experiment. It is not necessary here to inquire into the justice or injustice of the much agitated question about the expense of that small portion of road made during the first season. It is enough to say that expense was not spared. The road was formed of a greater breadth than has been done since ; the metal was laid on thicker, and an expensive, but injudicious system of drainage was adopted. Unfortunately, those adaptations which science has supplied to the art of road-making, were totally disregarded, and a low standard of action was placed before the public. In future seasons this has not been remedied, it is even worse. The road has been carried forward in a nearly straight line, regardless of the expense of animal strength which the Commissioners were entailing upon the public, and heedless of the certainty that in a few years, if the Province prospered, the steep inclinations which they were forming, would be altered at an expense probably as great as the first cost. The proceedings at Gallow's hill and at Hogg's hollow will fully justify these remarks. I shall confine myself to the latter of these. An excellent line of road, with an inclination of about 1 in 30 on each side of the ravine could have been obtained at a moderate expense. Instead of adopting this line, the road was carried right across the ravine ; the inclinations are not regular ; at the steepest parts they are about 1 in 14. The principle of action appears to have been to reverse the geometrical truth—lessen the inclination, by increasing the distance : for the distance was lessened in order to increase the inclination. The consequence is, that if Yonge Street road had been properly laid out, a regular descent could, with three or four exceptions, have been obtained from the oak ridges to Toronto, and one horse could have drawn in a ton weight of produce to the city ; but Hogg's hollow, and one or two other mis-managed places, intervene, and it is absolutely necessary to employ two horses to bring in a ton of produce, instead of one horse—a tax upon every individual who lives to the northward of the hollow, far heavier than both the tolls upon the road, besides having toll to pay for two horses instead of one, into the bargain.

The metal bed is badly formed—the inclinations irregular, resembling the section No. 2—the metal laid on in masses, and imperfectly consolidated—drainage seems to have been neglected, or not understood—and the road is breaking up.

Dundas road presents one of the finest lines for constructing a road which an Engineer could desire : from Toronto to Dundas, it might have been nearly level, and the ravine of the Humber could have been crossed at a point which nature seems to have formed for the purpose. The Commissioners on this road seem to have acted the very reverse of the Yonge Street Commissioners ;—the latter have run straight lines in spite of every obstacle—the former have made the road as crooked as possible, in order to meet every obstacle which could be

found, and to place the road on as bad a location as the country afforded—such is the top of the sand ridge, along which it runs. On such a bottom, it is next to impossible to consolidate a good road: besides, the ridge to the west of the Humber is ascended and descended several times, apparently without any good reason.

The road formation, and the laying on of the materials, are as objectionable as on Yonge Street—drainage on the wet places as badly executed, and the hills on each side of the Humber river, nearly as steep as those at Hogg's hollow; the excavations are to the full as injudiciously executed, and both excavations and embankments have frequently been done where they were not required. For some distance out of Toronto, this road is so much broken up, that unless it is attended to in the spring, it will be impassible.

Kingston road, for two miles out of Toronto, is exactly similar to the others; the soil over which it passes is wet, drainage was not properly attended to, and this portion of the road is in a ruinous condition. For five miles farther, the road passes over an undulating country. The inclinations are steeper than could be desired, but are not altogether objectionable;—a difference of opinion has arisen about the proper line which should have been adopted here. About seven miles from Toronto, a new line has been formed, on which there is an inclination of 1 in 14; from thence to the Highland Creek, the old road is left and a new line of road formed;—the line chosen is not judicious. On the east side of the Highland Creek, an expensive excavation is in progress—the inclination contracted for is 1 in 10; a small portion of road is made eastward, and at the Rouge hill a very expensive excavation is in progress—inclination 1 in 6. Both these last-named excavations are on the principle of going straight, and the road could in each case be made useful for less money than these works will cost. It will be seen by the table 1st, that both these hills are steeper than Baron Humboldt's summum ultimum of draught. On this road, planking has been done for five or six miles; it is a poor shift, and can only be used until heavy carriages are put upon the road. Had road-making been conducted upon better principles, it is probable that no such expedient would have been resorted to. In conclusion, I cannot value the whole of the works done upon these roads, at any greater sum than the worth of the broken stone lying upon them, less the expense of raising and screening.

THOMAS ROY,

*Civil Engineer.*

March, 1839.

SIR,

THE sketch I submit is principally to shew, that roads must be made perfectly dry, in the first instance, just as a wise man would prepare a solid foundation for his house, consequently it is applicable to all roads, in every country, only requiring variation according to circumstances, by men possessing knowledge of the action and re-action of springs, but if it fall into hands of men whose heads are full of surface water, it will share the same fate as reform, in the heads of fellows whose hearts are full of rebellion.

You say that you have not seen two plans alike, on the different roads in operation; I remember when hardly one alike was to be found in the old country, because there was no plan at all, but now there is a solid and fixed rule established. Previous to McAdam, Commissioners on every Trust Road throughout England, expended much more in eating, drinking, and disputing, than is now paid for regular Superintendents, but are now merely Guardians to the public, with but little self-inconvenience, which will be the same here, when once the public have ocular demonstration; until then, conflicting opinions, and bad roads will continue. The roads already (nick-named) Macadamized, will have to undergo the same process, and if Watson, &c., who have so wantonly buried stones enough in one mile for at least two, are not to be hanged, I hope they will be sent to put them all back again in heaps on the side of the road. Waiting an opportunity to prove these assertions correct, or myself an impostor,

I am, Sir,

Your's most respectfully,

GEORGE CASE,

Newmarket, March 11th, 1839.

COBOURG, 15th *March*, 1839.

SIR,

I have observed in the report of the proceedings of the House of Assembly, that you have introduced a motion for establishing a Board of Works in this Province, under the control of which, all public works now in progress, or hereafter undertaken, shall be placed.— And that you feel particularly anxious as regards Macadamized roads, and invite such gentlemen in the Province, as possess a knowledge of the system practised in other countries, to transmit such information to you for the consideration of the Committee, or Board, when established.

I do not profess to be scientific in the process of Macadamization, but, with your permission, I will state what I have *seen* done in England on one of the principal thoroughfares into London—the entrance from the South and East.

This piece of road, over a space of five miles, was, within my recollection, one of the worst of the great thoroughfares, and I have witnessed many serious accidents therefrom. The ground low and swampy the whole distance, reclaimed by embankments and ditches.

The process that I saw adopted, was the removal of the upper stratum to the depth of eighteen inches or two feet, then laying down bavins or faggots packed close, endwise across the road, to the depth of two feet more or less, to preserve the level as near as possible, but at all events to avoid holes or undulations of ground that would favor a lodgment of water—the superstratum before removed, was thrown over the bavins, and found its way in the interstices of the bavins. It is fit to observe that this soil was of a sandy description, and from its non-adhesive quality, more readily deposited itself,—over this again was thrown common gravel, six to eight inches thick, which formed the road for use. The traffic soon solidified the whole—wherever any part of the earth-covering sunk, the injury was repaired in *dry* weather, with gravel. The convexity of the road was slight, the ditches were carefully kept in repair, to receive the water, and the road from being one of the worst, became one of the best around London.

It was after the formation of this road that Mr. MacAdam commenced his system in England; the value of which appears to consist in creating ample drains for water, the removal of trees from the road sides, where they would interrupt the action of the sun and wind; and the upper layer of his road to consist of *large* stones, broken to about 2 inches square, thus preserving *angular* pieces, *instead of round*; the former having the greater tendency to hang together and solidify, than round substances—fill in between with earth.

The principal object to which I take the liberty of directing your attention, is the *foundation*, which, in the formation of the road above referred to, consisted of *Bavins* and *Faggots*. The opportunities afforded in this Province for so conducting the work of road-making, hold out a prospect of effecting this object to the greatest advantage, and with best probable results; and I am persuaded from what I have witnessed on the road above referred to, where the traffic is so immense, that the plan would succeed well here.

I have often seen in this Province an attempt to repair roads, by casting loose brush on the road, and covering loosely with earth, a practice to be altogether condemned as useless. I presume I need hardly state that Bavins consist of sound twigs, and brush-wood, the thickness of a finger, *bound up, close and compact* with withy, and a strong stake driven through the middle to keep them firm. I humbly conceive that Bavins are much superior to trunks of trees, because they will interlace and support each other, which the trees cannot do.—Arguing from analogy, Mr. MacAdam broke large stones into small pieces, in order that he might obtain a material that would unite, or more properly speaking, bind. I am not prepared to state what would be the expense of preparing the Bavins, but there must be many persons here who pursued the occupation of wood-cutting in England, and could give an accurate estimate of the cost.

I will close my remarks my stating that the Dover Road, to which I have made such particular reference, is considered one of the best around London. Its foundation has not been disturbed since its formation, at the division I have described—nor has it perceptibly given way.

Requesting you will accept my apology for the length of this communication.

I have the honour to be,

SIR,

Your most obedient servant,

CHARLES GREEN.

# REPORT OF SELECT COMMITTEE

TO

SEARCH JOURNALS OF LEGISLATIVE COUNCIL,

ON

## BILL TO SEND COMMISSIONERS TO ENGLAND.

*To the Honorable the Commons House of Assembly.*

The Committee appointed to examine the Journals of the Honourable Legislative Council relative to the Bill sent up from your Honourable House, entitled "An Act to appoint Commissioners to proceed to England on behalf of this Province, and for other purposes therein mentioned—beg leave to report:—that they proceeded to the examination of the Journals of that Honourable House, and found recorded as follows:

*Tuesday, 9th April, 1839.*

"A deputation from the Commons House of Assembly brought up a Bill, entitled "An Act to appoint Commissioners to proceed to England on behalf of this Province, and for other purposes therein mentioned," to which they requested the concurrence of this House, and then withdrew.

"The said Bill was then read, and it was ordered that the same be read a second time "to-morrow."

*Wednesday, 10th April, 1839.*

"Pursuant to the order of the day the Bill, entitled "An Act to appoint Commissioners to proceed to England on behalf of this Province, and for other purposes therein mentioned," was read a second time, and it was

"*Ordered*—That the House be put into a committee of the whole, presently, to take the same into consideration.

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

"The Honourable Mr. Wilkins took the chair.

"After some time the House resumed.

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

"*Ordered*—That the Report be received, and leave granted accordingly."

*Monday, 15th April, 1839.*

"Pursuant to the order of the day the House was again put into a Committee of the whole upon the Bill, entitled "An Act to appoint Commissioners to proceed to England on behalf of this Province, and for other purposes therein mentioned."

"The Honourable Mr. Wilkins took the chair.

"After some time the House resumed.

"The Chairman reported that the Committee had passed certain resolutions which they recommend to the adoption of the House.

"*Ordered*—That the said Report be received, and the said resolutions were then read by the Clerk as follows:

"*Resolved*—That, for the reasons set forth in the resolutions of this House on the 4th instant, it is inexpedient to pass the bill sent up from the House of Assembly, entitled "An Act to appoint Commissioners to proceed to England on behalf of this Province, and for other purposes therein mentioned," especially as the Report and Address to Her Majesty referred to in those resolutions, expressed the entire confidence of the Legislative Council,

that Her Majesty's Government would not carry into effect any measure deeply affecting the interests of this Province, without affording to its inhabitants an opportunity of being heard on the subject.

"*Resolved*—That when Her Majesty's Ministers have made the Legislature of this Province acquainted with the plan which it is proposed to submit to the Imperial Parliament for the restoration of peace and tranquillity to the people of Upper and Lower Canada, this House will take the same into consideration, and communicate its opinion thereon to Her Majesty, either by uniting with the House of Assembly in the appointment of a Commissioner or Commissioners for that purpose, or by Address, as may seem most expedient according to the circumstances of the case.

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

"*Ordered*—That the same be communicated by message to the Commons House of Assembly, for their information."

All which is respectfully submitted.

OGLE R. GOWAN,  
CHAIRMAN.

*Committee Room, House of Assembly,  
16th April, 1839.*

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**REPORT OF SELECT COMMITTEE**  
ON THE  
AMENDMENTS OF LEGISLATIVE COUNCIL,  
TO  
**FISHERY BILL.**

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*To the Honourable the Commons House of Assembly.*

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The Committee, to whom was referred the Amendments made by the Honourable the Legislative Council, in and to the Bill sent up from your Honourable House, entitled, "An Act to regulate the inspection of Fish, and to prevent aliens from fishing within the waters of this Province,"—beg leave respectfully to report:—That they have given the said amendments their attentive consideration, and with the exception of two of said amendments, your Committee beg to recommend their adoption.

The two amendments which your Committee consider highly objectionable, are as follows:—

Press 2, line 14—After "aforesaid," expunge the remainder of the clause, and insert "That it shall be the duty of the Inspector or Inspectors, so to be appointed, on application being made to any one of them for that purpose, to proceed to inspect all fish, by opening one of the heads of each barrel or half barrel, and if the same is found to contain sound and merchantable fish, with a sufficient quantity of salt to preserve the same, he shall then brand the same, as hereinafter provided, on the head of such barrel or half barrel; and if the fish are found unsound, or not merchantable, the same shall be destroyed by the Inspector; and if the barrel or half-barrel is not full, or not salted with a sufficient quantity of salt, that in that case the said Inspector shall fill the same with sound, merchantable fish, or add such quantity of salt as he may deem requisite, as the case may be. Each barrel shall contain two hundred pounds, and each half-barrel one hundred pounds."

Add to the Bill, "And be it further enacted by the authority aforesaid, That if it shall appear to the Inspector that a part of the fish, in any barrel or half-barrel inspected by him, is sound, and a part unsound, then it shall and may be lawful for the said Inspector to separate the sound from the unsound, and re-pack the sound fish, and add such salt or pickle as he may judge necessary, and brand the same as aforesaid; and such fish as the Inspector shall judge not capable of preservation, he shall condemn as bad."

If the Bill should become a law, in its present amended shape, a duty would be imposed upon the Inspectors to be appointed under the said Act, not only unreasonable, but, in the opinion of your Committee, extremely unjust—inasmuch as, in the event of any fish inspected being found to be unsound and not merchantable, or if the barrel or half-barrel is not full, or not salted with a sufficient quantity of salt, the person inspecting the same is bound to fill the said barrel or half-barrel with sound and merchantable fish, or to add such quantity of salt as he may deem requisite, without any provision being made to re-imburse him for the expense which he must necessarily incur in procuring sound fish and salt. Besides, by compelling Inspectors (where a barrel or half-barrel is not full) to fill the same, at his own trouble and expense, with sound and merchantable fish or salt, as the case may be, a construction might be put upon it which would hold out an invitation to persons to produce empty barrels, to be filled with sound fish or salt, or to purchase, at a low rate, unsound fish, in order that sound fish or salt may be substituted instead thereof, free of any charge.

Your Committee are inclined to think, that the amendments, to which they object, have been inserted by some oversight; but they have felt it necessary to point out their objections, for the information of your Honourable House.

All which is respectfully submitted.

MALCOLM CAMERON,  
CHAIRMAN.

*Committee Room, House of Assembly,  
17th April, 1839.*

## REPORT OF SELECT COMMITTEE

ON

# PETITION OF RICHARD FLOOD, AND OTHERS.

*To the Honourable the Commons House of Assembly.*

The Committee to whom was referred the petition of Richard Flood, and others, for the improvement of the navigation of the river Thames, between the towns of London and Chatham—

BEG LEAVE TO REPORT:—

That on the further examination of the matter referred to them, your Committee find by the report of the Civil Engineer, employed by the inhabitants of the London and Western Districts, in 1836, for levelling, surveying, and making plans and estimates for the improvement of the river Thames, for slack water navigation by means of Dams and Locks, between the Town of London, and the Town of Chatham; and which report of the Civil Engineer is appended to the report of a former Committee of your Honourable House, on the same subject, that the whole expense, including contingencies, is estimated at £32,248, and that there will be 24 Locks; each of these Locks will afford great advantages for Hydraulic purposes. At every Lock will be a favourable position on each side of the river, making 48 in number. And should a joint stock Company be formed, as recommended by the first report of your Committee, the Company could no doubt, if they should deem it advisable to do so, in the course of their operations, and when the same should be completed, sell or lease those sites for the application of water power, at fair and reasonable valuations.

On reference to the practice of the Grand River Navigation Company, your Committee find that they lease each site for prices in proportion to the value of the erectments to be made by the lessees respectively. That is to say, for every saw to be used in a saw mill, £12 10s., for every pair of stones to be used in a grist mill, £12 10s., for carding machines and lathing mills, £6 5s., for turning laithes, and other small machinery, £2 10s. per annum.

Considering the great value of the lands and timber with which the face of the country is clothed, in the neighbourhood of these contemplated improvements, the present population, and the certainty of its gradual increase, even should immigration not be greater than it has been for the last two or three years, your Committee deem it a moderate calculation, in taking it for granted that as soon as the navigation should be completed, there would be at least two establishments on each side of the river, at every Lock, renting for £12 10s. per annum—these would be 96 in number, and would amount to the sum of £1200 per annum, being nearly two thirds of the interest on the whole outlay; regardless of any advantages that must accrue from the receipts of rents on smaller machinery, and the Tolls at the several Locks, which your Committee believe would be enough to make up the deficiency of interest on the capital to be expended. And your Committee regret that the state of the Provincial Revenue is not such as to enable them with propriety, to recommend to your Honourable House, to provide for making the improvements in question at the public expense; they have therefore, in their first report, felt constrained to submit a bill for forming a Joint Stock Company.

Your Committee would fain hope that the time is not far distant, when the contemplated Great Western Rail Road, will be completed from Burlington Bay, at the head of Lake Ontario, to the town of London. If such were now the case, there can be no question that the moment a slack water navigation should be made on the river Thames, between the towns of London and Chatham, the profits that would immediately accrue from tolls and leases of sites for Hydraulic advantages, would amount to more than the interest of the money expended in making the improvements.

Respectfully submitted.

M. BURWELL,  
CHAIRMAN.

*Committee Room, House of Assembly,  
17th April, 1839.*

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REPORT OF SELECT COMMITTEE

ON

PETITION OF FRANCIS HALL,

AND ON

MESSAGE AND DOCUMENTS ON GULL ISLAND LIGHT-HOUSE.

*To the Honourable the House of Assembly.*

The Committee to whom was referred the petition of Francis Hall, with the message of His Excellency the Lieutenant Governor, with the report of the Commissioners appointed to superintend the building of a Light House on Gull Island—

BEG LEAVE RESPECTFULLY TO REPORT :

That, having attentively examined the documents submitted to them, your Committee have ascertained that the late Commissioners, without any authority or instructions from the Government, and contrary to the express wishes of your Honourable House, instituted several actions against the first Contractor and his Sureties, in which they were defeated.

Your Committee are surprised to find that the late Commissioners received at once the whole £1000 granted for the erection of the light house, and that it remained in their hands a great length of time before it was required to be expended. Your Committee perceive that the late Commissioners, who reside at Port Hope, have made a charge of £3 17s. 6d. for procuring the said £1000 from the Receiver General; and have, moreover, charged £62 10s. for the costs of the said law suits. These charges your Committee cannot sanction, and they, therefore, recommend that the late Commissioners be called upon to refund the same. Your Committee cannot justify the conduct of the late Commissioners in obtaining the whole sum of £1000 at once, when they were aware that a very small part thereof would be required to be expended by them for a great length of time.

In regard to the claim of £10, made by Mr. Hall, for examining and reporting upon the work, for the information of your Honourable House, your Committee consider it reasonable that he should be paid.

It appears this light house is not yet completed, and the present Commissioners state that a further sum of £520 is necessary to finish it; but your Committee conceive that the £66 7s. 6d. retained by the late Commissioners, should be paid over by the present ones, in which case only £453 12s. 6d. would be required to be provided for by the Legislature to effect the above object.

All which is respectfully submitted.

DAVID THORBURN,  
CHAIRMAN.

*Committee Room, 17th April, 1839.*

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**REPORT OF SELECT COMMITTEE,**  
ON  
**PETITION OF SARAH USSHER.**

*To the Honourable the Commons House of Assembly.*

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THE Committee to whom was referred the petition of Sarah Ussher, respectfully report: That the claim of this Lady to a Pension from the Provincial funds, should in their opinion be allowed.

The melancholy assassination of her husband, by Brigands from the United States, and the circumstances attending that melancholy event are of too recent occurrence, and are too generally known to require repetition. There is no doubt that he was deliberately murdered by foreigners he had never injured, and to whom he was probably personally unknown, for no other reason than that he had gallantly done his duty in resisting invasion from the neighbouring Republic, and being reputed to have been concerned in the destruction of the Piratical Steam-boat *Caroline*; and your Committee are, therefore, of opinion, that his death should be considered in the same light as if it had occurred while actually engaged with the enemy.

Your Committee are not fully informed of the pecuniary means of Mrs. Ussher, arising from personal or other property, but they recommend the grant of a pension of fifty pounds per annum, during her live.

All which is respectfully submitted.

MICHAEL AIKMAN,  
CHAIRMAN.

*Committee Room,*  
April 19th, 1839.

**REPORT OF COMMITTEE OF CONFERENCE,**  
ON  
**THE SUBJECT OF EDUCATION.**

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*To the Honourable the Commons House of Assembly.*

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THE Committee on the part of your Honourable House, appointed to meet a Committee on the part of the Honourable the Legislative Council, on the subject of certain resolutions adopted by the two branches of the Legislature during the present Session, on the subject of education, after having agreed to their first Report, which has been communicated to your Honourable House, they met this day at four minutes after two o'clock, in the Committee-Room of the Honourable the Legislative Council—when certain resolutions were proposed for the adoption of the Joint Committee by an Honourable Member of the Legislative Council, which recommended a delay in proceeding with the building of the University of King's College, and a mode of the appropriation of a portion of the proceeds of the lands set apart for the endowment of the said University, for the purposes of Grammar Schools.

An Honourable Member of your Honourable House, denied the power of the Joint Committee to take the subject into consideration, and moved that the Chairman should leave the Chair—with the exception of that Honourable Member, a majority of the Members of the Joint Committee present protested against such a proceeding, but the Chairman left the Chair, declaring that he would propose no question having for its object any interference with the University of King's College.

Your Committee have felt it to be their duty to report the above proceedings to your Honourable House, with the view of being instructed as to their further conduct.

All which is respectfully submitted.

H. SHERWOOD,

CHAIRMAN.

APPOINTED TO MAKE THE ABOVE REPORT.

*House of Assembly,*  
April 22nd, 1839.

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**REPORT**  
OF  
**COMMITTEE OF PRIVILEGE,**  
**ON RESOLUTIONS OF LEGISLATIVE COUNCIL.**  
ON  
**SENDING COMMISSIONERS TO ENGLAND.**

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*To the Honourable the Commons House of Assembly.*

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The Committee of Privilege, to whom were referred the Resolutions adopted by the Honourable the Legislative Council, in relation to the Bill, sent up from your Honourable House, entitled, "An Act to appoint Commissioners to proceed to England on behalf of this Province, and for other purposes therein mentioned,"—beg leave to report:—

That they have attentively examined into the practice and proceedings of the Parliament of Great Britain and Ireland, as well as that of this Province, and they can discover no prece-

dent for the proceedings of the Legislative Council referred to your Committee ; nor can they find any that, in the opinion of your Committee, would at all go to warrant the course pursued by that Honourable House, in reference to the said Bill.

Your Committee are of opinion, that the Legislative Council should either have rejected, adopted, or amended the said Bill ; and they can find no single instance on the Journals of the said Council, where a bill, passed by your Honourable House, has been rejected, and where resolutions, at the same time passed, giving the reasons for such rejections, have been communicated to your Honourable House.

If the Bill, sent up by your Honourable House, can be considered in the light of a money bill, the Legislative Council might have requested a conference with your Honourable House, and if acceded to, the opinions of the Council, in the instructions to their committee, might have been in such manner conveyed to your Honourable House ; and if unsatisfactory, your Honourable House might have so resolved, and asked a conference on the subject of the last conference, where written answers to the reasons of the Council might be read and delivered in like manner. In the fourth session of the eleventh Parliament, such a course was pursued by the Legislative Council, upon the subject matter of the Supply Bill, and was acceded to by the Assembly.

Indeed it has been pursued in reference to other than money bills, and had it been adopted in the present instance, each House could have recorded their justification to the Province at large, and your Honourable House would have had an opportunity to prove that the reasons given by the Honourable the Legislating Council, for not passing so necessary and highly important a measure, were entirely founded on error. But the course adopted by the Council (if acquiesced in) has left your Honourable House no alternative, but the Resolutions must be entered on your Journals, without your having the power either to assent to or dissent from them, and the justification of the Council goes forth to the world upon the Journals of both Houses without an answer. A person not familiar with the whole proceedings, upon reading the Journals of your Honourable House, would conclude that the reasons of the Council, were satisfactory to your Honourable House, because they would appear as having been tacitly acquiesced in.

Your Committee are of opinion that the course pursued by the Council, is an infringement upon the liberty and privileges of your Honourable House ; and they beg leave to recommend the adoption of such means as in your wisdom you shall deem proper to induce the Legislative Council to withdraw the Resolutions sent down by them.

All which is respectfully submitted.

HENRY SHERWOOD,  
CHAIRMAN.

*Committee Room, House of Assembly,  
22nd April, 1839.*

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REPORT OF SELECT COMMITTEE,  
ON ROADS AND BRIDGES,

ON

PETITION OF H. STRANGE, AND OTHERS.

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*To the Honourable the Commons House of Assembly.*

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THE Committee on the subject of Roads and Bridges, to whom was referred the petition of H. Strange, and others, of Guelph, Dundas, Puslinch and other Townships of the District of Gore, praying for the construction of a Macadamized Road from the Town of Guelph to the Town of Dundas, beg leave respectfully to report on said petition as follows :

Your Committee have had under their consideration the subject matter of the above petition in connection with the report of the Engineer appointed by petitioners to examine the route and estimate the cost of the construction of said Road.

The report of the Engineer appears to have been favourably received by petitioners, and they pray that the route for the proposed road may be in accordance thereto.

The petitioners further pray that a grant of money may be made for the construction of said road upon the security of the tolls collected thereon, and such other security as to your Honourable House may seem proper.

From the great advantages which will arise to the extensive and fertile tract of country through which this improvement will be made, and the unquestionable return that will be made for the outlay necessary for its construction, your Committee do not hesitate to recommend to the favourable consideration of your Honourable House the prayer of the petitioners.

Your Committee have appended to this report a copy of said petition, together with the report and estimate of the Engineer, as showing forth more clearly the advantages of the said improvement.

All which is respectfully submitted.

E. W. THOMSON,  
CHAIRMAN.

*Committee Room,*  
22nd April, 1839.

(Copy.)

*To the Honourable the Commons House of Assembly of Upper Canada in Provincial Parliament assembled.*

The Petition of undersigned, Inhabitants of Guelph, Dundas, Puslinch, 'Flamboro', Nicol, Woolwich, &c., in the Gore District, Upper Canada—

RESPECTFULLY SHEWETH :

That your Petitioners regard with the deepest interest every measure that is likely to promote the advancement of public improvement in this Province, and, in their estimation, scarcely any can compete with good roads; the prosperity of their own local situation has been for very many years seriously retarded from not having a good road leading from the town of Guelph to that of Dundas.—Your Petitioners, therefore, with the like assistance of your Honourable House, granted to other portions of the country, contemplate the formation of a Macadamized road between the two towns above mentioned, on and near the road now between them, through Puslinch, which road is the principal one, leading in almost a straight line from Dundas, through Guelph, to the Falls of Elora, Fergus, and Garrafraxa—and will in time become a great thoroughfare into the Huron Territory.

Your Petitioners, therefore, pray that your Honourable House will authorize the formation of a Macadamized road from the town of Guelph to that of Dundas, leading through Puslinch, on or near the line recommended by the report of the Surveyor had on the occasion, with the chart or plan of the same annexed; to grant such a sum as in its wisdom it shall deem sufficient for carrying on and completing the proposed undertaking upon the security of the tolls, statute labour money, and such other security as your Honourable House have appointed in other road bills of a like nature or otherwise, as to your Honourable House may appear expedient in furtherance of the views of your Petitioners.

All of which, with the plan and Surveyor's estimate of the same, your Petitioners respectfully submit to the consideration and early action thereon of your Honourable House.

For whom, as in duty bound, they will ever pray.

(Signed) H. STRANGE,  
And 308 others.

To the Committee for superintending the survey of the intended Macadamized road from Dundas to Guelph.

GENTLEMEN:

In discharge of the duty which you have confided to me of making a survey of the road from Dundas to Guelph, and an estimate of the expense of Macadamizing the same—I beg leave to submit the following remarks explanatory of my proceedings, and the results at which I have arrived.

Immediately on receiving instructions from Colonel Kirby (one of your Committee), I commenced operations, and have been unremitting in my exertions to bring them to a speedy and satisfactory conclusion. Having obtained a suitable party to assist me in the survey, and having had previously a tolerable acquaintance with this section of the country, I hope to be able to give you such satisfaction, as to your enquiries, as may be expected from an experimental survey. As I have been formerly engaged in laying out and superintending the construction of Macadamized roads, and of late years have been engaged in this neighbourhood in carrying similar works into effect, I can (from the practical knowledge thus acquired) with more confidence submit the annexed estimate as a correct one.

Agreeable to your instructions to me, I have examined two proposed routes from the present Dundas and Waterloo Macadamized road to Nevills' Tavern on the Brock Road. One commencing on the above referred to Macadamized road, near the Honourable James Crooks', and following the allowance for road between lots number 6 and 7, commonly called the Brock road, to letter B. on the plan annexed, being in length three miles thirty eight chains and  $\frac{44}{100}$ . The other, and that which I have selected as the preferable route, leaves the Dundas and Waterloo Macadamized road at Mr. Kingley's Tavern, and crossing the Creek, west of Colonel Kerby's, follows the allowance for road to Mr. William Green's house; thence it takes a direct course through Mr. Green's farm to a road between lots numbers 8 and 9, in the third concession of 'Flamboro', west, and following the direction of the said road to the front of the fourth concession, where it crosses the lots obliquely (as pointed out by the line coloured red on the plan) until it intersects the Brock Road towards the rear of the fourth concession, as letter B on the plan. The better to enable you to make a comparison of the relative merits of those two lines, I will copy from the annexed estimate an abstract of the expense of Macadamizing each.

From the Macadamized road near the Honourable James Crooks' to letter B. on the Plan, by the Brock road,	} m. chs. lks. }	£ 6492 1 4½
From the Macadamized road at McKinley's corner, to where it intersects the Brock road at same place,	} 3 51 76 ... }	4867 7 9
Difference.....	0 13 22 ...	£ 1624 13 7½

	Miles.	Chains.	Links.
Distance from letter B. on Plan, by Brock road, .....	6	38	79
Do. do by proposed line, .....	5	67	40
Difference.....	0	51	39

From which it appears that by adopting the new proposed line, a saving will be effected in the cost of construction, of £1,624 13s. 7½d. and the road from Guelph to Dundas will be shortened 51  $\frac{39}{100}$  chains.

From letter B. on Plan, I have followed, with some trifling exceptions, the present travelled road to Guelph; and although some expense in excavating might be avoided, by making greater deviations, it is probable that when the expense of slashing trees and grubbing, and the price of the land which the road would occupy, (for which, no doubt individuals would require compensation) is estimated for, the road as it is laid down on the annexed plan, would be found not only the shortest but the least expensive. However, it will be prudent to make these examinations previous to the road being located for construction; to make them at present, would, by prolonging the time, render it useless for your present application to the Legislature.

This route presents a very favourable appearance for the formation of a Macadamized road; materials for its construction are very convenient along the whole line, and of the best description. The line also presents a level profile, requiring comparatively little grading, and will, when completed, be a beautiful road. The greatest inclination being only one foot, in eighteen feet, or little more than five and one-half feet in one hundred feet, even this only takes place at one hill, namely at the Dundas Creek, and that for the short distance of 23 chains. In crossing this Creek, considerable embankment will be required, for which the excavation on its north side, will be found sufficient, after cutting it according to the plan. No other difficulties occur on the road until you arrive at Flinn's Tavern, with the exception of the extracting and removing stumps from the road way, and for which I have allowed in the estimate an adequate sum. When the road is being constructed, I would recommend that in the first instance, a machine would be provided for the extracting and removing of those roots, &c. by which a great saving would be effected in this particular item, and for which a proportionate deduction may be made from the annexed estimate. At Flinn's Tavern, the country assumes a hilly aspect, and considerable excavation is required to grade the road sufficiently. It is probable that by keeping to the South West of the present road, a more level line might be obtained, but whether a saving in the expenditure would be the result, will require further examination, for this purpose it would be necessary not only to ascertain the quantity of excavation, but also the difference in length of the two lines, and the price of the land which the new line of road would occupy, previous to selecting a new route, in preference to the old established road. To make those examinations at the present time would be unnecessary, and would delay my report too long for your present purpose.

A hill on the Dundas side of Guelph will require to be deeply excavated, so as to bring it within the proper grade for Macadamizing, but as all the materials will be required for embanking on each side of the culvert, required to be erected over the river Speed, (for which purpose it will be found as convenient as at any other place.) I have estimated for cutting it deeper than would otherwise be required.

It would be advisable to have the trees cut or slashed, for a width of twelve rods or perches, previous to Macadamizing the road, as by letting them remain contiguous to the road, they are not only dangerous to travellers, but by their removal, the sun and wind will have free access to the road, which will have the effect of rendering it less expensive to keep in repair.

The road for which I have estimated would be generally forty feet wide in the clear, or between the water tables, having the centre part covered with metal or broken stone, fourteen feet wide, by ten inches in depth, the drains or water tables on each side, for the conveyance of rain water, are to be not less than two feet wide at top, one foot in depth, and six inches wide at bottom, the trees are to be cut or slashed for at least one hundred feet from the centre of the road. Through the pine woods, it will answer every purpose at the present time to have the road 36 feet in the clear of the water tables. Where hills are cut, or embankments formed, the road-way should not be less than thirty-four feet wide, the banks sloping at an angle of not less than 45° with the horizon, or of one foot to one—the slope of course depending on the nature of the soil.

For constructing a road from Dundas to Guelph of the above description, the following is an abstract of the estimate:—

SECTION No. 1—From Mr. McKinley's corner, by Col. Ker-	Miles. Chains. Links.					
by's mills, to where it intersects the Brock road, at letter B. on Plan,	3	51	76 ...	£ 4867	7	9
2—From thence to Smith's Tavern .....	5	40	00 ...	£ 6258	19	7½
3—From Smith's Tavern to the S. E. Boundary of Puslinch .....	3	58	00 ...	£ 3732	4	10½
4—Through the Township of Puslinch .....	9	25	00 ...	£10013	8	10½
5—From Puslinch to the Market House in Guelph .....	1	65	60 ...	£ 3182	9	6
<b>TOTAL ....</b>	<b>24</b>	<b>00</b>	<b>36 ...</b>	<b>£28054</b>	<b>10</b>	<b>7½</b>

Estimate as above. .... £28054 10 7½  
Add 10 per cent for contingencies. 2805 9 0

£30,859 19 7½ or at the rate of £1285 16s 8d per mile.

I have also, as requested, made a calculation of the probable returns (by tolls) on this road, the following is the result of my enquiries on this subject, and which I believe will be considered moderate by those acquainted with this section of the country :

75 double teams, passing daily between Dundas and Smith's Tavern, 1s. 4d...	£ 5	0	0
60 do. do. from Smith's Tavern to Guelph, 1s. 8½d.....	5	2	6
10 horsemen daily, on the whole route, 1s. ....	0	10	0
5 single or one-horse waggons, do. 2s.....	0	10	0
	<hr/>		
	£11	2	6

or £11 2s. 6d. per day, for 312 days, £3471	0	0
5000 cattle and horses yearly, a 5d. ea.	104	1 8
Sundry others say .....	100	0 0
	<hr/>	
	£3675	1 8

Amount required to make road as		
above .....	£30860	0 0
Toll-Houses .....	300	0 0
	<hr/>	
	£31160	0 0

Interest on £31160 a 6 per cent....	1869	12	0
Yearly repair of roads, say.....	1260	0	0
Expences of collecting tolls .....	300	0	0
	<hr/>		
	£3429	12	0
	<hr/>		
	£245	9	8

Balance after paying interest, and defraying expenses remaining to pay the principal.

But it is not from a view of the present travel on this road, that a fair estimate can be made of the returns which it may be expected to yield, as the road is almost impassable for teams the three-fourths of the year. For this purpose, a surer calculation can be made from the section of country which will be laid open to market, if a passable road was made in this direction. The inhabitants of the Townships of Fergus, Eramosa, Nichol, Guelph, Puslinch, part of East and West Flamboros, Woolwich, Garrafraxa and Waterloo, would select this road to market, as their shortest and best route. Those townships, as is well known to those acquainted with this section of the country, are composed of the richest and most productive lands in the District, and susceptible of producing, when cultivated, the most valuable agricultural products in abundance; though they are now, for want of a road to market, only partially settled: but should a road be once opened, those settlements would soon vie with the oldest settlements in the Province. Nor should it be overlooked, the great increase in value which those lands would derive from having a road thus opening into them—an increase fully equal to the original cost of construction. As they now are situated, the inhabitants of those townships have to travel round by Galt to market, which makes an increase of the distance to market of more than ten miles by one road, and if the shortest road from Guelph to Galt is selected, an increase in distance eight miles, as follows:—

	Miles.	Chas.	Links.
Distance from Dundas to Galt,.....	20	29	74
Do. from Galt to Guelph,.....	16	00	00
	<hr/>		
	36	29	74
Distance from Dundas to Guelph.....	26	14	72
	<hr/>		
Difference in favour of new road .....	10	15	02

It is not necessary for me at present to allude to the advantages which the country generally must derive from the opening of Macadamized roads, or the inducements which they will hold out to wealthy and intelligent emigrants to settle in the country. From the few roads which have been constructed, the public have had an opportunity of estimating the conveniences which they afford, and I believe they fully appreciate them; but care should be taken that while they are constructed in a permanent and durable manner, all profuse expenditure

should be avoided (when the object to be obtained is merely ornament,) particularly in a country where capital is not overabundant. It is true, that a road finished in the best style, will look well, and too frequently great praise is given by persons not aware of the expenditure, to those who have the superintendence of their construction; but if with the same amount of money, one third more in length of road can be constructed, and that as substantially, the country is, no doubt, proportionably benefitted by the outlay. It is with this view of the matter, that I have, in estimating for your road, allowed the metal to be spread only fourteen feet wide, which I consider sufficient for the present travel on it; and if afterwards the increase in travel should warrant its widening, it can then be as easily and cheaply effected as at the present time.

All which is respectfully submitted.

Dundas, 23rd March, 1839.

ROBERT W. KERR,

C. E. &c. &c.

### ESTIMATE

*Of the expense of constructing a Macadamized Road from Dundas to Guelph.*

<b>SECTION No. 1.</b>		£	s.	D.
From Mr. McKinley's corner on the Dundas and Waterloo Macadamized road, to where it intersects the Brock road at letter B, on Plan.— Distance, 3 miles 51 $\frac{75}{100}$ chains.				
To grading 19,689 cubic yards, north of the Dundas Creek, a 9d. per yd. . . . .		738	6	9
“ Do 2,164 do. on various small hills on this sec. a 7 $\frac{1}{2}$ d. per yd. . . . .		13	10	6
“ Slashing trees on said section—say on 563 perches, in length, and 12 perches wide—say 42 acres 2 roods, a 30s. per acre. . . . .		63	15	0
“ Extracting and removing stumps, roots, &c. on same—say on 338 perches in length, to the front of the 3rd concession, a £100 per mile . . . . .		105	12	6
“ Extracting and removing stumps and roots on remainder of the section, say on 732 perches in length, a £250 per mile . . . . .		571	17	6
“ Forming and preparing 1,167 perches in length on, this section, for receiving the metal or broken stone, a 10s. per perch. . . . .		583	10	0
“ Stoning 1,167 perches in length, requiring 8,821 yards of broken stone or metal. a 5s. 6d. per perch. . . . .		2288	5	6
“ Building 3 small stone culverts, a £12 10s. each. . . . .		100	0	0
		£ 4464	17	9
To building a culvert 30 feet span, over Dundas Creek. . . . .		402	10	0
		£ 4867	7	9
<b>SECTION No. 2.</b>				
From where it intersects the Brock road, to Smith's Tavern.—Distance, 5 miles, 40 chains.				
To grading 25,833 cubic yards of earth on various hills on this section a 7 $\frac{1}{2}$ d. . . . .		807	5	7 $\frac{1}{2}$
“ Slashing trees—say 80 acres, a 30s. per acre . . . . .		120	0	0
“ Extracting stumps on this section—say 5 $\frac{1}{2}$ miles, a £100 per mile . . . . .		550	0	0
“ Forming and preparing 1,760 perches in length, for metal or broken stone, a 12s. 6d. . . . .		1100	0	0
“ Stoning same, requiring 12,548 cubic yards of metal or broken stone, a 5s. 6d. . . . .		3450	14	0
“ Building 2 culverts, of 4 feet arches, between Moore's and Nevill's, a £32 5s. each . . . . .		64	10	0
“ Do. 2 arches, of 8 feet span, between Wilson's and Stewart's, a £64 10s. each . . . . .		129	0	0
“ Do. 3 small culverts, a £ 12 10s. each . . . . .		37	10	0
		£ 6258	19	7 $\frac{1}{2}$

**SECTION No. 3.**

From Smith's Tavern to the easterly boundary of Puslinch, distance 3 miles 58 chains.

	£	s.	d.
To grading 9639 cubic yards, on various hills, a 7½d. per yard.....	301	4	4½
" slashing trees, for 79 chains long by 10 perches wide, say 19¼ acres, a 30s	29	12	6
" extracting stumps on one mile of the above..... £150 0 0			
" do. on the remainder of this section..... 150 0 0			
	300	0	0
" forming and preparing 1192 perches in length, for metalling a 7s. 6d...	447	0	0
" stoning do. requiring 8498 cubic yards of broken stone, 6s. ....	2549	8	0
" building 7 small culverts, a £15 .....	105	0	0
<b>Total .... for 3 miles 58 chains</b>	<b>£3732</b>	<b>4</b>	<b>10½</b>

**SECTION No. 4.**

Through the Township of Puslinch, distance 9 miles 25 chains.

To grading 57,557 cubic yards on this section, a 7½d. per yard.....	1798	13	1½
" slashing trees on same.....	30	0	0
" extracting and removing stumps on 6 miles, a £100 .....	600	0	0
" forming 2980 perches in length, a 8s. 6d. per perch.....	1266	10	0
" stoning do. requiring 21,246½ cubic yards of broken stone or metal, 5s. 6d.	5342	15	9
" building 22 culverts, of 2 feet span, a £12 10s. each.....	275	0	0
" do. 5 do. arches 3 feet span, a £17 10s. each .....	87	10	0
" do. 1 do. do. 6 feet span .....	48	10	0
" do. 1 do. do. 8 feet span .....	64	10	0
<b>Total .... for 9 miles and 25 chains</b>	<b>£10013</b>	<b>8</b>	<b>10½</b>

**SECTION No. 5.**

From the westerly boundary of Puslinch to the Market House, at Guelph, distance 1 mile 65 chains  $\frac{60}{100}$ .

To grading 30,740 cubic yards of earth, at 9d. per yard .....	1152	15	0
" forming 582 perches in length, and preparing it for metalling, a 7s. 6d. per .....	218	5	0
" stoning do. requiring 4164 cubic yards of metal, at 6s. per .....	1249	4	0
" building 5 small culverts, a £12 10s. each .....	62	10	0
	£2682	14	0
" building culvert over the river Speed, per plan and estimate .....	499	15	6
<b>Total .... for 1 mile 65 chains <math>\frac{60}{100}</math></b>	<b>£3182</b>	<b>9</b>	<b>6</b>

**ABSTRACT OF THE ABOVE ESTIMATE.**

	£	s.	d.
SECTION No. 1—From the Macadamized Road to Waterloo, at McKinley's Corner, to where it interests the Brock Road, at Letter B. on Plan—3 miles 51 chains 76 links .....	4464	17	9
Do. No. 2—From thence to Smith's Tavern, 5 miles 40 chains .....	6258	19	7½
Do. No. 3—From Smith's Tavern to the south easterly boundary of the Township of Puslinch, 3 miles 58 chains .....	3732	4	10½
Do. No. 4—Through the Township of Puslinch, 9 miles 25 chains.....	10013	8	10½
Do. No. 5—From thence to Guelph, 1 mile 65 chains 60 links .....	2682	14	0
Two culverts—one over the Dundas Creek, on Section No. 1, and one over the River Speed, on Section No. 5 .....	902	5	6
<b>Total .... 24 miles 36 links</b>	<b>£28054</b>	<b>10</b>	<b>7½</b>

	£	s.	d.
<b>ESTIMATE of the Expense of Macadamizing that part of the Brock Road, from the Dundas and Waterloo Macadamized Road to Letter B. on Plan towards the rear of the 4th Concession of Flamboro' West, distance 3 miles, 38 <math>\frac{5}{16}</math> chains.</b>			
To grading 40,508 cubic yards on hill north of the Dundas Creek, and embanking with the same at the culvert over Creek, a 1s. per yard . . .	2025	8	0
" grading 26731 cubic yards on other hills on this section, a 7 $\frac{1}{2}$ d. per yard,	835	6	10 $\frac{1}{2}$
" slashing trees on each side of the road, say 35 acres, a 30s. . . . .	52	10	0
" extracting and removing stumps on 3 miles and 38 chains, a £100 per mile . . . . .	347	10	0
" forming and preparing 1114 perches in length for metalling, a 10s. per perch . . . . .	557	0	0
" stoning do. requiring 7943 cubic yards of broken stone or metal, a 5s. 6d. . . . .	2184	6	6
" building 7 small culverts, a £12 10s. each . . . . .	87	10	0
	£6089	11	4 $\frac{1}{2}$
" building a culvert, 30 feet span over the Dundas Creek. . . . .	402	10	0
<b>Total . . . . for 3 miles, 38 chains, 54 links</b>	£6492	1	4 $\frac{1}{2}$

## ADDITIONAL REPORT OF SELECT COMMITTEE

ON

## EXPIRING LAWS.

*To the Honorable the Commons House of Assembly.*

The Committee appointed to examine and report to your Honourable House what laws have expired and are about to expire, respectfully present as an additional report—

That "An Act to impose an additional duty on Licences to vend wines, brandy, and spirituous liquors," passed 28 January, 1832, will expire at the close of the present session of Parliament.

All which is respectfully submitted.

RICHARD PHILLIPS HOTHAM,  
CHAIRMAN.

*Committee Room, House of Assembly;*  
22nd April, 1839.

**REPORT**  
OF  
SELECT COMMITTEE ON CLAIMS,  
ON  
**PETITION OF C. LEGGO.**

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*To the Honourable the Commons House of Assembly.*

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The Committee to whom was referred the Petition of Christopher Leggo, of the town of Brockville—

**RESPECTFULLY REPORT :**

That they have carefully examined into the prayer of said Petitioner, and find that the said Christopher Leggo had a shop in the town of Brockville, in the Johnstown District, and that, during the winter of 1838, said shop was forcibly entered by some of the "Volunteers" on actual service stationed in that place, for the protection of the inhabitants, without any cause or provocation, and for which some of said Volunteers were tried, arraigned, and convicted.

Petitioner represents his loss at two hundred and forty-six pounds, and has furnished your Committee a copy of a certificate corroborating his statements, which is as follows :

"We, the undersigned, are cognizant to the fact set forth in Mr. Leggo's petition, which are strictly correct, and do, therefore, from our personal knowledge of his character and conduct, recommend him to the favourable consideration of the Governor General.

(Signed) CHARLES JONES, L. C.

E. HUBBLE,

JAMES MORRIS, and several other  
Magistrates, the Sheriff, Clerk of the  
Peace, two Clergymen, and several  
Barristers and Merchants—

which certificate, and a petition, were forwarded to Lord Durham, as Governor General, and by him transmitted to Sir George Arthur, who expressed his regret that he knew of no fund from which it was in his power to pay Mr. Leggo, but recommended him to apply to your Honourable House.

Your Committee have carefully taken the whole case into their consideration, and cannot but express their strong condemnation of the conduct of the Volunteers, and their sincere regret that any part of a force, so distinguished for loyalty, courage, and patriotism, should thus sully their well won honours by acts of insubordination and outrage—alike dangerous to the stability of the Government and the liberty of the people.

As there is no fund from which the Petitioner can be paid by the Executive, and the outrage having been committed by men immediately in the employ of Her Majesty's Government, your Committee beg leave to recommend a humble Address to Her Majesty, praying Her to pay the amount claimed.

All which is respectfully submitted.

**MALCOLM CAMERON,**  
CHAIRMAN.

*Committee Room, House of Assembly,  
24th April, 1839.*

**REPORT OF SELECT COMMITTEE,**  
ON  
**PETITION OF JOSEPH TURTON.**

*To the Honourable the Commons House of Assembly.*

The Committee to whom was referred the Petition of Joseph Turton, of the City of Toronto, builder—

**BEG LEAVE TO REPORT :**

That Mr. Turton claims a balance of £290 16s. 8d. upon the contract made by him (as a Sub-contractor) for the erection of the Parliament buildings.

This is the fifth time that Mr. Turton's claim has been before the Legislature, and it is remarkable that no less than three Bills have passed your Honourable House for his relief in this particular matter.

His first petition was referred to a Select Committee, who, on the 5th March 1834, reported in his favour, but from some inadvertence or other, the Chairman, (the late Colonel Thomas Horner,) did not present the report, and Mr. Turton, consequently was not paid. In 1835, Mr. Turton again petitioned the Legislature, and his petition was referred to a Select Committee, who, on the 30th March, 1835, reported very clearly and fully upon the whole case. That report confirmed the former one, and all the evidence and documents upon which it was grounded, are together with the report itself, entered upon the Journals of this House, and will be found in the second volume of the appendix to the Journal of the 1st Session, 12th Parliament, (1835,) No. 124, page 13, to which your Committee respectfully beg leave to refer your Honourable House. That report was adopted, and on the 15th of the following month, a Bill passed your Honourable House for Mr. Turton's relief, but it proceeded no further, in consequence, as your Committee supposes, of His Excellency, the Lieutenant Governor, having prorogued the Parliament on the following day.

In the first Session of 1836, Mr. Turton again petitioned the Legislature, and his petition was referred to the then Committee of Finance, who reported in his favor, and on the 13th April, 1836, a bill passed your Honourable House for his relief, by a majority of 15. All which facts appear upon the Journals to which your Committee again respectfully beg leave to refer your Honourable House. That bill did not pass the Legislative Council.

In the first Session of the present Parliament, Mr. Turton again petitioned the Legislature, and his petition was referred to a select Committee, who reported in favor of the petitioner, and on the 25th of February 1837, a bill passed your Honourable House for his relief, by a majority of 16.

That bill however did not pass the Legislative Council.

Your Committee therefore, under all the circumstances above mentioned, feel that they cannot but confirm the four reports heretofore made in Mr. Turton's favor; they feel that he ought to be paid the full amount of his claim, being £290 16s. 8d. and that it was due to him at the time Messieurs Ewart and Parke measured the work, on the 16th April, 1832.

Your Committee, therefore, respectfully recommend that provision be forthwith made for payment to Mr. Turton, of £290 16s. 8d., and interest from 16th April, 1832.

All which is respectfully submitted.

**JOHN PRINCE,**  
CHAIRMAN.

*Committee Room, House of Assembly,*  
24th April, 1839.

GENERAL REPORT  
OF  
COMMITTEE ON ROADS AND BRIDGES,  
ON THE  
SEVERAL PETITIONS REFERRED TO THEM.

*To the Honourable the Commons House of Assembly.*

The Committee on Roads and Bridges report :

That they have had many petitions before them praying for grants of money, but as the embarrassed state of the public funds does not warrant them in recommending grants in the way that large sums have heretofore been granted, and as it is doubtful how far it is desirable to continue the system that has heretofore prevailed in granting small sums of money to be expended in making partial improvements, your Committee recommend that a general law be passed, authorizing the appointment of Trustees on the different lines of road through the country, with power to receive commutation of statute labour, collect tolls, and borrow money upon the credit of the same, for the levelling, turnpiking, building of bridges, and, in process of time, Macadamizing the roads; the Trustees to have power to borrow money from the public funds, to the extent they can make it appear they can pay the interest, whenever the funds of the Province will admit of such loans being made, in addition to other sources from which the interest of the money may possibly be raised—tax on the lands lying on and near the lines of road to be improved. The tax to be regulated upon a graduated scale in proportion to the benefits conferred. It has been already shown to your Committee, by petition and otherwise, that much inconvenience, and some loss, has been sustained by the withholding of 50 per cent. of the loan of £50,000 granted for the improvement of the roads at the first session of the present Parliament, as many of the Commissioners named in that Act were induced, from a laudable desire to expend the money to the best advantage possible, to let contracts to the full extent of the grants made, and have made themselves liable to the contractors, and some have actually paid the money out of their own funds—with this view of the subject, your Committee reported a bill at the early part of the session which will enable the residue of the grant above made to be paid into the hands of the several parties entitled to receive the same, and thus pay what may be fairly considered a debt of honour.

All which is respectfully submitted.

E. W. THOMSON,  
CHAIRMAN.

*Committee Room, House of Assembly,  
24th April, 1839.*

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REPORT OF SELECT COMMITTEE

ON THE SUBJECT OF THE

TOLLS COLLECTED ON THE RIDEAU CANAL.

*To the Honourable the Commons House of Assembly.*

Your Committee to whom was referred His Excellency's Message, laying before your Honourable House, a statement of the tolls on the Rideau Canal, proceeded to examine into

the effects resulting to the Commerce of this Province from the construction of that work, and beg leave to make the following Report :—

They find by an examination of a number of respectable Millers and Merchants—that since 1835, the freights on imports and exports have been actually increased, at least, fifty per cent., instead of being decreased in that proportion. It is notorious that in 1835 and 6, the price of conveying a barrel of flour from Prescott to Montreal was 1s. 3d.—whereas the price now paid is 2s. Again, the price of carrying a ton of goods from Montreal to Prescott was £2 10s. per ton weight—whereas we now pay £2 10s. per ton, by measurement, the difference in which is at least fifty per cent.

Your Committee have also examined into the results of similar undertakings, and find that the price of conveying one cwt. of merchandize from Buffalo to the Hudson, prior to the construction of the Erie Canal, was 25s.—but since its construction freight has been reduced to 2s 6d. per cwt. Before the construction of the Welland Canal, the cost of carrying flour from Fort Erie to Queenston, was 2s. 6d. per barrel, and since the construction of that work, the same article is carried for five-pence—although we admit the natural obstructions by the Saint Lawrence were not equal to the land carriage by the other routes, nevertheless, the very striking contrast in the effects produced in reducing the price of freights on the above Canals, compared with the results produced from the construction of the Rideau, induced your Committee to examine minutely into the causes which have led to such an extraordinary and unprecedented result.

Your Committee also find that on most Canals a tow-path is provided by the Government or Company constructing the same. This opens the Canal to all classes of competitors who may place thereon a simple and cheap power propelled by Horses, and thus producing an active competition ; but as a tow-path could not be constructed on the Rideau Canal, it became necessary to substitute Steampower therefor. However, the defect in the present system is apparent from the fact, that one Company has obtained the entire possession of all the Steamboats on the Canal, which gives them the same power that the exclusive possession of the towing-path on the Welland or any other Canal would confer on a private Company. No craft can pass up except by submitting to such terms as they choose to exact, consequently all the forwarders formerly on the Saint Lawrence, have entered into an agreement—and thus have constituted a formidable monopoly—subjecting the public to the payment of any price they may please to impose.

Your Committee recommend that the communication should be placed in such a situation, that trans-shipment of produce or merchandize should be unnecessary. To obtain such an object, it will be necessary—1st. To remove the arches over the Rideau and Lachine Canals, and substitute swing bridges, as are now on the Welland. 2nd. By purchasing the lock at the Saint Ann's from the present proprietors—or by constructing another for the benefit of the public. 3rd. The managers of the Canal should be desired to place as many steamers on the navigation as to ensure a regular daily line from Montreal, which would enable a vessel carrying 800 to 1,000 barrels of flour, to pass from any port on the upper lakes, by the Saint Lawrence, direct to Montreal, and to return by the Canal to Kingston, which is now impracticable ;—or, to pass an Act limiting the towing, and thereby preventing injurious combinations—thus affording the public all the advantages derived from the limited dimensions of the Lachine Canal. The cost of the first improvement would hardly exceed the sum of £ 2,500

For the purchase of the Lock.....	4,000
The cost of seven Steamers .....	28,000

The practical operation of this plan will be—*First.* To reduce the freight to at least one-half the present prices. *Second.* To enable the canals to realize a large income, the grower being enabled to pay toll on downward freight, (which is not at this time exacted) in consideration of the facilities afforded on return cargoes, and increase the transportation materially by diverting the trade from the Erie Canal, which will be the effect of reducing the price of transportation on the Saint Lawrence. *Third.* All monopolies effectually prevented—forwarding companies rendered unnecessary, as the communication and the means of conveyance would be open to every person who can command sufficient capital to build a barge or vessel.

General dissatisfaction has prevailed in all parts of the Province, for the last two years, amongst all classes of the trading community, from having been subjected to an increase of freight, instead of a reduction, which had been anticipated on the completion of the Rideau Canal ; but no means of redress has heretofore offered, until the appointment of a Council

in Lower Canada. Your Committee, therefore, (with a view of affecting the objects contemplated in this report) recommend the accompanying resolutions, for the consideration of your Honourable House.

All which is respectfully submitted.

G. H. DETLOR,

CHAIRMAN.

Committee Room, House of Assembly,  
22nd April, 1839.

*Resolved*—That this House feel deep regret that so noble a work as the Rideau Canal should, from want of due precaution or proper management, have a tendency rather to embarrass than promote the commerce of this Province.

*Resolved*—That from the evidence obtained, by a Committee of this House, it appears that instead of the freights or transportation of the products and merchandize, the growth and consumption of the inhabitants of this Province, having been reduced in price, it has actually increased from fifty to one hundred per cent.

*Resolved*—That, in the opinion of this House, the causes which have produced this unprecedented result arise:—1st. From the obstruction of the navigation, consequent upon the only lock at Vaudreuil, being under the control of one Company; and, 2nd, From the bridges over the Canal being constructed with arches instead of swings or slides. 3rd. The entire control and power of conveying boats being in the possession of a private Company.

*Resolved*—That an Address be presented to His Excellency the Lieutenant Governor, requesting he will be pleased to transmit a copy of the Report of a Committee of this House, to His Excellency Sir John Colborne, requesting him to recommend the passing of an Ordinance, to the following effect:

1st. Authorizing the purchase of the lock now held by a private company at Vaudreuil, or the construction of another.

2nd. The removal of all arched bridges, over the Lachine and Rideau Canals, and substituting swing or slide bridges in their stead, which, from an estimate, will not probably exceed £2500.

3rd. To recommend the Government, or those in charge of the Rideau Canal, to place a sufficient number of steamboats on the route, to establish a daily line from Montreal to Kingston in place of a towing-path, or otherwise to pass a law compelling any company, who may establish a line of steamboats on the route, to tow every craft, that may offer in their regular turn, at a given price, not exceeding the sum of twelve pounds ten shillings for any boat with not exceeding ten tons, and one pound per ton for every ton of merchandize exceeding ten tons by weight in all cases.

*Resolved*—That the importance of the last provisions cannot be too strongly pressed on the consideration of His Excellency and Council. For in the event of the two former obstructions being removed, the same monopoly will still exist; and the entire canal may as well be placed under the control of this company, as the steam power by which the canal alone can be used, and, from the very nature of the navigation, unless this power is supplied by the managers of the canal or regulated by law, monopolies must continue to exist to the disadvantage of the public; although competition may for a time exist, yet it is evident that the interest of the forwarders will induce them from time to time to unite against the public. Whereas the latter plan will supercede the necessity of any forwarding companies whatever. And, as from the evidence of a partner in a respectable firm in this city, it appears that they have paid an increase of freight in one year, rising £400, being on an average about 90 per cent. upon former rates—the sooner the services of this company are dispensed with the better.

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THOMAS McKAY, ESQUIRE, M.P.P. EXAMINED.

1. Who has the present direction and control of the lock at Vaudreuil?—Messrs. McPherson & Co. Montreal, on behalf of the Ottawa Company.

2. What sum do you think would purchase this Lock?—About £4000 would have purchased it some time since, and I think the Company would sell.

3. How many arches are there over the bridges on the Lachine Canal, or other obstructions to prevent a craft with a standing mast passing?—Three of stone and three wood bridges.

4. What would be expense to replace them with swing bridges?—At most £1000.

5. What obstructions are there on the Grenville or Rideau Canal, for passage of craft with standing masts?—Four bridges of wood on the Grenville, which could be removed at a trifling expense. There is one stone bridge at Bytown, 22 or 24 feet high, and one wood bridge at Burritt's Rapids. The former will cost about £1000, and that the latter £100 to £200.

6. How many Steam-boats are now on the line between Kingston and Lachine?—Seven. One between Lachine and Carrillon; one between Carrillon and Grenville Canal; one between Grenville and Bytown; four between Bytown and Kingston.

7. Are they sufficient to run a daily line throughout?—Yes.

8. What would a similar line of Boats cost, when new?—£28,000.

9. How long would it take to remove those bridges?—Two months, but they could be removed, and not stop the navigation one day.

10. Do you think the trade of the country would be improved by passing a law regulating the amount of toll to be paid for towing on the Rideau Canal?—Yes.

11. What price do you think would be reasonable for towing per ton from Lachine to Kingston?—One pound per ton would be ample, and for each vessel or boat, if less than twelve tons, £12 10s.

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MR. HARRIS, of the firm of Isaac Buchanan & Co., Toronto, examined.

Have been in business in Toronto six years, have been in the habit of paying at the rate of 2s. 6d. per cwt., by weight, from Montreal to Prescott or Brockville, until the autumn of 1836, since which they have paid 1s. 1½d. per foot, which makes an actual increase on the former rate of 90 per cent.—Have regularly weighed their goods, and the above is the actual result by this different mode of rating freight; an increase on light goods, in some instances, is from four to five hundred per cent.; the increase of freight paid by their firm in one year was something over £400.

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MR. McDONELL, examined.

The cause of monopoly, and consequently less competition, is owing to the Lock at the St. Ann's Rapids being the property, originally, of an individual—and now the property of a company, and all forwarders are subject to the terms imposed by the Ottawa and Rideau Company.

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REPORT OF COMMITTEE ON LOSSES,  
ON PETITION OF JAMES HOLMES, AND ALL OTHER PETITIONS,  
PRAYING FOR  
**PENSIONS FOR WOUNDS AND ACCIDENTS.**

The Committee to whom was referred the petition of James Holmes, and others, petitions praying for pensions on account of wounds and accidents, beg leave to report:

That during the last Session of the present Parliament, a bill was passed entitled, "An Act to provide pensions for the widows and children of Militia-men killed during the late

rebellion, and for other purposes therein-mentioned": and that the fifth and last clause of said Act fully provides for petitioners, and points out the necessary steps to be taken, by which they can be placed upon the pension list of this Province, without applying to your Honourable House.

All which is respectfully submitted.

MALCOLM CAMERON,  
CHAIRMAN.

*Committee Room, House of Assembly,  
April 25th, 1839.*

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**REPORT OF COMMITTEE,  
ON DOCUMENTS SENT DOWN BY HIS EXCELLENCY THE LIEUTENANT-GOVERNOR  
RESPECTING CLAIMS FOR LOSSES.**

*To the Honourable the Commons House of Assembly of Upper Canada.*

THE report of the Select Committee, to whom were referred certain documents sent down to the House by His Excellency the Lieutenant-Governor, on the subject of claimants for loss sustained during the late insurrection, beg leave to recommend that a bill be passed authorizing the payment of claims which have been adjudicated by the Commissioners appointed under authority of Act of Parliament, or by a Committee of this House during its last Session.

All which is respectfully submitted.

MALCOLM CAMERON,  
CHAIRMAN.

*Committee Room, House of Assembly,  
April 25th, 1839.*

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**REPORT OF COMMITTEE ON CLAIMS,**

ON PETITIONS OF

**Benedict, and others, Gero, Scott, Rogers, Turney, Prior, Swift, McIntosh,  
and Murphy.**

THE Committee to whom was referred the petition of various persons, sufferers during the late Rebellion, beg leave to make their second report :

Your Committee have carefully examined the several petitions before them, and are preparing a general bill, which your Committee hope may prove satisfactory to the parties interested.

Your Committee beg leave with feelings of regret to state, that the claims of the following persons are not such as your Committee can recommend to the favourable consideration of your Honourable House—Joseph Gero, John Scott, Caleb W. Benedict, and twenty others, John F. Rogers, James Turney, Charles Prior, James Swift, Arthur McIntosh, John V. Murphy.

All which is respectfully submitted.

MALCOLM CAMERON,  
CHAIRMAN.

*Committee Room, House of Assembly,  
April 23rd, 1839.*

REPORT OF SELECT COMMITTEE  
ON  
**PETITION OF ELIZA POWELL.**

*To the Honourable the Commons House of Assembly.*

THE Committee to whom was referred the petition of Eliza Powell, beg leave to report :

That the several statements set forth in said petition, particularly that relating to the services of the petitioner's late husband, as Clerk to your Honourable House, and to the Honourable the Legislative Council, for twenty-five years, are true.

Your Committee would therefore recommend the prayer of the petition to the favourable consideration of your Honourable House ; several precedents of grants in like cases, in consideration of services, are to be found : and especially one to the widow of the late John Powell, (in his life-time also Clerk of the Legislative Council,) for two hundred pounds, which was granted by the Legislature in the year 1832.

Your Committee, therefore, are of opinion, that there ought to be granted to the said Eliza Powell, the sum of two hundred pounds, and recommend the adoption of the accompanying Resolution in Committee of Supply.

All which is respectfully submitted.

H. RUTTAN,  
CHAIRMAN.  
M. BURWELL,  
J. W. GAMBLE,  
W. B. ROBINSON.

*Committee Room, Commons House of Assembly,  
23rd April, 1839.*

REPORT ON PETITIONS  
OF THE  
**MAGISTRATES OF THE NIAGARA DISTRICT.**

*To the Honourable the Commons House of Assembly.*

Your Committee, to whom were referred the Petition of Thomas Butler, Esquire, and seven other Magistrates, of the Niagara District—and also the Petition of George Ball, Esq., and seventy-four others, Magistrates and freeholders of that District—

BEG LEAVE TO REPORT :

That they have carefully enquired into the merits of the respective petitions. They find it stated by the petitioners to the former, that the present assessment is inadequate to the expenses of the District, and therefore pray that an additional tax may be levied upon the inhabitants of that District, to pay off the present debt ; while those of the latter consider the present annual assessment amply sufficient to meet all proper demands upon its resources, and beg that the prayer of the former may not be granted.

Your Committee are aware that a large debt does exist in that District, owing, as your Committee believes, chiefly to the misapplication of the funds for several years past, and to the defalcation of the late Treasurer; but, as the Books of the District are withheld (as your Committee are informed) from the public, by the said Treasurer, the accounts have not yet been investigated and properly adjusted; and as it appears from these petitions, that a strong conflicting feeling exists among the inhabitants of that District, upon the subject of an additional assessment; and no notice having been given, in the *Upper Canada Gazette*, as required by the rules of your Honourable House, of such intended application—your Committee, therefore, cannot recommend any additional tax to be levied upon the inhabitants of that District, until a full and correct statement of all the receipts and disbursements, and the actual deficit necessary to be provided for, be clearly shewn, and until due notice of the proposed additional assessment be given.

All which is respectfully submitted.

GEORGE RYKERT,  
CHAIRMAN.

*Committee Room,*  
25th April, 1839.

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REPORT OF SELECT COMMITTEE,  
ON  
**PETITION OF ROBERT F. GOURLAY.**

*To the Honourable the Commons House of Assembly.*

The Committee, to whom was referred the Petition of Robert F. Gourlay, beg leave to make the following Report:—

It appears that the object of the Petitioner is to have an expression of the House of Assembly, relative to his conduct while in this Province, in 1817, 18 and 19—and on certain judicial proceedings of the local Authorities, and the Court of Assize and of General Gaol Delivery, held in the District of Niagara, in the month of July, 1819, when a judgment was recorded against him as guilty of having disobeyed the order of certain Magistrates, acting under the authority of an Act of the Parliament of the Province, entitled, "An Act for the better securing this Province against all seditious attempts or designs to disturb the tranquillity thereof," which Act was subsequently repealed. Your Committee find, that the judgment aforesaid was perpetual banishment.

Waving the legality of the judicial proceeding, your Committee having a personal knowledge of the conduct of the petitioner, during the aforesaid period, in the District of Niagara, have no hesitation in giving full credit to the declaration of the petitioner, that his motives were for the benefit of the Province, and however far he might have deviated from the then law of the land, it appears to your Committee that your Honourable House would render but an act of justice to the petitioner by addressing His Excellency the Lieutenant Governor, humbly requesting His Excellency to use the prerogative of the Crown to enable the said Robert F. Gourlay, to return and reside in this Province, if he shall think fit so to do.

RICHARD WOODRUFF,  
CHAIRMAN.

*Committee Room,*  
25th April, 1839.

REPORT OF SELECT COMMITTEE  
ON  
PETITION OF C. FOTHERGILL AND C. F. FOTHERGILL.

*To the Honorable the Commons House of Assembly.*

The Committee to whom was referred the petition of Charles Fothergill, and Charles Forbes Fothergill, Esquires, beg leave to report:—

That in investigating the claims of the petitioners to the consideration of your Honourable House, your Committee have carefully examined the literary work which is set forth in the petition, as deserving of some portion of Legislative patronage and encouragement.

The work in question is entitled "The Toronto Almanac, and Royal Calender for 1839," and forms a compendious volume of nearly 500 pages.

In the course of the last fifteen years, several publications of various degrees of merit, have emanated from the Press, having for their object the extension of knowledge among the British public, respecting the sources of Upper Canada, the nature of its climate, and the advantages which it presents as a grand depot of British immigration.

The "Royal Calender," the latest publication of the nature alluded to, appears to your Committee to possess merits, which from the known enterprise and intelligence of its author and compiler, and the ready access which that gentleman possessed, to the most authentic sources of official and statistical information, will be sought in vain among the crowd of other publications on the same subjects.

Without entering into abstract theories, and fanciful opinions, the "Royal Calender," presents in a condensed and lucid form, an interesting, and your Committee believe, an accurate, view of the statistics of the Province, and of the peculiar attributes of its climate, and capabilities; a correct knowledge of which is eminently calculated to induce a greatly extended influx of immigration to the Colony.

In addition to this, the "Royal Calender," supplies numerous other details, both of a local and miscellaneous nature, which form a very desirable addition to the stock of general information.

Your Committee are of opinion, that the laborious, and well directed spirit of research which has so obviously been called into action, to produce a work like the "Royal Calender," is really deserving of both private and public encouragement.

The extension of the latter by your Honourable House will, as your Committee have ascertained, be justified by a precedent recorded in the Journals of the Session of 1826. The merits of the work, even in its infancy, were justly appreciated by the then House of Assembly, and the members were supplied with copies of it, which were paid for out of the contingent fund of the Session.

Since that period, the growing importance of this Colony, and the improved and extended knowledge of its resources, have rendered the publication alluded to of greatly increased value, as an index for public guidance, respecting the statistics of the Province; and the present edition appears to be as authentic and satisfactory as any such work can be which is not published "by authority."

Taking this deliberate view of the subject, your Committee respectfully recommend the following resolution for the adoption of your Honourable House.

All which is respectfully submitted.

R. P. HOTHAM,  
CHAIRMAN.

*Committee Room, House of Assembly,  
26th April, 1839.*

*Resolved*—That three hundred copies of the "Toronto Almanac and Royal Calender for 1839," be provided by the Clerk for the use of the Members of this Honourable House, and that the expense be defrayed out of the contingent fund of the present session.

**REPORT OF SELECT COMMITTEE**  
ON  
**PETITION OF N. H. BAIRD.**

*To the Honourable the Commons House of Assembly.*

The Committee to whom was referred the Petition of N. H. Baird, Esquire, civil engineer, praying for remuneration for his time and expenses in giving information to Select Committees of your Honourable House, at the request of the several Chairmen, on his plans, maps, and report on the improvement proposed to the inland waters of the Newcastle District, surveyed by him in conformity with an Address of the House of Assembly, dated 16th April, 1835—Beg leave most respectfully to report as follows:

It appears that your Petitioner rendered an account of his time and charges in attending said Committees attested under oath to His Excellency the Lieutenant Governor, amounting to £77 8s. 4d., which account was examined and certified by the Inspector General, and referred by His Excellency to his Council.—By a minute of the Council of the 6th September, 1838, the claim of Mr. Baird is rejected, assigning as a reason, that it is not usual for the Executive Government to enquire into or interfere with the attendance of witnesses or others before the House of Assembly. The Council having thus refused to consider the claim of the Petitioner, he, therefore, makes the application for payment to your Honourable House.

Your Committee fully concur with the views of the Council, that it is not usual for the Executive Government to enquire into or interfere with the attendance of witnesses or others before the House of Assembly, and consider the Council fully justified in forbearing to recommend the claim.

Your Committee are satisfied, however, that the Petitioner did attend at the request of the several Chairmen of certain select Committees of your Honourable House, which attendance was also desired by the Members of such Committees.

Your Committee are further aware that much valuable information was derived from the Petitioner, without which, satisfactory reports on the important measure submitted to them of improving the inland waters of the Newcastle District, and particularly that of the River Trent, could not have been made.—And being persuaded that Mr. Baird is entitled to remuneration for such attendance—recommend the case of the Petitioner to the favourable consideration of your Honourable House.

Your Committee would further beg leave to suggest, that the usual charge for time and services of an engineer should not be allowed, but that a reasonable compensation for his attendance as a witness—which your Committee conceive would be about £25.—And should your Honourable House be disposed to receive favourably the recommendation of your Committee, they further suggest that the charge is a legitimate item of contingences.

**DAVID THORBURN,**

CHAIRMAN.

*Committee Room, House of Assembly,  
29th April, 1839.*

**REPORT OF SELECT COMMITTEE,**  
**ON PUBLISHING THE STATUTES, &c.**

The select Committee appointed to enquire into the present mode of publishing the Statutes and other public documents and papers, and the expediency of providing more effectually for the promulgation of the information contained in such documents among the people of this Province—Beg leave to make the following (first) Report:

The Committee, for the more satisfactory prosecution of the enquiries intrusted to them, thought it proper to address a circular letter to each of the newspaper Proprietors in the Province; but answers not having been generally received, it is deemed most advisable to embody such information as may be derived from this source in a second report or appendix.

Your Committee, however, are extremely anxious that the present Session should not close without some attempt being made to awaken the Government, the Legislature and the country, to the necessity there exists of a more effectual system of promulgating and disseminating throughout the community, not only the Statutes and other public and official documents, but also such general information as shall be calculated to counteract the mischievous influence which abuses of the liberty of the press and political dissension in this, as in all free countries, must uniformly exercise. The Committee think themselves fully justified under the order of the House "to enquire into the expediency of the more effectual promulgation of information among the people of Upper Canada," in bringing under review the effects generally produced upon any people by the press, and in calmly discussing the degree of influence which it has hitherto exercised in the political relations of this Province.

The liberty of the press is so well understood wherever the English language is spoken, that the Committee deem it altogether superfluous to say any thing further in its behalf, than that they are advocates for it, to the fullest extent, and that in their opinion, it is rather to the restrictions which have directly, and indirectly been put upon it in this country, that we are in a great measure to attribute the lamentable effects which Upper Canada has of late experienced from this all powerful, but too much neglected Engine.

Your Committee believe, it will not be denied, that evil, as well as good, flows from the Press, and that in political affairs at least, the one or the other effect will preponderate, as the one or the other has encouragement and facilities for its production. We are therefore led to the enquiry, what has been the influence of the Press in Upper Canada?

In commencing this investigation, the Committee refrain from entering into any prolix discussion, as to whether the late disturbances have been caused by a corrupt Government or not, taking it for granted, that the House, as well as every loyal man in the country, will agree with them in attributing such to some other source; and your Committee will at once state, that not only the evidence of the facts which will presently be adduced, but their own conviction, founded on experience, fully justifies them in broadly declaring that these evils were the direct result of a corrupt, and in those parts of the Province, where the disaffected were found, an unopposed Press. The ordinary grounds from which rebellions have generally sprung, were in the late instance altogether wanting.

The Committee are not aware, that the people of Upper Canada, have ever complained of taxation; they are not aware that even *one individual* in the whole Province has ever done so. They are not aware, and they do not believe, that any one has ever asserted that he has been in the least, or most remote degree interfered with, or oppressed by the Government on the ground of his religious belief. If we look for the causes that prompted the revolt, to the administration of Justice, do we find it there? No.—The administration of this branch of the public service, has never to the knowledge of the Committee, formed the subject of well-grounded, or even definite remonstrance. Well then, does the question recur, whence is the disaffection? If the people do not breathe a whisper against the present system of taxation—if the laws be purely and impartially administered—if every man be allowed to serve his God in his own way—it must follow, your Committee submit, that no grievance justifying rebellion can have existed—and that the charge of oppression on the part of the Government, was founded upon the imaginary infliction of wrongs. What then, it will here be naturally asked, induced these individuals who took up arms against the Queen's authority, to break out into insurrection? your Committee reply, that it was the abuse of the Press; and they further add, that without timely precautions, the same effects will at no distant period, be again produced by the same cause.

Your Committee proceed to assign the reasons for which they impute to a press—abused on the one side, and neglected on the other—so great a share in producing the late disturbances.

In tracing the causes that led to the rebellion of 1837, it cannot fail to be remarked that many of the individuals implicated in it, were more deluded than disaffected; and that they were inveigled into their criminal designs by being made to believe in the existence of grievances which, although they could not have excused, would in some degree have palliated their guilt.

It may seem incredible to persons living within the reach of daily intelligence, and having the means of judging of the acts of Government from almost ocular demonstration, that political falsehood should take deep root in the minds of any portion of the community, or have power to impair the allegiance of loyal subjects; but when it is considered that the main strength of the republican faction in this Province has chiefly been found in remote agricultural parts, and not in towns and populous villages—and when it is further borne in mind that the people of Upper Canada, from causes which must always operate in a newly settled country, have not, until lately, been much disposed to *seek after* political intelligence, it will cease to be a matter of wonder that, in too many instances, they should have fallen victims to the machinations of democratic agitators, and have been entrapped, step by step, into an open declaration of revolt.—Although not inclined to devote much time, or trouble, or money, to the procuring of public intelligence, many of them readily open their ears to those who voluntarily undertook, for the worst of purposes, to supply them with news regularly and almost gratuitously. Thus, furnished with only one side of the questions constantly occupying the public mind, they unconsciously imbibed the most pernicious doctrines, and credited the most monstrous fabrications. What were shadows to the most intelligent of them, were, to this description of persons, objects of real and sincerely entertained apprehensions. Contradictions of the false or exaggerated statements with which their minds were weekly poisoned against every thing British, whether on this Continent or in the Mother Country, never reached them. The appetite for politics, which was first implanted in them by the republican leaders, was duly and plentifully administered to by the same hands; and can we, therefore, be surprised that many once loyal men enrolled themselves as members of a revolutionary union or actually joined the rendezvous at Montgomery's Tavern, under the impression that if they did not arm for their liberties they would soon be wrested from them by despotic power or crushed beneath the weight of burthensome impositions, taxes and even tithes!

It is an extraordinary and very painful truth, that several of the rebels were men whose loyalty was, at one time, unimpeachable; indeed, some of them had signalized themselves during the late war with the United States by their spontaneous services and conspicuous gallantry. How then can we account for the defection of individuals of this stamp, and for their forfeiture, at a mature age, of that honourable distinction which they had earned in their youth. It can, we submit, be accounted for on no other ground than that which we have assigned, namely, that they have been left to fall a prey to the wiles of republican agitators, who worked out their traitorous ends by that formidable, and comparatively uncounteracted, engine—the PRESS.

This assertion, however, does not rest upon mere conjecture, nor is it based upon any inferences, however just—The evidence taken before the Commissioners of enquiry, appointed in December 1837, furnishes ample corroboration of the soundness of our position; and we cannot do better than quote the very words of several of the prisoners themselves.

*Joseph Gould* states, "I think the whole discontent in the country arose from the dissemination of McKenzie's paper. I had not seen another paper for two years, and in the country we had no means of information than through the means of the paper."

*Francis Helmky* remarks, that "the newspapers generally read in his neighbourhood, was that edited by William Lyon McKenzie—and he believes that all the mischief and disturbance has originated in the circulation of that paper."

*Peter Matthews*, who suffered on the scaffold, made this voluntary declaration, "generally about where I lived the people are Radicals. McKenzie's paper was generally taken amongst them, and I think it contributed in a great degree to the present unfortunate revolt."

*Aaron Glover* deposes that "Mackenzie's paper influenced him to take up arms."

*Adam Graham* makes the following avowal:—"I was once a loyal subject, and was so until Mackenzie stated in his paper that the Governor had said we could not have the British Constitution, I said to myself that if Mackenzie stated a falsehood, he would be prosecuted for a libel."

*Samuel Curry* says—"I used to read Mackenzie's '*Constitution*,' for which I was a subscriber."

In similar language also did several of the Prisoners for High Treason address the Lieutenant-Governor, when he released them from Toronto Gaol, in the month of May, 1838—"We are led," (they thus express themselves) "sincerely to believe that your Excellency has with clearness observed, how easily the ignorant though honest inhabitants of the country

“were led astray by the artifice and chicanery of designing men, who availed themselves of every opportunity of imposing upon the unsuspecting by productions emanating from a mendacious and unrestrained press.”

These instances, it is presumed, are quite sufficient to prove that the spirit of disaffection which exhibited itself so undisguisedly in December, 1837, was not created by any *real acts* of the Government, but was fomented by the dissemination among a credulous people, of seditious newspapers, filled with details of fictitious grievances, and goading on the unwary with groundless alarms and inflammatory appeals. And it cannot be doubted that the evil thus produced, and which is far from being removed, can be thoroughly eradicated, but through the same to which it owes its growth. Indeed there is stronger reasons than before for supplying the great mass of our population with sound, impartial, constitutional information of the Acts of the Executive Government, and the proceedings of the Legislature, and of holding up the Monarchical Institutions of Great Britain, in their true light, to a people living under a civil polity as similar in all respects as can reasonably and judiciously be to that of the Parent State.

A thirst for political information is now becoming common to the inhabitants of Upper Canada. Their means, generally, do not enable them, and their habits do not lead them to go to any expense in procuring this information, and for good or for evil it must in a great measure be brought home to their own doors; or at all events, be placed, and that too, gratuitously, with their immediate reach.

The question then arises: Is it not the duty of the Government and Legislature to profit by the innumerable lessons which history, since the invention of printing presents, to take warning from the events of which we ourselves have been eye-witnesses, and in which most of us have been actors during the last two years; and as individual exertion is inadequate to the task, to prevent, by the wide and systematic diffusion of truth, the recurrence of a rebellion sown in ignorance and matured by falsehood.

The Government of almost every civilized and enlightened country, except that of Upper Canada, has a virtual if not an openly recognized organ in the press. By this it communicates with the people, and elicits their opinions. This is the channel through which the state may learn whether the measures it proposes are acceptable to its subjects—in what respects they are objectionable—in what susceptible of improvement. A government press, therefore, is not to be regarded as an instrument of arbitrary power, but as a firm ally of popular liberty—as a correspondence addressed by the Governor to the governed, with a view of arriving at the true state of their feelings, opinions and wishes—as a means of shedding truth and light and clearing away the mist of error and falsehood—not of enwrapping the public in mystery and darkness. To a despotic or corrupt Government this would be of little use, but to that of this Province it would be of incalculable benefit, because whilst it incurs the general censure of keeping its acts and measures in the dark, because they will not bear scrutiny, it has nor can have in fact, not only nothing to conceal, but on the contrary, would, by an open and continuous communication with the people, entitle itself to their support and confidence, and always have the power of offering instant contradiction to the groundless rumours, and worse falsehoods with which wicked men have already worked with such fatal effect upon the minds of the credulous and uninformed.

But as we have before stated, the press of this country has not, as the example of the mother country would fully warrant, been called in to the aid of good Government.

Not only, also, are we led to desire that the Government of this Province should speak to the people through the press, because a precedent is to be found for it in the mother country, but because to the same reason which holds good in Great Britain, is superadded the peculiarity of our actual position—our remoteness from the fountain head of the Empire—our distance from the monarchical institutions after which our own colonial polity is framed—our close vicinity to an encroaching republic. Here we are, barely half a million, almost surrounded by a republic containing fifteen millions of people, who, enamoured of their own democratic constitution—enamoured of the self-governing, but delusive principle, which the steady and downward course of its government towards its opposite extreme, despotism, serves to feed and cherish, and to which extreme it is (although but of some sixty years growth) manifestly already approaching—are desirous of thrusting it upon us. How great a necessity hence arises, for the Government to be ever watchful in vindicating the principles of that constitution which has stood the test of so many ages, and shewing its adaptation, beyond all other forms, to the lasting peace and prosperity of mankind! How great the need of a skilful, yet plain and intelligible detection of the thousand fallacies by which the

people of this Province are warped from their attachment to the British Constitution!—and consequently, how greatly is it to be deplored, that with these additional reasons for calling in the constitutional aid of the press, so valuable an auxiliary should have been utterly neglected by the Government and Legislature of this Province.

It is indeed wonderful, how the respectable press in this country, (struggling on in the dark, and in spite, we may say, of the Government) has opposed even so powerful a barrier as it has, against the steady assaults of republicanism. Yet, so long as the *Government* does not, through some channel, furnish the press generally with the means of informing the country of its acts and views, and of contradicting error, whether wilful or unintentional, this is no answer to our assertion, “that falsehoods propagated by bad men are permitted to go forth uncontradicted.”

The Committee having thus trespassed further upon the limits of this document than they had intended, are unwilling at this time to urge further their views upon the House, leaving for another occasion the submission of such a plan, for carrying into full operation the object referred to, as the nature of the information which they expect to receive, and their own judgment, may justify them in adopting. But they cannot close their report upon this all-important matter, without respectfully laying before the House this their deliberate conviction, *that upon the moral power of the press, for weal or for woe, mainly depend the destinies of this country.*

H. RUTTAN,  
CHAIRMAN.

Committee Room,  
29th April, 1839.

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## REPORT OF SELECT COMMITTEE

ON

# PETITION OF JOHN BRISTOWE.

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*To the Honourable the Commons House of Assembly of Upper Canada in Provincial Parliament assembled.*

The select Committee, to whom was referred the Petition of John Bristowe, of the City of Toronto, gentleman—

### BEG LEAVE TO REPORT :

That they have ascertained that the Petitioner is an Attorney of the Court of Queen's Bench, at Westminster, and that he practised in the High Court of Chancery, in England, and that he was admitted as one of the six solicitors in the Court of Chancery, in this Province, under the provisions of the Act which erected and constituted that Court. Your Committee have also satisfied themselves that he is a skilful practitioner in equity, and a gentleman of moral worth and good character. Your Committee have also well weighed the statements contained in his petition, and they are of opinion that it will be advantageous to the practice of the Court, and an act of justice to the Petitioner, if he be admitted to practice at the equity bar.

Your Committee, therefore, recommend your Honourable House to pass an Act, enabling the Petitioner to practise at the bar of the Court of Chancery, in this Province. Your Committee cannot but be aware that your Honourable House has already decided, in the case of Mr. Adam Ainslie, that bills of the nature above referred to are considered as private bills, and as such, are required to be given notice of in the Upper Canada Gazette six months previous to the meeting of Parliament—but they find that such notice was not given by the Petitioner. But they recommend, respectfully, that your Honourable House may

allow a bill to be brought in for the Petitioner's relief, and that the thirty-ninth Rule of your Honourable House may be dispensed with for that purpose.

All which is respectfully submitted.

JOHN PRINCE,  
CHAIRMAN.

*Committee Room, House of Assembly,  
29th April, 1839.*

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REPORT OF COMMITTEE OF CONFERENCE,

ON

**MESSAGE OF THE HOUSE OF ASSEMBLY,**

ON THE

**BILL APPOINTING COMMISSIONERS ON PUBLIC MATTERS.**

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The Committee of Conference, on the part of this House, are instructed to represent that the Legislative Council have desired this conference for the purpose of presenting to the House of Assembly the copy of a Report of a select Committee of the Legislative Council, adopted by this House, on the subject of the message from the House of Assembly, transmitting the copy of a Report of a Committee of Privilege on the resolutions of the Legislative Council on a Bill, entitled "An Act to appoint Commissioners to proceed to England on behalf of this Province, and for other purposes therein mentioned."

*Copy of Report of Committee of Privilege of Legislative Council on Message of House of Assembly on Commissioners' Bill.*

The Committee of Privilege appointed by your Honourable House to search for precedents, and report upon a message of the Assembly, received on the twenty-third instant, on the subject of certain resolutions adopted by the Council in relation to the Bill, entitled "An Act to appoint Commissioners to proceed to England on behalf of this Province, and for other purposes therein mentioned"—

**BEG LEAVE TO REPORT :**

That after a deliberate consideration of the subject of the Message, and an attentive examination of the proceedings of the Imperial Parliament, together with the precedents as laid down by Hatsell, they cannot concur in the opinion expressed by the House of Assembly, that your Honourable House "was bound to reject, adopt, or amend the Bill," for nothing appears more common in either House of Parliament, than to drop a Bill without a formal motion to "reject" it. Bills are often referred to Select Committees, who report that the "allegations contained in the preamble, have not been proved," and that therefore they "have not proceeded further with the Bill," this report is ordered to lie on the table, without any expression of opinion on the part of the House, which shews that the view taken by the House of Assembly of the duty of the Legislative Council in respect to the matter under consideration, is not borne out by the practice of the House of Lords; for a Bill under the circumstances above described, can at any moment during the Session, be restored to the order of the day, by observing the rules in that respect—and so may the Bill sent up from the House of Assembly to appoint Commissioners to proceed to London, be placed on the order of the day, and passed, if your Honourable House should desire to do so. When that Bill was under consideration in a Committee of your whole House, it was deemed inexpedient to pass it without information from Her Majesty's Government, which might show a greater necessity for the proposed mission, than appeared to your Honourable House to exist, and under these circumstances the Committee adopted the Resolutions which were sent to the Assembly, informing that Honourable House that if the information which was hourly expected from Her Majesty's Government, relative to measures deeply affecting the interests of this Colony, seem to render such a mission important, that the Legislative Council would in that

case, either unite with the House of Assembly in sending a Commissioner or Commissioners to London, or in an address to the Queen, as circumstances might require. And your Committee cannot but think that such a course was much more respectful to the House of Assembly, than the rejection of the Bill would have been, without conveying any reason for refusing to agree with them. The Committee are the more disposed to abide by this opinion, as they have been unable to discover a single precedent in Parliamentary practice to forbid the course which the Legislative Council pursued—a course which your Committee know was dictated by an anxious desire to avoid all cause of offence to the House of Assembly, and to show that if the Legislative Council could not at that moment unite with them in the proposed measure, that they were unwilling to reject the Bill, and thereby put it out of their power under actual circumstances which were anticipated, to proceed with it.

Knowing that such feelings of respect, actuated the Legislative Council on the occasion in question, and that it is always influenced by an earnest desire to maintain its correspondence with the House of Assembly, in a sincere spirit of courtesy and good will; your Committee cannot but regret that in the instance in question, intentions and motives so proper and necessary in a Legislative Body, should have been so greatly misunderstood by the Assembly. And if, after an expression of these sentiments, the House of Assembly are not satisfied, but shall persist in viewing the course adopted by the Legislative Council, as an interference with their privileges, your Committee would recommend that the Resolutions of the fifteenth day of April, instant, be withdrawn from the Assembly—not because they contain any thing which ought to give offence, but rather to remove any obstacle, however unimportant, which could at all interrupt the friendly intercourse which has long subsisted between the two Houses, and which it is the special duty of both Houses to promote, without too great a sacrifice of established principles.

All which is respectfully submitted.

W. MORRIS,  
CHAIRMAN.

*Legislative Council, Committee Room,  
27th April, 1839.*

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## REPORT OF SELECT COMMITTEE

ON

# MESSAGE AND DOCUMENTS ON TORONTO HOSPITAL.

*To the Honourable the Commons House of Assembly.*

THE Committee to whom were referred the Message of His Excellency the Lieutenant Governor, and accompanying Documents, on the subject of the Toronto General Hospital—beg leave to make their first report.

Your Committee, after an inquiry into the state of the funds of the said Hospital, and into the advantages which the institution appears to have extensively afforded, are fully impressed with the necessity of a further grant of money being made for its support.

During the year ending on 31st December, 1838, from the return laid before your Honourable House, it appears there were 580 patients admitted into the Hospital—404 of whom were discharged cured—22 were discharged for irregularity—46 were discharged relieved—17 were discharged as being incurable—46 of the number died in Hospital—8 died within two days after their admission—and 37 were remaining in hospital at the time of the return. In addition to the above, there were 1,154 out-patients relieved out of the funds of the institution.

The expense of supporting the Hospital has, for the last three years, averaged nearly £1,300 per annum—a sum more than treble its income during the same period. The

Treasurer, James Nation, Esquire, states in a communication directed to the Trustees dated the 11th March last, that the sum of £200 is due on account of the quarter ended on the 2nd February last, "which," he adds, "I have no present means of discharging."

Your Committee being of opinion that the benefit of this Hospital ought to be considered rather Provincial than sectional, and feeling well assured that great and incalculable suffering would follow if its doors were closed, feel themselves bound to recommend to your Honourable House to assist in extending the benefit of the said institution, by making a grant of £500 for its support.

Your Committee beg further to state, that they intend entering into a more minute examination of the management and affairs of the said Hospital, which, when done, they will embody in a second report.

All which is respectfully submitted.

H. SHERWOOD,  
CHAIRMAN.

*Committee Room, House of Assembly,  
30th April, 1839.*

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REPORT OF SELECT COMMITTEE,

ON

**PETITION OF J. SINCLAIR AND OTHERS.**

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*To the Honourable the Commons House of Assembly.*

The Committee to whom was referred the Petition of J. Sinclair, and others, beg leave to report the following Address to His Excellency the Lieutenant Governor:

*To His Excellency SIR GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor of the Province of Upper Canada, Major-General Commanding Her Majesty's Forces therein, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's faithful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave to represent to your Excellency, That a memorial has been presented to the House of Assembly by a large number of the most respectable ship owners, forwarders, lumber merchants, and mariners, in the carrying trade on Lakes Huron, Erie, Ontario, and the River Saint Lawrence—representing that they labour under many and great disadvantages in consequence of the present defective state of the Navigation Laws, and the facility which they afford American vessels to encroach upon and almost entirely monopolize a trade which ought exclusively to be carried on by Her Majesty's subjects in this Province—and in which the Petitioners cannot compete with the Americans for the reasons hereafter stated.

The first grievance of which they complain is the transport of staves, the growth and manufacture of Upper Canada, as well as oak timber, which, important staple articles of commerce, are now principally obtained on the Canadian shores of Lakes Erie and Ontario, where they are shipped on board of United States vessels, and landed within that territory, there entered, and afterwards forwarded to the Montreal and Quebec markets.—That the cause of the Americans not landing the cargoes at a British port is occasioned by the eleventh section of the Act of the Imperial Parliament, passed in the sixth year of George the Fourth, entitled "An Act for the encouragement of British shipping and navigation," which prohibits foreign vessels from carrying goods from one part of a British possession to

another part: a measure which was doubtless intended by the Legislature for the protection of subjects, in these Provinces, engaged in the coasting trade—an object which is thus easily defeated.

The reasons stated by the Petitioners that they cannot compete with the Americans in this branch of trade are—that the New York market is the place from whence the western merchants are principally supplied, consequently their upward freight, through Lakes Ontario and Erie, far exceeds ours; and alone amply remunerates them for the voyage, whilst our vessels are principally obliged to go up in ballast to procure downward cargoes. Thus all the Americans gain by encroaching upon the lumber carrying trade from our shores is to them clear gain, over and above the profits of their upward freights, (an advantage which is eagerly sought after by them) whilst our sole dependence is on the downward freight.

That the lumber and stave trade on the shores of Lakes Erie and Ontario is annually increasing, in proportion to the difficulty of procuring those articles of merchandise on the banks of the Saint Lawrence, and in a few years will be of the highest Provincial importance.

That upon a careful estimate the freight annually paid by British merchants to American shipowners in these branches of commerce amount to about thirty thousand pounds. They beg to adduce an instance, among many others, of the importance of the trade:—That the firm of Smith and Merrick, of French Creek, have, in the course of last season, transported from the Welland Canal, three hundred thousand feet of oak timber, which, at the usual freight of fifteenpounds per thousand feet, will amount to four thousand five hundred pounds.

The petitioner further represents that if this state of things is allowed to continue, the carrying trade of this Province will be utterly annihilated. That the number of British vessels does not at present exceed forty, of from sixty to one hundred and fifty tons burthen, of which small number many are frequently laid up for months in the summer, whilst if they were regularly employed, they would on an average gain one thousand pounds each of freight, during the season, by the transport of lumber and staves alone; in addition to which, British mariners are now by necessity compelled to seek employment under the American flag; whilst among the innumerable vessels of the United States, which crowd the lakes, an instance never occurs of one not being fully employed during the whole season of navigation, which can only be attributed to the causes above stated; and it must be evident, that, in case of a war, the number of Canadian vessels on the lakes ought not to be inferior to that of the United States.

That, as a proof of how sensibly alive the Americans are to the advantages of the carrying trade, no less than fifteen sailing vessels were built on the shores of the lake in 1837, and they are annually increasing their number; whilst on the Canada side, only four were built within the last three years, one of which, the Brock, was immediately chartered for Her Majesty's service.

The Petitioners call attention to the state of the salt trade, for which indispensable article we are at present dependent upon the United States, and of which not less than seventy-five thousand barrels are annually imported into this Province almost entirely in American vessels.—Thus not only enriching a rival country by the large amount paid for that article, but also by the profit of its transport, while we could obtain Liverpool salt (the superiority of which, in strength and other properties, for preserving beef, pork, and fish, for foreign markets and home consumption, is decided) at nearly as cheap a rate. It would also give outward freight to many of the vessels which come from the United Kingdom in ballast for homeward cargoes from Montreal and Quebec, and thus enhance the importance of the Canada trade with the shipping and commercial interests of the Parent Country, and also promote the internal navigation of both Provinces.

That, situated as this Province is with regard to the United States, Petitioners most respectfully submit the policy and expediency of affording every encouragement and protection calculated to increase its shipping, were it only for the purpose of forming a nursery for mariners acquainted with the rivers and lakes in case of war; verily believing, that, if a war should at present break out, it would be difficult to procure competent pilots for Her Majesty's vessels.

That the ship building would rapidly increase, affording employment to thousands of ship builders, carpenters, and other mechanics, which would not only encourage the emigra-

tion of those useful classes to this Province, but also increase the importation of British manufactures.

And humbly pray the Assembly to take into consideration the important subjects above stated, and to devise such means for securing to them the carrying trade in lumber and staves, as, in their wisdom, they may deem most expedient, and that a bill may be passed closely restricting the importation of salt from the United States to this Province.

The House of Assembly being aware that they have no Constitutional power to enact any laws to give effect to the prayer of the Petitioners, so far as respects the American shipping and carrying trade, but, nevertheless, fully sensible of the general truth of the statements contained in their memorial, and the importance of their receiving the attention they desire, humbly request that your Excellency will be pleased to bring the subject under the notice of Her Most Gracious Majesty, accompanied by such remarks as your Excellency may deem of advantage to the trade and commerce of the Province; but expressing an opinion that the present condition of the public revenues of this Province precludes the recommendation of the repeal of any laws under which duties are levied upon salt or other articles.

All which is respectfully submitted.

C. A. HAGERMAN,  
CHAIRMAN.

*Committee Room, House of Assembly,*  
2nd May, 1839.

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REPORT OF SELECT COMMITTEE,

ON

MESSAGE ON KINGSTON AND LONDON COURTS MARTIAL.

*To the Honorable the Commons House of Assembly.*

The Committee to whom was referred His Excellency the Lieutenant Governor's Message of the 10th April last, relating to the expenses incurred in the holding of the Militia General Courts Martial, held at Kingston and London—

BEG LEAVE TO REPORT :

That they have carefully examined into the different items charged in the several pay-lists, relating to, and accounts of, expenses incurred in the holding of the general courts martial upon the prisoners taken at Prescott and Windsor, and find that the charges correspond with those which have heretofore been allowed, and recognized as legitimate and proper to be made.

It appears by the correspondence between Colonel Halkett, Assistant Military Secretary to Sir George Arthur, with Colonel Rowan, Military Secretary to Sir John Colborne, that the charges are, by the Governor-General, considered "very moderate," and that those incurred for similar services for Lower Canada, have been borne by that Province, and not by the military chest. Indeed your Committee conceive, whatever arrangement may hereafter be made respecting the transferring these expenses to the account of the military chest, the circumstance of these Courts having been held under a Provincial Statute, leaves your Committee, and as they conceive, your Honourable House, no other alternative than to recommend the payment out of the Provincial funds.

That provision in some way, for the payment of these expenses, ought, without any loss of time, to be made by the House of Assembly, no one can doubt: for upon the prompt, effectual, and due execution of the laws at this time, depends the security of the Province, no less than upon its military defence.

The total amount of charges for the Court at Fort Henry, is.....	£ 521	0	8½
For that at London.....	527	1	11¾
	<hr/>		
	£ 1,048	2	8¼

All which is respectfully submitted.

H. RUTTAN,  
CHAIRMAN.

*Committee Room, Commons House of Assembly,  
May 4th, 1839.*

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**FIRST REPORT OF SELECT COMMITTEE  
ON HIS EXCELLENCY'S SPEECH,  
RELATING TO EDUCATION.**

*To the Honourable the Commons House of Assembly.*

The Committee to whom was referred that part of the Speech of His Excellency the Lieutenant-Governor, at the opening of the present Session, which relates to Education—

BEG LEAVE TO REPORT:

That they have agreed to two Resolutions, to provide means for the maintenance and support of Common Schools, which they report herewith, and earnestly recommend to the adoption of your Honourable House.

Respectfully submitted

G. S. BOULTON,  
CHAIRMAN.

*Committee Room, House of Assembly,  
3rd May, 1839.*

1st. *Resolved*—That there be granted annually to Her Majesty, the sum of ten thousand pounds, from the Provincial funds, to enable Her Majesty to provide for the establishment, maintenance, and permanent support of Common Schools, throughout this Province.

2nd. *Resolved*—That there be granted annually to Her Majesty, the sum of ten thousand pounds, to be raised annually, by assessments upon the people of the several Districts—each District furnishing its proper quota of that sum, in proportion to its population, to provide for the establishment, maintenance, and permanent support of Common Schools throughout this Province.

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**REPORT OF COMMITTEE OF CONFERENCE,**

ON

**CASUAL AND TERRITORIAL REVENUE BILL.**

THE Committee of Conference on the part of the Legislative Council, are instructed to represent that the Legislative Council find in the Bill sent up from the Commons House of Assembly, entitled "An Act to place the disposal of the casual and territorial revenue under the control of the Legislature of this Province, and for other purposes therein mentioned,"—

*First*,—That the said Bill, in purporting to provide for the payment of annuities to certain Indians, charges the said annuities upon a fund which does not at present exist, and upon which they cannot justly be charged, should moneys arising from the sale of Indian lands be vested as mentioned in the said Bill.

And further, that the annuities aforesaid, are now charged upon the Hereditary Revenues of the Crown in this Province, as consideration for cessions of territory to a very large amount, and that the security for the payment of these annuities to the Indians, cannot be decreased without breach of *bona fide* contract entered into with the said Indians by the Crown.

And further, that certain annuities and payments in aid of the several religious churches and denominations of christians, charged by Her Majesty's Government upon the casual and territorial revenues, are not provided for in the Bill sent up; although the temporary provision for these charges is mentioned in the Despatch laid before the Legislative Council from Her Majesty's Secretary of State for the Colonies, as a condition upon which the said revenue is to be surrendered.

And further, that the sum of ten thousand pounds required to be paid as a condition upon which the proceeds of the military reserve at the City of Toronto, is to be given up, is charged upon the first proceeds of the sale of such reserve, but that the immediate payment thereof is not provided for.

And further, to suggest to the Committee on the part of the House of Assembly, the following amendments to the said Bill, to meet the objections which appear to the Legislative Council to exist to the passage of the Bill in its present shape.

Press—4 Line 14.—After "Majesty," expunge to "the following" in line 17, and insert "out of the joint revenues aforesaid, for the purpose of enabling Her Majesty to pay."

Press 5—Line 18.—After the 3rd clause insert "4. And be it further enacted by the authority aforesaid, that during the incumbency of the present annuitants, or until the annuities in this clause mentioned shall be provided for otherwise, there be granted to Her Majesty, Her Heirs and Successors, out of the joint revenues aforesaid, to enable Her Majesty, Her Heirs and Successors, to pay and discharge the following annuities in current money of this Province, that is to say—

"Missionaries of the Church of England, two thousand eight hundred and fifty pounds.

"Ministers of the Church of Scotland, one thousand five hundred pounds.

"Ministers of the United Synod of Upper Canada, seven hundred and seventy-seven pounds fifteen shillings and six-pence.

"Roman Catholic Bishop, five hundred and fifty-five pounds eleven shillings and two-pence.

"Roman Catholic Priests, one thousand one hundred and eleven pounds two shillings and three-pence."

Press 6—Line 9.—Expunge the 5th clause.

Press 8—Line 20.—After "out of the," expunge to "to such," in line 21, and insert "out of the joint revenue aforesaid."

REPORT OF SELECT COMMITTEE,  
ON  
DOCUMENTS RELATING TO TORONTO HOSPITAL.

*To the Honourable the Comm.ns House of Assembly in Provincial Parliament assembled.*

The Committee to whom were referred the accounts and other documents respecting the General Hospital, at Toronto, have agreed to the following report—

Your Committee have carefully considered the subject, and have endeavoured to ascertain the resources and system of management of this institution, and have, for this purpose, examined several witnesses whose testimony is appended to this report.

It appears from this evidence, that certain lands have been granted, or set apart, for the use of this Institution, in or near the City of Toronto—of this land a portion to the value of about £12,000 has been sold. The sum of £8000 or nearly, has been paid, and a balance of about £1300 remained, after completing the building, and 164 shares of bank stock have been purchased. It does not appear, that there has been any other investment of this money, unless indeed, some portion has been expended in the erection of those buildings, from which the rents stated to be yearly paid, to the amount of near £150 arise.

It also appears, that both rents, and purchase money, have been very irregularly paid, and that the principal money has been deeply entrenched upon, for the support of the necessary expences and outlay—to the extent which your Committee find from the Treasurer's report, threatens, if continued, to exhaust this fund in a short period.

Your Committee regret to observe, that although there has been a deficiency for years in the Hospital funds, notwithstanding several appropriations by the Legislature, no effectual means have been adopted to render the lands set apart for the Hospital productive of a larger income. Your Committee cannot help thinking, that if the funds of the Institution prevented their building on some part of the lands in the City, building leases might have been granted, which would yield a permanent support to this useful establishment. The want of the necessary funds has doubtless prevented such improvements from taking effect.

Your Committee learn also, with great regret, that it should have been thought necessary to give up a part of the Hospital for the accommodation of the militia, as the result has unfortunately been, to expose the patients requiring surgical treatment, to the danger of infection from those labouring under fevers, or other disorders of a similar character.

Your Committee have every reason to express their satisfaction at the conduct and exertions of the Medical Gentlemen who give their attendance upon patients who are received in the Hospital, and who receive no remuneration for their constant visits and professional aid.

Your Committee find that the Trustees of the Toronto Hospital are gentlemen of the highest character and respectability, but whose other important duties and avocations must prevent most of them from giving sufficient time and attention to the superintendence of this Institution; and disclaiming any intention of censuring their motives and conduct, your Committee feel it their duty to state that they do not think the management of the Trust property has been as beneficial to the advancement and prosperity of the Institution as might have been reasonably expected from the value of the property set apart.

Your Committee, therefore, respectfully recommend that an humble Address be presented to His Excellency the Lieutenant Governor, requesting that he will be pleased to direct a careful enquiry to be made into the receipts and expenditures in the management of this Hospital—the nature and extent of the property set apart for its support—the system pursued for its management, and also what plan can be adopted for the leasing or improving such lands, or any part thereof, which will increase the yearly income and render the Institution more efficient.

All which is respectfully submitted.

H. SHERWOOD,  
CHAIRMAN.

*Committee Room, House of Assembly,  
11th May, 1839.*

HOUSE OF ASSEMBLY,  
7th May, 1839.

SIR,

Will you have the goodness to answer the following questions, on the subject of the Hospital, in addition to the number I sent you this morning.

"Do not certain rules and regulations exist, for the guidance of persons connected with the Hospital; and by those rules are not persons allowed to subscribe to the funds of the Hospital—If so, have any steps been taken to carry these objects into effect?"

Your obedient Servant,

H. SHERWOOD,  
CHAIRMAN.

To DR. GWYNNE.

SIR,

In compliance with your request, I furnish you with such answers to your interrogatories, as my knowledge of subjects embraced in them enables me to give.

I have the honour to be,

SIR,

Your obedient Servant,

WM. GWYNNE.

HENRY SHERWOOD, Esquire,  
Chairman.

DOCTOR GWYNNE—EXAMINED.

1. How many Trustees to the Toronto Hospital are there, and who are they?

*Ans.* The Trustees of the Hospital, I believe to be the Chief Justice; the Archdeacon; the Hon. J. H. Dunn; the Hon. Wm. Allan; and Christopher Widmer, Esquire. The latter alone, I have understood, takes any interest in the management of the Institution.

2. What is the nature and amount of property held in trust, in money, houses and lands. Where, and how, is such property situated.

*Ans.* I am not prepared to state the nature or amount of property held in trust. I believe it, however, to be considerable, and to consist principally of lands and houses, situated in and about the City of Toronto.

3. What amount of rents are paid yearly into the Hospital fund, and are the rents regularly paid?

*Ans.* I cannot say what are the amount of rents paid annually into the Hospital fund, or whether the rents are regularly paid or not.

4. Has any part of the land been sold, and to what amount has the purchase money been regularly paid?

Not answered.

5. Has any part of the property been given to the Government, or to the House of Industry in Toronto, without purchase or otherwise—and if so, state what quantity, and what is its value, and where situated, and whether any equivalent has been demanded or received?

*Ans.* I am ignorant of every thing connected with this question.

6. What is the average number of patients confined in Hospital within the last six months. Is it less than formerly; and if so, has not the letting of one-half of the Hospital to the Military, partly produced the change, and tended to incommode, much, the patients taken in?

*Ans.* Being but lately appointed to the Hospital, I cannot say what the average of patients for the last six months has been, or give an answer to the remaining portion of this question.

7. Are there separate wards for the reception of contagious diseases—If not, have you known serious or even fatal consequences result from contagious diseases being treated indiscriminately in the same ward with persons affected with diseases that were not so?

*Ans.* To the first part of this question I answer, that there are no wards set apart for the reception of persons afflicted with contagious diseases; to the remaining portion of the question, if it refers to the Toronto Hospital, I am not prepared to give an answer—but if it is put generally, I can say that I have known instances of the most serious and even fatal consequences resulting from patients afflicted with contagious diseases being indiscriminately treated in the same ward with persons afflicted with diseases which are not so.

8. What remedy would you propose for such a dreadful evil?

*Ans.* The remedy I would propose is, clearly and decidedly, separate apartments for persons afflicted with contagious diseases, in other words the erection of a Fever Hospital in a healthy part of the city.

9. Is there a sufficient number of attendants and servants in the Hospital, in order that the wants and comforts of the patients should be properly attended to?

*Ans.* As far as I can judge, there are a sufficient number of attendants and servants to provide for the limited number of patients now in Hospital.

10. Is there in general a sufficient supply of medicines, medical and surgical apparatus and instruments, so as that persons may be safely and properly treated for the various remediable complaints presented for relief at the Hospital?

*Ans.* The supply of medicines in the Hospital is in general adequate to the demand, but I believe there is a deficiency of surgical apparatus.

11. Who are the medical attendants—What are their various qualifications and the date of their appointments—Do they receive any remuneration for their services?

*Ans.* The medical attendants are, Doctors Widmer, King, Hornby, and Gwynne; the first, I believe to be a Member of the Royal College of Surgeons, in London; the second, to be a Doctor of Medicine in the University of Edinburgh, and a Member of the Royal College of Surgeons, in Edinburgh; the third, to be a Doctor of Medicine in the University of Edinburgh, and Licentiate of the Royal College of Surgeons, in Edinburgh; and the last, to be a Bachelor of Arts and Medicine in the University of Dublin, and Licentiate of the Royal College of Surgeons, Ireland. They do not receive any remuneration for their services.

12. Who are the other officers of the Institution, and what are their several salaries?

*Ans.* The other officers in the Institution are Mr. F. St. George Wilkinson, apothecary, and Mr. George Sinclair, steward—respecting their salaries I have no knowledge.

13. Do not certain rules and regulations exist for the guidance of persons connected with the Hospital, and by those rules are not persons allowed to subscribe to the funds of the Hospital—If so, have any steps been taken to carry these objects into effect?

*Ans.* Certain rules and regulations for the guidance of persons connected with the Toronto Hospital were drawn up and printed, in pamphlet form, in the year 1830—which rules provided for increasing the funds of the Institution by subscription and otherwise, but, I believe, they were never regularly adopted by the Trustees, and certainly they have not been acted upon—for, some years since, wishing to become a Subscriber, I applied to the Treasurer to know whether he would accept from me the sum specified in the 1st Rule, as entitling a person to be chosen a Director, which he refused to do, informing me, at the same time, that he was not authorized to receive subscriptions.

WM. C. GWYNNE, A. B. M. B.

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DOCTOR HORNBY—EXAMINED.

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1. How many Trustees to the Toronto Hospital are there, and who are they?

*Ans.* Six. The Archdeacon of York; the Chief Justice; the Honourable W. Allan; the Honourable J. H. Dunn; G. H. Markland, Esq.; and C. Widmer, Esquire.

2. What is the nature and amount of property held in trust, in money, houses and lands—where, and how is such property situated?

*Ans.* Do not know.

3. What amount of rents are paid yearly into the Hospital fund, and are the rents regularly paid?

*Ans.* Do not know.

4. Has any part of the land been sold, and to what amount, has the purchase money been regularly paid?

*Ans.* Do not know.

5. Has any part of the property been given to the Government, or to the House of Industry in Toronto, without purchase or otherwise, and if so, state what quantity, and what is its value, and where situated, and whether any equivalent has been demanded or received?

*Ans.* Do not know.

6. What is the average number of patients confined in Hospital, within the last six months—Is it less than formerly, and if so, has not the letting of one-half of the Hospital to the military, partly produced the change, and tended to incommode much, the patients taken in?

*Ans.* 153 patients, much discomfort has been experienced by them, from the militia occupation of the best and greater number of wards.

7. Are there separate wards for the reception of contagious diseases? if not, have you known serious, or even fatal consequences result from contagious diseases, being treated indiscriminately in the same ward with persons affected with diseases that were not so?

*Ans.* No separate wards, and it has occurred that fatal consequences have resulted from the want of them.

8. What remedy would you propose for such a dreadful evil?

*Ans.* Either separate wards, or what would be more desirable, a fever hospital in which there might be distinct wards for the reception of various descriptions of contagious disorders.

9. Is there a sufficient number of attendants, and servants in the Hospital, in order that the wants and comforts of the patients should be properly attended to?

*Ans.* Barely sufficient servants, and it would materially advantage the Institution, were there a regularly educated Surgeon, to fill the situation of House Surgeon.

10. Is there in general a sufficient supply of medicines, medical and surgical apparatus and instruments, so as that persons may be safely and properly treated, for the various remediable complaints presented for relief at the Hospital?

*Ans.* A fair supply, but a great want of surgical instruments and apparatus, for treating surgical complaints.

10. Who are the Medical Attendants.—What are their various qualifications—and the date of their appointments.—Do they receive any remuneration for their services?

*Ans.* Mr. Widmer, Dr. King, Dr. Hornby, and Dr. Gwynne. The exact date of appointment of the two former, I do not know. Dr. Hornby was appointed in May 1835. Dr. Gwynne, in April 1839. No remuneration.

12. Who are the Officers of the Institution, and what are their several salaries?

*Ans.* Mr. Wilkinson, who fills the situation of Apothecary, with a salary of £112 10s. per annum. Mr. Sinclair, the Steward, with a salary of £70 per annum—each having apartments, and allowance of fuel and candles.

13. Do not certain rules and regulations exist for the guidance of persons connected with the Hospital: and by those rules are not persons allowed to subscribe to the funds of the Hospital.—If so, have any steps been taken to carry these objects into effect?

*Ans.* I am not aware of any rules and regulations for the instruction of persons connected with the Hospital, nor of any subscribers to its funds. I, however, think it would be advantageous to have an annual Board of Management elected from the number of Trustees, who would frame rules for its guidance, and see them enforced. Indeed it has frequently been matter of surprise, that such a body was not in existence, there being no Institution of the kind without one.

R. HORNBY, M. D.

Toronto, May 9th, 1839.

## DOCTOR KING—EXAMINED.

1. How many Trustees to the Toronto Hospital are there, and who are they ?

*Ans.* I believe there are six—The Chief Justice; The Archdeacon; Dr. Widmer; The Honourable Messrs. Markland, Allan, and Dunn.

2. What is the nature and amount of property held in trust, in money, houses and lands. Where and how is such property situated ?

*Ans.* I am not aware.

3. What amount of rents are paid yearly into the Hospital fund, and are the rents regularly paid ?

*Ans.* I am not aware.

4. Has any part of the land been sold, and to what amount has the purchase money been regularly paid ?

*Ans.* I am not aware.

5. Has any part of the property been given to the Government or to the House of Industry, in Toronto, without purchase or otherwise, and if so, state what quantity, and what is its value, and where situated, and whether any equivalent has been demanded or received ?

*Ans.* From my own knowledge I cannot answer this question, but I have heard, (and indeed it is currently reported), that a piece of land, part of the Hospital property, in this City, has been given by the Trustees, without purchase or an equivalent, to the House of Industry.

6. What is the average number of patients confined in the Hospital within the last six months—Is it less than formerly, and if so, has not the letting of one half of the Hospital to the military partly produced the change, and tended to incommode much the patients taken in ?

*Ans.* I cannot say exactly what may have been the average number of patients for the last six months, but that it is less than formerly, I am certain. The letting one half of the Hospital to the military must have partly caused the change, and in a great degree incommoded the patients taken in; for the males were necessarily confined to two wards, (one of them a very small one), and the females to one. The Trustees, I am informed, agreed to it in order to add to the funds, then very low.

7. Are there separate wards for the reception of contagious diseases—If not, have you known serious or even fatal consequences result from contagious diseases being treated indiscriminately in the same ward with persons affected with diseases that were not so ?

*Ans.* There are no separate wards for contagious diseases; the construction of the Hospital is such as to render it impossible to keep contagious diseases sufficiently apart from those that are not so, consequently, it has often happened that persons taken in for other complaints, have been seized with typhus fever or small pox while in the Hospital, and, in some instances, even death resulted.

8. What remedy do you propose for such a dreadful evil ?

*Ans.* The remedy is sufficiently obvious. The adding to the Hospital two fever wards, or what would be still more preferable, the building a fever hospital apart from the present Hospital.

9. Is there a sufficient number of attendants and servants in the Hospital, in order that the wants and comforts of the patients should be properly attended to ?

*Ans.* I dare say the number of attendants are sufficient for the number of patients.

10. Is there in general a sufficient supply of medicines, medical and surgical apparatus and instruments, so as that persons may be safely and properly treated for the various remediable complaints presented for relief at the Hospital ?

*Ans.* The supply of medicine is in general good. I cannot say so much for the other articles mentioned; the supply of surgical instruments is bad, but the medical attendants generally provide instruments for particular operations.

11. Who are the medical attendants—What are their various qualifications—and the date of their appointments—Do they receive any remuneration for their services ?

*Ans.* The medical attendants are Doctors Widmer, King, Hornby, and Gwynne. The professional qualifications of Doctors Widmer, Hornby, and Gwynne, I always understood to be of the very first order. Those gentlemen give, I suppose, the required information as far as regards themselves. I am a Doctor of Medicine, a Surgeon, and a Licentiate in the Midwifery of the Lying-in-Hospital, Dublin. They receive no remuneration for their services.

12. Who are the other officers of the Institution, and what are their several salaries?

*Ans.* The other officers of the Institution are Mr. Wilkinson, apothecary, and Mr. Sinclair, steward. I do not know what salaries they receive.

13. Do not certain Rules and regulations exist for the guidance of persons connected with the Hospital, and by those Rules are not persons allowed to subscribe to the funds of the Hospital—If so, have any steps been taken to carry these objects into effect?

*Ans.* There are printed regulations, and, according to them, persons can subscribe and become Governors of the Institution; but those salutary regulations have never been acted upon, and to this neglect is chiefly attributable the present embarrassed state of the funds, and the want of proper internal arrangements. One or two Trustees only take much trouble about the Hospital affairs, and, in my opinion, it is owing to the praiseworthy and indefatigable exertions of Dr. Widmer, that the Hospital continues *still* in operation.

JOHN KING, *M. D.*

SURGEON.

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C. WIDMER, ESQUIRE, *Surgeon*—EXAMINED.

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1. How many Trustees to the Toronto Hospital are there, and who are they?

*Ans.* There are six Trustees of the Toronto Hospital, viz.—The Archdeacon of York; the Chief Justice; the Honourable William Allan; the Honourable J. H. Dunn; the Honourable George Markland, and myself.

2. What is the nature and amount of property held in trust, in money, houses and lands, where and how is such property situated?

*Ans.* The property held in trust consists of certain bank stock, and lands granted by the Crown: the amount of the former, and the quantity of the latter, I cannot state without reference to the Treasurer's books.

3. What amount of rents are paid yearly into the Hospital fund—and are the rents regularly paid?

*Ans.* I am unable to reply to this question.

4. Has any part of the land been sold, and to what amount has the purchase money been regularly paid?

*Ans.* I cannot answer this question.

5. Has any part of the property been given to the Government, or to the House of Industry in Toronto, without purchase or otherwise; and if so, state what quantity and what is its value, and where situated; and whether any equivalent has been demanded or received?

*Ans.* I have heard it stated, that a lot of land granted to the Hospital, has been alienated by the Trustees, for the location of a House of Industry; but if such is the fact, it is not within my knowledge.

6. What is the average number of patients confined in the Hospital within the last six months?—Is it less than formerly; and if so, has not the letting of one-half of the Hospital to the Military, partly produced the change, and tended to incommode much the patients taken in?

*Ans.* The total number of patients admitted within the last six months has been 153. It is less than formerly; for owing to the necessity of supporting so many applicants for admission, by the appropriation of a part of the capital of the Institution, it was deemed prudent to decrease the number of beds; and by letting a part of the building to the Military, the rent received, would, in some measure, supply a remedy for such a deficiency of income as must soon leave the Hospital without any funds at all for its support. This measure was

adopted also with a view to exclude a class of persons always presenting themselves on account of their destitution, who were not the subjects of disease, but required a place of refuge from the ills of poverty.

7. Are there separate wards for the reception of contagious diseases—If not, have you known serious or even fatal consequences result from contagious diseases being treated indiscriminately in the same ward with persons affected with diseases that were not so?

*Ans.* Separate wards have been kept for contagious diseases as far as the structure of the Hospital would admit. But since a part of the building has been let to the military, the separation has not been as perfect as was desirable; but fewer cases of fever have been received during this period, and the evil has, therefore, not been of considerable magnitude.

8. What remedy would you propose for such a dreadful evil?

*Ans.* The remedy for this evil is obvious, viz., the increase of the funds of the Hospital to an adequate extent which would allow of the construction of new wards.

9. Is there a sufficient number of attendants and servants in the Hospital, in order that the wants and comforts of the patients should be properly attended to?

*Ans.* There is a sufficient number of servants to supply the wants and comforts of the patients.

10. Is there in general a sufficient supply of medicines, medical and surgical apparatus and instruments, so as that persons may be safely and properly treated for the various remediable complaints presented for relief at the Hospital?

*Ans.* There is always an abundant supply of medicines, &c. but many of the expensive surgical instruments and apparatus are wanted—these, when required, have been furnished by the Medical Attendants, from their own resources.

11. Who are the Medical Attendants.—What are their various qualifications—and the date of their appointments.—Do they receive any remuneration for their services?

*Ans.* There are four Medical Officers in constant attendance on the Hospital, viz.—Dr. King, Dr. Hornby, Dr. Gwynne, and myself. Their qualifications are well known. I cannot state the date of their respective appointments. They receive no remuneration for their services.

12. Who are the other Officers of the Institution, and what are their several salaries?

*Ans.* Mr. Sinclair, the Steward, receives £70 per annum, with accommodation in the house, fuel and candles. Mr. Wilkinson is the resident Apothecary, at a salary of £112 10s. per annum, with the same allowances.

13. Do not certain rules and regulations exist, for the guidance of persons connected with the Hospital; and by those rules are not persons allowed to subscribe to the funds of the Hospital.—If so, have any steps been taken to carry these objects into effect?

*Ans.* Certain rules and regulations have been printed for the guidance of persons connected with the Hospital. By those rules, persons were allowed to subscribe to the funds of the Hospital. No steps have been taken to carry these objects into effect.

C. WIDMER,  
SURGEON.

Toronto, May 10th, 1839.

#### Questions submitted to the Archdeacon of York.

1. How many Trustees to the Toronto Hospital are there, and who are they?

2. What is the nature and amount of property held in trust, in money, houses and lands—where, and how is such property situated?

3. What amount of rents are paid yearly into the Hospital fund; and are the rents regularly paid?

4. Has any part of the land been sold; and to what amount has the purchase money been regularly paid?

5. Has any part of the property been given to the Government, or to the House of Industry in Toronto, without purchase, or otherwise; and if so, state what quantity; and what is its value; and where situated; and whether any equivalent has been demanded or received?

6th. What is the average number of patients confined in Hospital within the last six months. Is it less than formerly; and if so, has not the letting of one-half of the Hospital to the Military partly produced the change, and tended to incommode much, the patients taken in?

7. Are there separate wards for the reception of contagious diseases; if not, have you known serious, or even fatal consequences, result from contagious diseases being treated indiscriminately in the same ward with persons affected with diseases that were not so?

8. What remedy would you propose for such a dreadful evil?

9. Is there a sufficient number of attendants and servants in the Hospital, in order that the wants and comforts of the patients should be properly attended to.

10. Is there in general a sufficient supply of medicines, medical and surgical apparatus, and instruments, so as that persons may be safely and properly treated for the various remediable complaints presented for relief at the Hospital?

11. Who are the medical attendants? what are their various qualifications, and the date of their appointments? do they receive any remuneration for their services?

12. Who are the other officers of the Institution, and what are their several salaries?

13. Do not certain rules and regulations exist for the guidance of persons connected with the Hospital, and by those rules are not persons allowed to subscribe to the funds of the Hospital? if so, have any steps been taken to carry these objects into effect?

TORONTO, 10th *May*, 1839.

SIR,

I have the honour to acknowledge a set of queries, from one to thirteen inclusive, respecting the General Hospital of this City, addressed to me in your capacity of Chairman of a Select Committee of the Commons House of Assembly, appointed to report on that institution.

On referring to the queries, I find that full answers are given to the most material in the documents sent down by His Excellency Sir Francis B. Head, Bart., when Lieut. Governor, on the 28th March, 1836, relating to the Hospital, its resources and endowments, numbered from one to No. 4, inclusive. To these documents I beg leave to direct your attention: they form appendix No. 69 to the Journal of the House of Assembly, for that year.

*Ques.* 5. No land has yet been given by the Trustees to the House of Industry; but a small space has been recommended by the Lieutenant Governor in Council.

No. 6. Annual returns are regularly sent to the House of Assembly.

No. 7. No interference is permitted but with the consent and approbation of the Medical Officers.

Nos. 9 & 10. Yes.

11. The principal Physicians in Toronto.

12. The Apothecary and Steward.

13. Rules and regulations (of which a copy is enclosed) were carefully drawn up by the Trustees, in conjunction with Dr. Widmer, and partially acted upon; but, not having been confirmed by the then Lieutenant-Governor, the Trustees did not feel that they had authority to enforce them without such confirmation.

I have the honor to be,

SIR,

Your obedient Servant,

JOHN STRACHAN.

TORONTO, 9th May, 1839.

SIR,

I have the honor to transmit to you herewith, answers to the queries transmitted to me yesterday, on the subject of the Toronto General Hospital, and I have to remark, in addition to Dr. Widmer's answer to the 12th Question, that there is a Treasurer with an allowance of 3 per cent. on the amount of disbursements, and a Secretary to the Board of Trustees, at a salary of £10 per annum, both which offices are filled by me.

I have the honor to be,

SIR,

Your most obedient,

Humble Servant,

JAMES NATION,  
Secy. & Treas. T. G. H.

H. SHERWOOD, Esq.  
Chairman, &c. &c.

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JAMES NATION, ESQUIRE—EXAMINED.

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1. How many Trustees to the Toronto Hospital are they, and who are they ?

Answered by Dr. Widmer.

2. What is the nature and amount of property held in trust, in money, in houses and lands, where and how is such property situated ?

*Ans.* Lands granted by Government, site of the Hospital, 6 acres ; 356 acres E. of City of Toronto ; one acre corner of King and York Streets. One hundred and sixty-four shares bank stock.

3. What amount of rents are paid yearly into the Hospital Fund, and are the rents regularly paid ?

*Ans.* Rents, about £150 per annum—not regularly paid.

4. Has any part of the land been sold, and to what amount has the purchase money been regularly paid ?

*Ans.* The park lands are mostly disposed of ; amount sold about £12,000, of which about £4000 is still to be paid by the purchasers, not regularly paid.

5. Has any part of the property been given to the Government, or to the House of Industry, in Toronto, without purchase or otherwise, and if so, state what quantity, and what is its value, and where situated, and whether any equivalent has been demanded or received ?

*Ans.* Five and a half acres of the Park Lands have been appropriated, by order in Council, for the purpose of a Poor House.

From No. 6. to No. 12, answered by Dr. Widmer.

JAMES NATION,  
SECY. & TREAS'R. T. G. H.

Toronto, 9th May, 1839.

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REPORT OF COMMITTEE OF CONFERENCE,

ON SUPPLY BILL.

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The Committee of Conference on the part of the Legislative Council on the subject matter of the Bill, entitled "An Act to provide for the payment of certain sums in support of the Civil Government of the Province," are instructed to represent to the Committee on the part of the House of Assembly the following objections, which appear to the Legislative Council to the passage of the Bill in its present shape.

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**In the Estimate for Government Office, and in that for Secretary and Registrar.**

It appears by a message now before this House, from His Excellency the Lieutenant Governor, that His Excellency contemplates such an alteration in the respective duties of the office of Civil and Provincial Secretary as will render both more efficient for the despatch of public business.

The Legislative Council, in anticipation of some such change or at least of the discussion of the measure, object to a vote of supply which takes away the salary of one of the officers and gives him a sum of £600 only out of his fees, the duties remaining as at present, or if altered, upon a new appointment, the fees appearing necessary to carry into effect the proposed arrangement.

**Executive Council Office.**

The Legislative Council object to the reduction of one of the clerks of the Executive Council, which they think cannot fail to be injurious to the public service, in a department, the business of which is necessarily increasing.

**Surveyor General's Office.**

Pending the negotiation with the Provincial Legislature for the surrender of the Casual and Territorial Revenue, the Legislative Council object to the making an additional charge upon that fund, which has hitherto been borne out of the general revenue.

**Estimate for the Arrest, Trial, &c. of State Prisoners.**

The Legislative Council object, that a service which has hitherto been found so imperatively necessary, should be left altogether unprovided for.

**Advances from the Crown Fund, on the same account.**

The Legislative Council object, that advances made by Government, in expectation of their recognition by the Assembly, should be omitted in the supply. This omission appears not only to embarrass the Government, as to the advances already made, but to render it *impossible* for it to discharge the sums yet remaining due, or to carry on the public service in this important branch, should occasion therefor unhappily arise during the present year.

**Secret Services.**

The Legislative Council object, that these services have not been provided for, as the Government must thereby be considered as left altogether powerless for the future, should a necessity arise such as the occurrences of the past year have exhibited, for the exercise of the vigilance of the Executive Government, in the discovery of the treasonable designs of the enemy.

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**REPORT OF SELECT COMMITTEE**

ON

**PETITION OF DAVID SIDEY.**

*To the Honourable the Commons House of Assembly.*

The Committee to whom was referred the Petition of David Sidey, most respectfully report:

That, having made enquiry into the allegations stated in the Petition, and having examined some of the persons connected with the office of the Commissioner of the Crown Lands, your Committee find that very great irregularity seems to prevail in it—there appears to be no doubt that the Petitioner purchased, at public auction, and paid an instalment on a small

broken front of about thirty acres on the Rice Lake, adjoining a lot he had previously purchased from the Crown, and that, subsequent to such purchase and payment of an instalment thereon, an order of Council was made upon an ex-parte statement, rescinding the sale to the Petitioner, without his even being allowed an opportunity of resisting it: that this proceeding on the part of the Council and the Commissioner of Crown Lands is manifestly arbitrary and illegal, and in violation of the law providing for the disposal of the public lands of the Crown, as well as contrary to the spirit and tenor of the despatch communicated to your Honourable House this session on the subject of that law. Indeed this law seems to have been either overlooked or altogether disregarded, for it appeared in evidence, that this is not the only instance in which, after a sale and payment of an instalment to the Commissioner of Crown Lands, an order in Council has been made rescinding such sale, and directing the patent to issue to another person.

It appears that the Council and Commissioner of Crown Lands by this means assume the power and authority of the Court of Chancery, and your Committee consider such power and authority could not be exercised by any other tribunal than the Court of Chancery.

Your Committee, moreover, in reference to the law for the disposal of the public lands, find that the Commissioner of Crown Lands is required to make certain returns to the Legislature within ten days after the meeting of any session thereof, a true copy of the accounts or lists of all sales and expenditure respecting the public lands—and of the names of his Agents in the several Districts of the Province, and to publish the same in the Upper Canada Gazette for the information of the public. Your Committee regret to learn that this wise provision of the Legislature seems to be totally disregarded by that officer, and your Committee are of opinion that such remissness on the part of that officer in the discharge of the very important duties of his station are to be attributed, in a very considerable degree, to his being chiefly occupied with matters connected perhaps with the public service, but having no reference to the functions of this particular employment.

Your Committee cannot but express a decided opinion, that the Commissioner of Crown Lands ought, personally, to devote almost his entire attention to the discharge of duties affecting so materially the most important branch of the revenues of the Crown—without which, it cannot be expected that the public interests will be properly guarded, or confidence be maintained.

Your Committee, in conclusion, have to state, that as the Patent has issued for the land claimed by the petitioner, his redress must now be sought for in the Court of Chancery, at a very considerable expense and loss of time, thereby subjecting him to a vexatious litigation, which an ordinarily correct discharge of the duties of this office would have obviated.

All which is respectfully submitted,

G. S. BOULTON,  
CHAIRMAN.  
JOHN PRINCE.  
JOHN S. CARTWRIGHT.  
R. ROLLO HUNTER.

*Committee Room,  
9th May, 1839.*

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**REPORT OF SELECT COMMITTEE  
ON THE SUBJECT OF EMIGRATION:**

**Reported 7th December, 1836—1st Sess. 13th Parl't.**

*To the Honourable the Commons House of Assembly.*

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The Committee to whom was referred that part of His Excellency, the Lieutenant Governor's speech, at the opening of the present Session of the Legislature, which relates to the subject of emigration, beg leave to report:—

Your Committee have taken into their earnest consideration, the best means of attracting the superabundant population, and capital of the Parent State into this Province, are quite sensible that the means which the Canada Company originally took of diffusing throughout Great Britain, a more accurate account of the soil, climate, and productions of the country, than it then possessed, led to a very great emigration to this Province, and proves that an accurate knowledge of the still greater capabilities and advantages of the country, is all that is now required to ensure the like results.

Your Committee are aware that a combination of causes has tended for the last three years to divert the emigration from this Province, to the neighbouring States, but they are embolden in their expectations that "no time will be lost in the adoption of an improved system in the land granting department,"—"so that the extensive tracts of rich lands lately obtained from the Indians," "will be thrown open to settlement upon terms of the most favourable nature, for those who desire to become residents upon them," and thus the tide of emigration to this Province be restored.

Your Committee feel convinced that many of the inhabitants of Great Britain, in making up their minds to emigration, and determining upon the country to which they shall emigrate, do not sufficiently take into consideration, that the burdens on productive industry, which frequently induce them to quit the parent State, are not met with in this Colony, where they may possess the inestimable advantages of the same institutions, without any drawback on their industrious exertions.

Your Committee think it very desirable that the respective Poor Law Commissioners, Clergy, gentry and magistracy throughout England, should be made acquainted with the fact, that a large proportion of poor labourers, that have been sent out to this Province by the charitable assistance of parishes and private individuals, have become freeholders, and possess the means of comfortable subsistence for themselves and families.

Your Committee deem it of vital importance to the interests of this Province, that a faithful, accurate and full description of this country—the nature of its soil, the price of partially cleared farms, of wild lands, of its public works, of the character of its settlers, its general tranquillity, and the independence and happiness of its people—should be laid before the British nation.

That, to accomplish this desirable object, one or more individuals should be judiciously selected, who could convey this necessary information to an inquiring people; and your Committee feel satisfied that it is owing, in a great degree, to British capital and British emigration, that the neighbouring States teem with abundance from the Atlantic to the farthest West; that towns and villages are rising in the wilderness, so will British emigrants prefer a colony of the British Crown, if they are assured of the same benefits; and thus the desert wastes of this Province would become the habitations of men, and the forest peopled with a thriving and contented population.

Your Committee further recommend, that His Excellency the Lieutenant Governor be requested to appropriate the necessary funds to accomplish this desirable object, out of the proceeds arising from the Casual and Territorial Revenue.

All which is respectfully submitted.

ALLAN N. MACNAB,  
CHAIRMAN.

*Committee Room, House of Assembly,  
7th Dec., 1836.*

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## REPORT OF THE SELECT COMMITTEE ON THE SUBJECT OF THE RECTORIES.

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*To the Honourable the Commons House of Assembly.*

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The Committee to whom was referred His Excellency's Message, and the accompanying documents, on the subject of the fifty-seven Rectories—

## RESPECTFULLY REPORT :

That they have carefully examined the said documents, as well as all others that appear on the Journals of your Honourable House, all of which are appended to this report; and on a reference to those papers, it will be seen that the legality of that much to be regretted act of a former administration, the establishment and endowment of fifty-seven Rectories, may, with propriety, be doubted, inasmuch as the Minute in Council, under the authority of which that transaction took place, cites, as authority, the despatch of Lord Goderich, dated 6th April, 1832, which has been distinctly declared, on two different occasions, by the Law Officers of the Crown, not to contain sufficient authority to justify that act, and that if endowed under the authority of that despatch, they were not legal endowments.

It is true that those Law Officers have been induced to alter their decision on that subject, from statements that have subsequently been made, and calling their attention to a despatch dated many years antecedent to the despatch alluded to in the Minute in Council, and during another reign, also in another administration, both here and at home.—In addition to which, it is to be taken into consideration, that the attention of the Colonial Legislature had been invited on the subject of the Clergy Reserves; and no one would have supposed that any attempt would have been made to dispose of any part of the lands set apart (conditionally) for the support of a Protestant Clergy, inasmuch as the 31st Geo. III. gives the power of altering and repealing those clauses that refer to the Clergy Reserves—a provision, that in the opinion of your Committee, was wisely made; as the circumstances of the country do not justify so large a portion of the lands being set apart for one denomination of christians, which does not comprise a thing like a majority of the population, but in the opinion of your Committee, quite the reverse. Your Committee need not further revert to this very impolitic Act, than to state that in the opinion of your Committee, the late rebellion in this Province may in some degree be attributed to that much to be regretted Act. Your Committee think it due to themselves to state, that they by no means agree with the opinion that has been for a long time entertained by the exclusive advocates of the Church of England, namely, that they were the only denomination recognized by the term “Protestant Clergy”—while your Committee feel bound to declare that in their opinion the erection and endowment of fifty-seven rectories, was very improper, and the legality of these endowments, may with propriety be doubted.

Your Committee perceive that a Resolution, which passed this House in February, 1839, has been alluded to in a late Despatch, and stated as a reason why those endowments should not be interfered with. Your Committee feel confident that, had the whole circumstances connected with that matter been then distinctly understood, no such resolution would have passed, as it would have been an acknowledgement that this House had no right to interfere, even by an expression of opinion, with an appropriation of public property, whether made contrary to the principles of equity or not—an acknowledgement that, in the opinion of your Committee, ought not to be made, as your Honourable House ought (as the public guardians and the highest Court in the land) at all times assert their right of interfering whenever (in their opinion) an improper act has been perpetrated. Yet they have no disposition to throw any impediment in the way of the Church of England carrying out her church government and discipline; but, on the contrary, are desirous that every facility shall be afforded as well to that as all other orthodox churches, in the fullest manner. To effect that object, and at the same time allay all apprehension that has and does exist, (whether well founded or not) with respect to the ecclesiastical power one church may exercise over the members of another—an apprehension that cannot be denied—has been the cause of much excitement throughout the country, and by means of which much bad feeling has been engendered, which it must be admitted it is most desirable to allay. For the purpose of accomplishing so desirable an object, and finally setting at rest this exciting question, your Committee recommend that those clauses of the Constitutional Act, which authorises the establishment and endowment of Rectories be repealed, and that an Act be passed, constituting the Ministers of the Church of England, as well as other Ministers, or executive part of other Churches, to hold lands, and giving them all the power that may be necessary to carry out to the fullest extent their different forms of church government, confining this jurisdiction to their own voluntary members. Your Committee believe that by such a measure, in conjunction with a fair distribution of the Clergy Reserves, will have the most beneficial effects, in allaying those feelings of dissatisfaction that, it must be acknowledged, have too much disturbed that social harmony that ought to exist amongst all classes of Her Majesty's subjects. Should the course

above recommended appear objectionable, your Committee recommend that an humble Address be presented to Her Majesty, praying Her Majesty to take the necessary steps to bring the subject of the endowment of the Rectories fully before the Privy Council, or such other legal tribunal as may be necessary, in order that their legality may be fully tested without throwing the expense on any portion of the community in particular. With this view of the subject, your Committee have passed an Address, which they report herewith.

All which is respectfully submitted.

E. W. THOMSON,  
CHAIRMAN.

Committee Room,  
May, 1839.

## APPENDIX TO REPORT ON RECTORIES.

GEO. ARTHUR,

In compliance with the address of the House of Assembly, of the 8th instant, the Lieutenant Governor now transmits a copy of the minute in council, under the authority of which fifty-seven rectories were established and endowed within this Province, together with copies of several despatches and other documents connected with these rectories, and with the Clergy Reserves.

The correspondence on those subjects already communicated to the House of Assembly by Sir Francis Head, with his message of the 16th of February, 1838, includes a despatch from Lord Glenelg, of the 15th Nov. 1837; and the Lieutenant Governor has accordingly considered the present application of the House, for further information respecting the rectories, to be necessarily confined to papers of a subsequent date.

With reference to the despatch to Lord Glenelg, No. 63, of the 21st September, 1838, the Lieutenant Governor deems it proper to observe that copies of the several papers originally forwarded with that despatch to his Lordship, are in a course of preparation, and shall be laid before the House of Assembly, as soon as they can be completed.

Under an anxious desire to avoid delay, in furnishing the House with all the information in his power on the subject of their address, the Lieutenant Governor has been induced to transmit the accompanying documents, without waiting for the copies of the enclosures to which he has just alluded.

Government House,  
21st March, 1839.

(Copy.)

EXECUTIVE COUNCIL CHAMBER, AT TORONTO,  
Friday, 15th January, 1836.

### PRESENT:

THE HONOURABLE PETER ROBINSON, PRESIDING COUNCILLOR.  
" " GEORGE H. MARKLAND,  
" " JOSEPH WELLS.

To His Excellency SIR JOHN COLBORNE, K. C. B. Lieutenant-Governor of the Province of Upper Canada, and Major-General Commanding, His Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

Pursuant to the views of Lord Goderich, shown by his despatch of the 5th April, 1832, in which he concurs with your Excellency, and expresses his desire "that a moderate portion of land should be assigned in each Township or Parish, for ensuring the future comfort, if not the complete maintenance of the Rectors." The Council caused the necessary steps to be taken for the purpose of setting apart lots in each Township throughout the Province.

Much delay has been caused by their anxiety to avoid interfering with persons who might have acknowledged claims to any of the reserves to be selected either for lease or purchase.

A difficulty in completing what his lordship most appropriately calls "this salutary work," was also caused by the Crown Officers not concurring in the form to be used in the instrument by which the endowment is to be confirmed, which left the Council to decide as to the mode to be adopted for that purpose.

These obstacles have now been surmounted, and it is respectfully recommended that no time be lost in authorizing the Attorney General to prepare the necessary instruments to secure to the incumbents named in the annexed schedules, and their successors, the lots of land there enumerated, as having been respectively set apart for glebes.

All which is respectfully submitted.

(Signed) PETER ROBINSON, P. C.

(Signed) J. C.

(Copy.)

EXTRACT from Lord Goderich's Confidential Despatch to Lieutenant-Governor Sir John Colborne, dated Downing-Street, 5th April, 1832.

"And I am happy to find that your practical views, founded upon personal knowledge and experience, are so coincident with those which, upon a more speculative view, I had been led to entertain. I quite concur with you in thinking, that, the greatest benefit to the Church of England would be derived from applying a portion, at least, of the funds under the control of the Executive Government in the building of rectories and churches; and I would add, in preparing, as far as may be, for profitable occupation, that moderate portion of land which you propose to assign in each township or parish for ensuring the future comfort, if not the complete maintenance of the rectors. With this view, it appears to me, that it would be most desirable to make a beginning in this salutary work."

(Copy, No. 3.)

Downing Street,  
23rd December, 1837.

SIR,

I have received your Predecessor's despatch, No. 103, of the 16th September, transmitting two memorials from the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland; having reference to the claim of that Church to a share of the revenue accruing from the clergy reserves, and to the rectories lately constituted in the Province of Upper Canada.

With respect to the first of these subjects, I am led to believe, from the terms of the memorial, that some misapprehension exists on the part of the Synod as to the declared intentions of Her Majesty's Government. In order that they may be clearly understood, I have to request that you will communicate to the Synod so much of the correspondence, enclosed in my despatch to Sir Francis Head of the 7th September last, No. 231, as relates to the claims of the Scotch Church in Upper Canada, and the views of Her Majesty's Government in reference to those claims.

With respect to the constitution of the rectories, you will inform the Synod that, without entering on the discussion of the question as to the legality of these endowments, or the policy of the measure by which they were created, I trust an arrangement will shortly be effected, by which the conflicting claims of various religious denominations in Upper Canada will be satisfactorily adjusted, and the means of Christian worship and instruction, in connection with the Presbyterian Church in the Province, be materially extended.

I have, &c.,

(Signed) GLENELG.

Colonel SIR GEORGE ARTHUR.

(No. 4.)

Downing Street,  
26th December, 1837.

SIR,

Amongst the questions to which your attention will be called upon your arrival in Upper Canada, one of the most important is, that which relates to the provision for the maintenance and diffusion of Christian knowledge throughout the increasing population of the Province. This subject has recently engaged much of the public attention in Upper Canada, with reference to the most beneficial appropriation of the lands set apart by the Act of 1791, for religious purposes, and known by the name of Clergy Reserves.

It could scarcely be expected that the discussion of this question could fail to produce considerable controversy and excitement, or that its settlement could be accomplished without serious difficulty. I entertain, however, a confident hope that some plan may, at an early period, be agreed to, by which the difficulties which have hitherto opposed a satisfactory adjustment of the conflicting claims of various religious denominations may be removed, and an adequate provision be made for meeting on comprehensive principles the religious wants of the great body of the inhabitants. I regret that the agitated question of the endowment of fifty-seven rectories, in the commencement of the year 1836, has introduced a new element of dissension. The correspondence which has taken place between Her Majesty's Government and your Predecessor on this subject will place you fully in possession of the facts of this case.

How far the view originally taken of that subject by the law officers of the Crown may be altered when they shall have maturely considered the explanations which have recently, for the first time, reached me, as to the grounds on which the Lieutenant Governor and Executive Council really proceeded, I am at present unable to state. In the mean time, however, before I can receive their report, I think it right to acquaint you with the view which I at present entertain of the course which it may be desirable to pursue with reference to this subject.

The House of Assembly of Upper Canada, as appears from their Journals of the 9th February, 1837, adopted a series of resolutions relative to these endowments, of which the sixth declared, "that this House regard as inviolable the rights acquired under the patents "by which rectories have been endowed, and cannot, therefore, either invite or sanction any "interference with the rights thus established."

On the part of Her Majesty's Executive Government, I cannot hesitate to avow our entire adoption of the principle by which this resolution was dictated—although the endowment of the Rectories in the year 1836, did not take place with the previous concurrence or knowledge of the present Ministers of the Crown, yet, as they appear to have been made at least under a presumed authority from the Secretary of State, and as considerable time has now elapsed since the parties were put in possession of the lands, I should much regret to be compelled to disturb that settlement, or to dispossess the Clergy of the Church of England of the lands which have been assigned for their maintenance, should the legal right now appear to the law officers of the Crown to be indefeasible, no practical question will of course remain for the decision of the Government—but even on the contrary supposition, I feel, that with the concurrence of the local Legislature, the endowments which have actually been made, might be ratified in connection with some general scheme for the future appropriation of the Clergy Reserves, which would satisfy the reasonable claims of other denominations of christians. As a basis of such a settlement, I would propose that under the peculiar circumstances of the case, the right of the Church of England to the endowments of January, 1836, should be acknowledged and ratified; I would further suggest that this measure should be accompanied by a Legislative Declaration "That the establishment and endowment of Rectories in "the Province, shall not be construed to confer any right to exercise any Ecclesiastical or "spiritual power whatever, except over the members of the Church of England."

I quote these words from the Resolutions of the Assembly of the 9th of February, 1837, to which I have referred.—That House, indeed, proposes that this declaration should proceed not from the Local Legislature, but from Parliament. But I conceive, that, if the arrangement I suggest should meet with general acceptance, there will be no difficulty in obtaining an Act of General Assembly for the purpose, and that the interference of Parliament in the internal affairs of the Province may thus be avoided.

In the next place, I have to refer you to my Despatch to Sir Francis Head of the 7th September, No. 231, in which, and in the enclosure accompanying it, will be found an

explanation of the system established on my advice, by His late Majesty, for providing for the religious instruction of the inhabitants of the Australian Colonies. I do not here enter into the details of that measure, with which you are already familiar, but I confine myself to the statement that the general principle of it is, that the contributions of the State towards the support of the different Christian communions, should be regulated by the extent of the voluntary efforts which the members of each should make for the promotion of the same general end. Of the success of that plan in New South Wales, I have the most satisfactory proofs. The result in that Colony, considering the short period which has elapsed since the provisions of this measure have been in operation, has been greatly to increase the spontaneous exertions of the various denominations of Christians, the number of ministers, and the means applicable to the general diffusion of Christian instruction.

If the Clergy Reserves of Upper Canada should be converted into a fund, subject to a similar appropriation, I perceive no reason to doubt of a corresponding result. If, by the adoption of this scheme, with any modifications which the knowledge possessed by the Local Legislature of the circumstances of the Province and the comparative numbers of the religious denominations existing in it may suggest, concord, and a mutual good understanding could be restored amongst the different Christian societies existing in Upper Canada, an object of the highest importance would be attained.—We should have closed a controversy, hostile to the general peace of Her Majesty's subjects inhabiting that part of Her dominions, and should have brought to an end a debate painful to every one who is justly alive to the interests of the Christian faith, which we all acknowledge and profess under various forms of ecclesiastical government; you are, therefore, authorized to convey these or any other suggestions which you consider better adapted to effect the object in view to the Legislative Council and House of Assembly, in whatever manner may be most consistent with constitutional forms and with a careful respect for their rights and privileges; and I earnestly hope that they will cordially co-operate with Her Majesty's Government, and with yourself, in the adoption of such measures, with reference to this important subject, as will most effectually conduce to the advancement of the best interests of all classes of Her Majesty's subjects in the Province.

I have the honour to be,

SIR,

Your most obedient humble servant,

(Signed) GLENELG.

Colonel SIR GEORGE ARTHUR, &c. &c. &c.

(Copy, No. 20.)

*Downing Street,*  
9th February, 1838.

SIR,

Referring to the Despatches enumerated in the margin on the subject of the rectories established in Upper Canada, under an order made by Lieutenant Governor Sir John Colborne, with the advice of the Executive Council in the year 1836, I have now the honour to transmit, for your information, a copy of a further report which has reached me from the Queen's Advocate, and from Her Majesty's Attorney and Solicitor General. You will perceive that, advertent to the facts now, for the first time, brought under their notice, they affirm the validity of the endowments in point of law, while they continue to maintain the insufficiency of the authority to which alone the order itself referred as the foundation of the measure.

I regret that the real basis on which the Act proceeded was not communicated to me in answer to my first demand for explanation on the subject, in which case this discussion would have been saved. The legal right being now established, no further question respecting them can remain for the consideration of the Government.

The Synod of the Scots Church in Upper Canada has, as you are aware, made the strongest representations against these endowments, and especially against what they apprehend must follow, namely, that the ecclesiastical authority thereby established in the parishes created by this measure must affect not merely the members of the Church of England but those also of other religious communions. If this be really the legal consequence of the measure, of course the Ministers of the Crown cannot prevent it. I confess, however, that

I do not distinctly understand what is that ecclesiastical authority which the incumbents of the Church of England have thus acquired, and against which the Members of the Scots Church remonstrate. I am much disposed to doubt, whether, in practice or in theory, the fifty-seven rectories will exercise any authority spiritual or temporal, excepting over those who may voluntarily submit themselves to it.

If, however, any members of the Scots Church, or of any other Christian community, shall insist upon a further investigation of the question of law, and shall be able to state any material fact or to suggest any important argument which may hitherto have escaped notice, it will be my duty to afford them the same facility for bringing the question under the review of the highest accessible legal authority which has already been afforded to the clergy of the Church of England. But, as there is little prospect of any such fact or argument being now elicited, I should rejoice to believe that the discussion is finally closed. I trust that the efforts which you have been instructed to make for the adjustment of the question of the Clergy reserves will tend to that result.

I have the honour to be,

SIR,

Your most obedient humble servant,

(Signed) GLENELG.

Major General SIR GEORGE ARTHUR,  
&c. &c. &c.

(Copy.)

*Doctors' Commons,*  
24th January, 1838.

MY LORD,

WE are honoured with your Lordship's commands, signified in your letter of the 19th ultimo, transmitting certain documents which were referred to us on the 12th of April last, on the subject of the endowment of certain Rectories in the Province of Upper Canada; also enclosing a copy of the report made by us in answer to that reference, with copies of a correspondence which has since taken place on the subject, between your Lordship and the Lieutenant-Governor of Upper Canada, also enclosing a copy of the Commission under which the Government of the Province was administered in the month of January, 1836, when the order of the Lieutenant-Governor in Council, respecting those Rectories, was made.

Adverting to these various documents, and especially to the report of the Archdeacon of Toronto, accompanying Sir F. Head's Despatch of the 18th of October, your Lordship is pleased to request that we would report our joint opinion, whether the addition of the material fact now communicated to us, affects the conclusion which we adopted and reported to your Lordship on the 8th of June; and if so, that he would report the answer which we would now give to the questions proposed in your Lordship's letter of the 12th April, viz. :—

“*First*, Adverting to the terms of the Statute 31 Geo. 3, chap. 41, sec. 36 and 40, and to the terms of the Royal Commission, could the Lieutenant-Governor, with the advice of the Executive Council, lawfully constitute and erect, or endow any parsonage or Rectory within the Province, without the further signification of His Majesty's pleasure?”

“*Secondly*, Can Lord Ripon's Despatch, of the 3rd April, 1832, be regarded as signifying His Majesty's pleasure for the erection of Parsonages, or for the endowment of them, or for either of those purposes?”

“*Thirdly*, Are the erection and the endowment of the fifty-seven Rectories, by Sir John Colbourne, valid and lawful acts?”

“*Fourthly*, If the preceding questions be answered in the affirmative, have the Rectors of the parishes so erected and endowed, the same ecclesiastical authority within their respective limits, as are vested in the rector of a parish in England—or within what other bounds is that authority vested?”

In obedience to your Lordships commands, we have the honor to report that adverting to the various documents and especially to the instructions contained in Lord Bathurst's despatch to Sir P. Maitland, of the 22nd July, 1825, referred to in the report of the Archdeacon of York (Toronto,) and also to the terms of the royal commission, the whole of which is now before us, we are of opinion—

1st. That the Lieutenant Governor, with the advice of the Executive Council, could lawfully constitute, and erect, or endow, any parsonage, or rectory within the Province, without the further signification of His Majesty's pleasure.

2nd. We are of opinion that Lord Ripon's despatch of the 5th April, 1832, cannot be regarded as signifying His Majesty's pleasure for the erection of parsonages, or for the endowment of them, or for either of those purposes.

3rd. We are of opinion that the erection or endowment, of the 57 rectories, by Sir John Colborne, are valid and lawful Acts.

4thly. We are of opinion that the rectors of the parishes so erected, and endowed, have the same Ecclesiastical authority within their respective limits, as are vested in the rector of a parish in England.

We have, &c.

(Signed)

J. DODSON,

(“)

J. CAMPBELL,

(“)

R. M. ROLFE.

The Right Honourable

The LORD GLENELG,

&c. &c. &c.

(Copy.)

No. 63.

Toronto, 21st September, 1838.

MY LORD:

In compliance with your Lordship's Despatch, of the 30th March, (No. 48) communicating the copy of an Address, agreed to by the House of Lords, requesting certain Returns, relative to the Clergy Reserves and Rectories in Upper and Lower Canada, respectively, and desiring me to furnish you with this information, so far as the Province of Upper Canada is concerned, I have now the honour to transmit to your Lordship, herewith, the following returns:—

1st. The Return from the Crown Lands Office, shewing the amount of Clergy Reserves sold in Upper Canada in each year since 1827, and the number of acres sold in each year—the total amount for which they were sold—the total amount of money received in each year upon such sales, distinguishing principal from interest—the disposal of sums received on account of principal and interest, and the total amount invested or paid over.

2nd. The Receiver-General's account of moneys received by him from various sources, and of payments made therefrom for the support of a Protestant Clergy within Upper Canada, in each year from 1827 to 1837, inclusive, respectively.

3rd. The Surveyor-General's statement of the Rectories created in Upper Canada, with an account of the lands assigned to each.

4th. Statement of the Salary paid to each of the Incumbents of Rectories in Upper Canada, by warrant on the Receiver-General.

From these Returns, your Lordship will gather all the information which this Government can afford, in answer to the requisition of the House of Lords.

Upon one of the heads of inquiry, the information can only be officially furnished by the proper department in London, where the amount of the proceeds of successive sales of Clergy Lands is, from time to time, understood to be vested in the public funds.

The officer receiving such proceeds in this province pays the amount each year into the military chest, under the authority of a despatch from the Secretary of State, dated 2nd April, 1831.

I have to honour to be,

&c. &c. &c.

(Signed) GEO. ARTHUR.

The LORD GLENELG,

&c. &c. &c.

STATEMENT of Salaries paid to the "Clergy and Missionaries of the Church of England in "Upper Canada," agreeably to the List furnished from the Government Office for the half-year ending 30th June, 1838—the amount of which is paid by a Warrant on the Receiver General, viz. :

NAMES.	STERLING.				
	Dollars & 4s. 6d.				
	£	s.	D.		
Archbold, George.....	85	0	0	Cornwall.....	Eastern District.
Anderson, John.....	85	0	0	Fort Erie.....	Niagara ditto
Atkinson, A. F.....	50	0	0	Bath.....	Midland ditto
Armour, Samuel.....	85	0	0	Cavan.....	Newcastle ditto
Bethune, A. N.....	85	0	0	Cobourg.....	Ditto ditto
Betteridge, William.....	50	0	0	Woodstock.....	London ditto
Blake, D.....	50	0	0	Adelaide.....	Ditto ditto
Blakey, Robert.....	85	0	0	Prescott.....	Johnstown ditto
Boswell, E. J.....	85	0	0	Carleton Place.....	Bathurst ditto
Burnham,.....	85	0	0	St. Thomas.....	London ditto
Clarke, James.....	85	0	0	St Catharines.....	Niagara ditto
Cochrane, John.....	50	0	0	Belleville.....	Hastings ditto
Creer, Thomas.....	85	0	0	Niagara.....	Niagara ditto
Cronyn, Benjamin.....	50	0	0	London.....	London ditto
Deacon, Job.....	85	0	0	Adolphustown.....	Midland ditto
Denroche, Edward.....	50	0	0	Brockville.....	Johnstown ditto
Evans, Francis.....	85	0	0	Simcoe.....	Talbot ditto
Flood, Richard.....	50	0	0	Delaware.....	London ditto
Fuller, T. B.....	50	0	0	Chatham.....	Western ditto
Geddes, J. G.....	50	0	0	Hamilton.....	Gore ditto
Givings, Saltern.....	85	0	0	Bay Quinte.....	Midland ditto
Grier, J.....	85	0	0	Carrying Place.....	Prince Edw. ditto
Grant, G. R. F.....	85	0	0	Grimsby.....	Niagara ditto
Gurney, W. H.....	85	0	0	Elizabethtown.....	Johnstown ditto
Harris, M.....	85	0	0	Perth.....	Bathurst ditto
Johnson, W.....	50	0	0	Sandwich.....	Western ditto
Leeming, W.....	85	0	0	Chippewa.....	Niagara ditto
Lindsay, J. G. B.....	85	0	0	Williamsburg.....	Eastern ditto
Macaulay, W.....	85	0	0	Picton.....	Prince Edw. ditto
Mack, Frederick.....	50	0	0	Amherstburg.....	Western ditto
M'Grath, James.....	63	15	0	Toronto Township.....	Home ditto
Mayerhoffer, V.....	50	0	0	Markham.....	Ditto ditto
Miller, John.....	85	0	0	Ancaster.....	Gore ditto
Mortimer, George.....	50	0	0	Thornhill.....	Home ditto
Padfield, James.....	50	0	0	Beckwith.....	Bathurst ditto
Palmer, Arthur.....	50	0	0	Guelph.....	Gore ditto
Patton, Henry.....	85	0	0	Kempville.....	Bathurst ditto
Phillips, Thomas.....	70	0	0	Etobicoke.....	Home ditto
Radcliffe, John.....	50	0	0	Warwick.....	London ditto
Rogers, R. N.....	50	0	0	Richmond.....	Bathurst ditto
Rolph, Romaine.....	85	0	0	Osnabruck.....	Eastern ditto
Shortt, Jonathan.....	50	0	0	Port Hope.....	Newcastle ditto
Stuart, Geo. O'Kill.....	85	0	0	Kingston.....	Midland ditto
Strachan, John.....	116	17	6	Toronto.....	Home ditto
Wade, W. F. L.....	50	0	0	Peterboro.....	Newcastle ditto

The Rector and Archdeacon of York by special Warrant on the Receiver General, on the Clergy Fund.....£300 Ster'g. per annum.

The Archdeacon and rector of Kingston, ditto, ditto..... 300 do. do.

The above Incumbent has also an allowance as one of the Established Clergy in this Province, paid by special Warrant from the same fund..... 100 do. do.

RECEIVER GENERAL'S OFFICE,  
22nd March, 1839.

(Signed) JOHN H. DUNN,  
H. M. R. G.

ACCOUNT OF MONIES received by the Receiver General, from various sources, and of payments made therefrom, for the support of a Protestant Clergy within Upper Canada, in each year, from 1827 to 1837, inclusively.

RECEIPTS.	STERLING.			PAYMENTS.	STERLING.		
	Dollars at 4s. 6d.				Dollars at 4s. 6d.		
	£	s.	D.		£	s.	D.
<b>1827.</b>							
Balance remaining in the Rec'r. General's hands, of the fund applicable to the support of a Protestant Clergy .....	574	13	10½	Additional stipend to the Minister at York .....	225	0	0
From the Casual and Territorial funds, under the Lieut.-Governor's warrants,	600	0	0	Salary to two Archdeacons .....	500	0	0
				Paid the Colonial Office in London, for Patents constituting the two Archdeacons, York and Kingston.....	132	6	11
	£ 1174 13 10½				£ 957 6 11		
<b>1828.</b>							
From fund D.....	600	0	0	Additional stipend to the Rector of York, A moiety of the expenses incurred by the Archdeacon of York, on a journey to and from England, and 18 months detention there, at the instance of the Secretary of State, while engaged in soliciting from His Majesty's Government the Charter of King's College, and attending to the affairs of the Established Church .....	610	10	0
				Salaries of two Archdeacons.....	600	0	0
	£ 600 0 0				£ 1435 10 0		
<b>1829.</b>							
From the Officers collecting the Rents of Clergy Reserves under lease.....	326	18	11½	Additional stipend to the Rector of York, Salary of two Archdeacons .....	225	0	0
From the Crown Fund D.....	600	0	0		600	0	0
	£ 926 18 11½				£ 825 0 0		
<b>1830.</b>							
From the Officers collecting the Clergy Reserves' rents, under lease .....	585	0	0	Additional stipend to the Rector of York, Paid the Rev. George O'Kill Stuart, 6 months salary as one of the Established Clergymen of this Province.....	225	0	0
From the Crown Fund D.....	600	0	0	Salaries to two Archdeacons.....	600	0	0
	£ 1185 0 0				£ 875 0 0		
<b>1831.</b>							
From the Sureties of the late Stephen Heward .....	360	0	0	Additional stipend to the Rector of York, Paid the Rev. George O'Kill Stuart, 6 months salary, due last year .....	175	0	0
From the Officers collecting the Rents of Clergy Reserves under lease.....	630	0	0	Paid ditto his salary for this twelve months.....	50	0	0
From the Crown Funds D. and A. ....	700	0	0	Salary to two Archdeacons.....	100	0	0
	£ 1690 0 0				£ 925 0 0		
<b>1832.</b>							
From the Officers collecting the rents of Clergy Reserves under lease.....	450	0	0	Additional stipend to the Rector of York, for six months, in full of further claims, Salaries to 2 Archdeacons, for 6 months, Paid the Rev. George O'Kill Stuart, six months salary, as one of the Established Clergy, .....	45	0	0
From the Officer collecting the interest on Clergy Lands sold .....	717	19	8¾	Paid the following Missionaries 6 months allowance, viz.—	487	10	0
				5 a £ 50 0 0 ea. = £ 250 0 0	50	0	0
				23 a 100 0 0 ea. = 2800 0 0			
				3 a 75 0 0 ea. = 225 0 0			
				2 a 43 15 0 ea. = 87 10 0			
	£ 1167 19 8¾				3362 10 0		
					£ 3945 0 0		

ACCOUNT of Monies received by the Receiver General, for the support of a Protestant Clergy—CONTINUED.

RECEIPTS.	STERLING.			PAYMENTS.	STERLING.		
	Dollars at 4s. 6d.				Dollars at 4s. 6d.		
	£	s.	d.		£	s.	d.
<b>1833.</b>				<b>1833.</b>			
From the Officer collecting the interest on Clergy Lands sold .....	637	10	11½	Salaries to two Archdeacons, 12 months, .....	600	0	0
From the Officer collecting the rents of Clergy Reserves under lease .....	1689	6	0	Missionary allowance to do. 6 months, .....	187	10	0
From the Officer in London, receiving the Dividends on monies arising from the sale of Clergy Land, invested in England .....	864	18	7½	Paid the Rev. Geo. O'Kill Stuart, twelve months salary as one of the Established Clergy .....	100	0	0
From T. Baines, Esq'r. Rents of Clergy Reserves .....	265	14	6	Missionary allowances, 6 months, viz:			
				26 a £100 ea. = £2600	0	0	
				2 a 75 ea. = 150	0	0	
				2 a 65 ea. = 130	0	0	
				7 a 50 ea. = 350	0	0	
				3 a 25 ea. = 75	0	0	
					3305	0	0
				Paid for erecting a house, and preparing a Glebe at Adelaide—so much on acc't. .....	45	0	0
				Paid on account of Parsonage-House, Mohawk Settlement .....	90	0	0
	£	3457	10 1½		£	4327	10 0
<b>1834.</b>				<b>1834.</b>			
From the Officer collecting the rents of Clergy Reserves under lease .....	3685	11	3½	Salaries and allowance to 2 Archdeacons, .....	899	11	8
From the Officer collecting the interest on Clergy Lands sold .....	956	6	3½	Salary of the Rev. Geo. O'Kill Stuart, as one of the Established Clergy .....	100	0	0
From the Officer in London, for Dividends on proceeds of Clergy Lands, invested in England .....	486	10	0	Salary to the Secretary of the Clergy Corporation, from 1st March, 1833, to 31st March, 1834, at the rate of £150 per annum; and from 1st April to 30th June, 1834, at the rate of £300 per an. .....	214	8	6½
From the Crown Fund K, to enable the Receiver General to pay 85 per cent. on the salaries of the Missionaries of the Church of England in this Province, and Pensions to retired Missionaries and Widows, formerly paid by the Society for the Propagation of the Gospel .....	2301	5	0	Allowance to Missionaries, for 6 months, ending 31st December, 1833:			
				19 a £46 13 4 ea.			
				5 a 33 6 8			
				4 a 25 0 0			
				1 a 35 0 0			
				1 a 15 0 0			
				1 a 70 0 0			
					1273	6	8
				Allowance to do. for the 6 months, ending 30th June, 1834:			
				32 a £70 0 0 ea.			
				13 a 50 0 0			
				2 a 25 0 0			
					2940	0	0
				Paid 85 per cent. on the salaries and pensions to Missionaries, retired Missionaries, and Widows, formerly paid by the Society for the Propagation of the Gospel, for the 6 months ending 31st December, 1834, viz:			
				1 a £120 0 0 ea.			
				25 a 100 0 0			
				1 a 137 10 0			
				11 a 50 0 0			
				4 a 30 0 0			
				1 a 33 6 8			
				(retired) 2 a 50 0 0			
				do. 1 a 15 0 0			
				(Widows) 2 a 25 0 0			
					3798	6	8
				Ordinary & incidental expenses of Clergy Corporation Office .....	155	7	11½
				Inspecting Clergy Reserves .....	559	12	10½
	£	7429	12 7½		£	9940	14 4½

ACCOUNT of Monies received by the Receiver General, for the support of a Protestant Clergy—CONTINUED.

R E C E I P T S.	STERLING. Dollars at 4s. 6d.	P A Y M E N T S.	STERLING. Dollars at 4s. 6d.
£ S. D.	£ S. D.	£ S. D.	£ S. D.
<b>1835.</b>		<b>1835.</b>	
From the Officer collecting the rents of Clergy Reserves under lease .....	3801 19 6½	Salary and allowance to 2 Archdeacons..	1003 15 0
From the Officer collecting the interest on Clergy Lands sold .....	1896 15 1¼	Salary to the Rev. Geo. O'Kill Stuart, one of the Established Clergy.....	100 0 0
Dividends on investments in London ...	1089 15 4½	Salary to the Secretary of the Clergy Corporation .....	270 0 0
From the Crown Fund K. ....	2529 11 8	Salaries and pensions, (with arrearages) to Missionaries, retired Missionaries and Widows, for the 6 months ending 30th June, 1835, viz :	
		1 a £127 10 0 ea.	
		24 a 85 0 0	
		1 a 70 0 0	
		2 a 63 15 0	
		15 a 50 0 0	
		(retired) 2 a 50 0 0	
		do 1 a 15 0 0	
		(Widows) 2 a 25 0 0	
		do 1 a 33 6 8	
		do 1 a 50 0 0	
			3363 6 8
		Ditto ditto for the six months ending 31st December, 1835 :	
		24 a £ 85 0 0 ea.	
		1 a 70 0 0	
		2 a 63 15 0	
		14 a 50 0 0	
		(retired) 3 a 50 0 0	
		do 1 a 15 0 0	
		(Widows) 4 a 25 0 0	
			3202 10 0
		Glebe-houses in Carradoc and Adelaide, Ordinary and incidental expenses Cler'y. Corporation Office.....	118 18 1½
			65 18 10
	£ 9318 1 8½		£ 8124 8 7½
<b>1836.</b>		<b>1836.</b>	
Dividends on investments in London...	655 7 1¾	Salaries and allowances to two Archdeacons .....	1003 14 6
Rents of Clergy Reserves.....	2141 5 1¼	Salary to the Rev. Geo. O'Kill Stuart, as one of the Established Clergy....	100 0 0
Interest on Clergy Land sales.....	1186 2 3¾	Salary to the Secretary of the Clergy Corporation .....	270 0 0
From the Crown Fund K. ....	2565 12 6	Missionaries and Widows for the 6 months ending 30th June, 1836, viz :	
		22 a £85 0 0 ea.	
		1 a 76 0 0	
		1 a 70 0 0	
		2 a 63 15 0	
		16 a 50 0 0	
		(retired) 2 a 50 0 0	
		do 1 a 15 0 0	
		(Widows) 7 a 25 0 0	
			3233 10 0
		Ditto ditto 6 months ending 31st Dec. 1836, viz :	
		23 a £85 0 0 ea.	
		1 a 70 0 0	
		1 a 63 15 0	
		19 a 50 0 0	
		(retired) 2 a 50 0 0	
		do 1 a 15 0 0	
		(Widows) 7 a 25 0 0	
			3328 15 0
		Inspecting Clergy Reserves .....	23 2 0
		Contingencies of the Clergy Corporation Office .....	92 13 10¾
		Parsonage-House, Bay Quinté .....	270 0 0
		Parsonage-House at Adelaide.....	97 2 5¼
	£ 6548 7 0¾		£ 8418 17 10

ACCOUNT of Monies received by the Receiver General, for the support of a Protestant Clergy—CONTINUED.

RECEIPTS.	STERLING.			PAYMENTS.	STERLING.		
	Dollars at 4s. 6d.				Dollars at 4s. 6d.		
1837.	£	s.	d.	1837.	£	s.	d.
From London, dividends on investments,	1105	0	0½	Salary and allowance to 2 Archdeacons,	1003	15	0
From rents on Clergy Reserves .....	1798	16	5	Salary to the Rev. Geo. O'Kill Stuart,	100	0	0
From interest on sales of Clergy Lands.	3499	4	1½	as one of the Established Clergy .....			
From the Crown Fund K. ....	2588	6	8	Salary to the Secretary of the Clergy Corporation .....	270	0	0
				Missionaries & Widows, for the 6 months ending 30th June, 1837, viz:			
				22 a £85 0 0 ea.			
				(with arrears) 1 a 75 0 0			
				do 2 a 70 0 0			
				2 a 63 15 0			
				17 a 50 0 0			
				(retired) 2 a 50 0 0			
				do 1 a 15 0 0			
				(Widows) 7 a 25 0 0			
					3352	10	0
				Ditto ditto for the six months ending 31st December, 1837, viz:			
				22 a £85 0 0 ea.			
				1 a 70 0 0			
				1 a 63 15 0			
				19 a 50 0 0			
				1 a 38 6 8			
				(retired) 2 a 50 0 0			
				do 1 a 15 0 0			
				(Widows) 7 a 25 0 0			
				Contingencies Clergy Corpora'n. Office,	3282	1	8
					55	10	10½
	£ 8991	7	2½		£ 8063	17	6¾

E. E.

JOHN H. DUNN,

H. M. R. G.

RECEIVER GENERAL'S OFFICE,  
Toronto, 22nd March, 1839.

NAME.	DESCRIPTION OF LOT.	NO. OF ACRES.
Rev. George Archbold, Cornwall—	Lot No. 19, and the Westerly 150 acres of Lot No. 38, in the 8th Concession, in the Township of Cornwall, 350 acres; also a stripe of land situate between the rear boundary of the Town of Cornwall, as reckoned by the Eastern boundary....	410
Rev. J. P. Beck Lindsay, Williamsburgh—	Part of the centre Commons in the 1st and 2nd Concessions in Williamsburgh, 37½ acres; the centre Commons between Lots Nos. 18 and 19, in the 1st, 3rd and 4th Concessions, in the Township of Matilda, 163 acres; Lot No. 19, 6th Concession, Matilda.....	400½
Rev. Dominick E. Blake, Adelaide—	Lot No. 12, 1st Concession North of Egremont Road; Lot No. 25, in the 1st Concession South of Egremont Road, in the Township of Adelaide; and Lots Nos. 8 and 9, in Front Street, in the Town of Adelaide.....	400
Rev. Thomas Phillips, D. D. Etobicoke—	Lots Nos. 3 and 4, in the first range, West part of 3, in the second range; Lot No. 4 in the 2nd, 3rd, and 4th ranges, containing together 205 acres, in the Township of Etobicoke.....	205
Rev. Edward J. Boswell, Carleton Place—	Lot No. 26, in the 2nd Concession; and Lot No. 2, in the 7th Concession, in the Township of Ramsay....	400
Rev. Mark Burnham, St. Thomas—	Lot No. 9, in the 1st Concession; and Lot No. 17, in the 4th Concession, in the Township of Southwold.....	400

NAME.	DESCRIPTION OF LOTS.	No. OF ACRES.
Rev. John Radcliffe, <i>Warwick</i> —	Lots No. 15, and 25 in the 1st Concession, in the Township of Warwick.....	400
Rev. V. P. Mayerhoffer, <i>Markham</i> —	Lot No. 9, in the 5th Concession, in the Township of Markham, and Lot No. 19, in the 9th Concession in the ship of Vaughan.....	400
Rev. A. H. Burwell, <i>Bytown</i> —	Lot No. 17 and 18, in the 1st Concession on the Ottawa, in the Township of Gloucester, about.....	400
Rev. James Magrath, Lot No. 23, in the 2nd Concession, and Lot No. 29, in the 4th Concession, in the Township of Chinguacousy, East of Hurontario Street.....		400
Rev. John Cochrane, <i>Belleville</i> —	Lots 16 and 17, in the 3rd Concession, in the Township of Thurlow, containing 200 acres, and the rear part of Lot No. 4 in the 1st Concession of the Township of Thurlow, containing 18 acres.....	418
Parish Church, in <i>Bath</i> —	The front 50 acres of Lot No. 12, Lot No. 13, and the West three quarters of Lot No. 14, in the 4th Concession, in the Township of Ernest Town.....	400
Rev. Saltern Givins, <i>Napanee</i> —	Lot No. 15, and 16 in the 4th Concession, in the Township of Richmond.....	400
Parish Church, in <i>Williamsburgh</i> —	Lot Nos. 18 and 19, in the 4th Concession in the Township of Williamsburgh.....	400
Rev. James Padfield, <i>March</i> —	Lot No. 2 and 32, in the 4th Concession on the Rideau, in the Township of Nepean.....	400
Parish Church, in the <i>Town of Richmond, in the Bathurst District</i> —	Lot No. 24 in the 5th Concession, in Goulbourn, and Lot 17, in the 9th Concession in the Township of Fitzroy.....	400
Rev. Robert Luger, <i>Brantford</i> —	Lot No. 3, in the 2nd Concession, and Lot No. 9 in the 3rd Concession, in the Township of Brantford.	
The Honorable and Venerable Archdeacon Strachan, <i>Toronto</i> —	Lots Nos. 6, 9, 22, in the 2nd Concession, and Lot No. 17, in the 3rd Concession from the Bay, in the Township of York.....	800
Rev. R. F. Grout, <i>Grimsby</i> —	Lots Nos. 11, 12, 13, and 14, in the 6th Concession, in the Township of Grimsby.....	400
Rev. J. Miller, <i>Ancaster</i> —	Lots Nos. 39 and 40, in the 5th Concession, in the Township of Ancaster.....	400
Rev. George Mortimer, <i>Thornhill</i> —	The North half of Lot No. 27, in the 1st Concession, in the Township of Vaughan.....	105
Rev. J. G. Geddes, <i>Hamilton, Gore District</i> —	Lot No. 6, in the 13th Concession, and Lot No. 2, in the 14th Concession, in the Township of East Flamborough.....	400
Rev. Francis Evans, <i>Woodhouse</i> —	S. W. quarter of Lot No. 1, in the 3rd Concession, South half of No. 1, in the 3rd Concession, S. W. quarter of Lot No. 2, in the 3rd Concession, North part of Lot No. 6, in the 1st Concession, part of Lot No. 10 in the 4th Concession, Township of Woodhouse.....	402
Rev. John Grier, <i>Ameliasburgh</i> —	Lots Nos. 96, and 102, in the 2nd Concession of Ameliasburgh.....	400
Rev. F. Mack, <i>Wellington Square</i> —	Lot No. 6, in the 2nd Concession, Lot No. 10 in the 4th Concession, East Flamborough.....	400
Rev. Samuel Armour, <i>Cavan</i> —	Lot No. 17, in the 4th Concession, Lot No. 10 in the 10th Concession, Township of Cavan.	

NAME.	DESCRIPTION OF LOTS.	No. OF ACRES.
Rev. R. Blakey—	Lots Nos. 18 and 19, in the 4th Concession of Augusta, and the Commons between.....	450
Rev. Benjamin Cronyn, <i>London</i> —	Lot No. 13, in Concession C. and part of Lot No. 15, in the 3rd Concession, in the Township of London.....	375
Rev. William Macaulay, <i>Hallowell</i> —	Part of Block D. in Sophiasburgh.....	400
Rev. Michael Harris, <i>Perth</i> —	Lot No. 17, in the 7th Concession of Bathurst, Lot No. 4, in the 1st Concession of Drummond.....	400
Rev. W. H. Gunning, <i>Elizabethtown</i> —	Lots Nos. 19 and 20, in the 5th Concession, in the Township of Elizabethtown.....	400
Rev. H. Patton, <i>Oxford, J. D.</i> —	East half Lot No. 15, in the 1st Concession, Lot No. 16, 1st Concession, Lot No. 16, in 6th Concession, Township of Oxford.....	450
Rev. J. Anderson, <i>Bertie</i> —	Lots Nos. 6 and 7, in the 5th Concession, Lots No. 6 and 7, in the 6th Concession, Township of Bertie.....	400
Rev. R. H. D'Olier, <i>Peterborough</i> —	Lots No. 17, in the 2nd Concession, and No. 40, in the 13th Concession. in the Township of Smith, Park Lots Nos. 15 and 16, in the 3rd Concession of Monaghan, Town Lots Nos. 1 to 4, on Hunter, Water, and Brock Streets, in Peterborough.	
Rev. William Betteridge, <i>Woodstock</i> —	Lot No. 2, in the 1st Concession, Oxford West, Lot No. 16, in 5th Concession, Oxford East.....	400
Rev. Charles Matthews, <i>St. John's Church Yonge Street</i> —	Lot No. 14, in the 2nd Concession, East of Yonge Street, in the Township of York....	200
Rev. A. N. Bethune, <i>Cobourg</i> —	Part of No. 15, Broken Front, B. West half 15 Broken Front A. Lot No. 27, in the 6th Concession, Part of No. 2, in the 7th Concession, Township of Hamilton, about....	400
Rev. James Coghlan—	Part of Lot No. 9, in the first Concession of Hope, 36 acres, with Messuage, or Dwelling-house, surrendered value £1060 6s. 3d.	
Rev. Benjamin Cronyn, <i>second Church in the Township of London, on the North-east corner of Lot 17, 6th Concession containing 4 acres</i> —	Lot No. 12, in Concession 6, and Lot No. 15, in the 7th Concession, in the Township of London.....	400
	(And the North-east corner of Lot No. 16, in the 3rd Concession, in the Township of London, being 4½ acres, deeded by the Rev. Benjamin Cronyn, to the Crown.)	
Rev. Romaine Rolph, <i>Amherstburgh</i> —	Lots Nos. 80 and 81, in the 7th Concession, in the Township of Malden.....	400
Rev. James Clarke, <i>St. Catherines</i> —	Lot No. 3, in the 5th Concession, and Lot No. 3, in the 6th Concession, in the Township of Grantham.....	400
Rev. James Clarke, <i>Thorold</i> —	Lots Nos. 98, 99, 100 and 121, in the Township of Thorold.....	400
Rev. James Clarke, <i>Louth</i> —	Lots Nos. 11 and 12, in the 4th Concession, and Lot No. 12, in the 5th Concession, in the Township of Louth.....	300
Rev. William Leeming, <i>Chippewa</i> —	Lots No. 72, 88, 89 and 106, in the Township of Stamford.....	400
Rev. Richard Flood, <i>Delaware</i> —	Lot No. 22, 1st Range north of the Long-wood Road, and Lot No. 16, in the 1st Concession, in the Township of Caradoc.....	435
Rev. Job Deacon, <i>Apolphustown</i> —	Lots Nos. 24, in the 1st Concession, (under lease to Willet Casey, and Moses Carnahan); Lot No. 25, in the 1st Concession, in the Township of Adolphustown; and Lots 6, 7, & 8, north side of Third Street, and 6, 7 and 8, south side of Fourth Street, in the Town of Adolphustown.....	164

NAME.	DESCRIPTION OF LOTS.	No. OF ACRES.
Rev. Job Deacon, <i>Frederickburg</i> —	Lots No. 9, 10 and 11, in the 2nd Concession, in Fredericksburgh .....	250
Rev. William Johnson, <i>Sandwich</i> —	Lot No. 3, east of the River au Puce, the Front or North half of Lot No. 1, between River au Puce and River au Peche, in the Township of Maidstone; Lot No 8, in Broken Front, in Tilbury Street, about .....	400
<i>Parish Church (St. George's) in Clarke</i> —	Lots Nos. 20 and 27, in the 2nd Concession, in the Township of Clarke; and 15 acres north of the road on Lot No. 34, in the 2nd Concession, in the Township of Clarke, given by S. S. Wilmot, Esquire.....	400
<i>Parish Church (St. John's) in Darlington</i> —	Lots No. 25 and 31, in the 1st Concession, in the Township of Darlington .....	400
Rev. ——— Short—	North-east half 21, in the 2nd Concession; West half 26, 2nd Concession; and 17 in 1st Concession, in the Township of Beckwith .....	400
<i>Parish Church, in Chatham</i> —	Lots No. 8 and 15, in the 1st Concession, in the Township of Tilbury west; and Lot No. 2, between Belee River and River Ruscum, in the Township of Rochester, about .....	400
Rev. Thomas Creen, <i>Niagara</i> —	Lots 126, 127, 128 and 130, in the Township of Niagara .....	400
Rev. Arthur Palmer—	Lot C. Division A.; the Reserve Lot between C. and the River Speed; Lots No. 14 and 15, Division A. containing 86 acres, in the Township of Guelph, exchanged by the Rev. A. Palmer for wild land; also the centre part of St. George's Square, in the Town of Guelph, containing 54½ perches; the rear halves of Lots Nos. 3 and 4, in the 10th Concession; and Broken Lots Nos. 3 and 4, in the 11th Concession, in the Township of Puslinch .....	326
The Archdeacon of Kingston—	Block C. adjoining the Town of Kingston, containing 18 acres; East $\frac{3}{4}$ of Lot No. 12; Lot No. 13; and the W. $\frac{3}{4}$ of Lot No. 14, in the 4th Concession, in the Township of Kingston. Lot No. 42, in the 3rd Concession, in the Township of Ernesttown .....	500 200
<i>Parish Church, in the Town of Barrie</i> —	Lot No. 28, in the 13th Concession, Lot No. 10, in the 14th Concession, in the Township of Innisfil, and Lot No. 17, in the 8th Concession, in the Township of Innisfil, about..... Lots 131, 132, 133, north of Mark's Street, Lots 114, and 115, north of Worsley Street, Lot 116, south of Macdonald Street, in the Town of Barrie.	420

A RETURN, shewing the amount of Clergy Reserves sold in Upper Canada, in each year since 1827, and the number of acres sold in each year, the total amount for which they were sold, the total amount of money received in each year upon such sales, distinguishing principal from interest, the disposal of sums received on account of principal and interest, and the total amount invested or paid over.

1 YEAR.	2 No. of Acres sold in each year.	3 Total amount for which sold, Provincial Cur'cy.			4 Total amount of money received in each year: PRINCIPAL.			5 Total amount of money received in each year: INTEREST.			6 Amount paid each year into the Military Chest: PRINCIPAL.			7 Amount paid each year to the Receiver General: INTEREST.			8 Amount of Contingent Acct. for Salary and Disbursements.			REMARKS.	
		£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.		
1827*																					
1828	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None	None		
1829	18014	18229	0	0	2468	1	8	None	None	None	None	None	None	None	None	1162	19	6			
1830	84705½	23152	4	0	6216	1	11	None	None	None	None	None	None	None	829	13	2				
1831	28568¼	17862	12	½	3010	2	11	259	14	8½	11000	0	0	None	1207	13	0				
1832	46431¼	82237	19	0	10239	9	7½	473	17	2	3000	0	0	797	15	3	1010	15	0		
1833	62222¼	44747	19	9	14080	16	8½	854	4	3½	9500	0	0	708	7	9	1285	11	9½		
1834	59526	41376	18	7	14467	9	5½	1182	11	4	10000	0	0	1062	11	4	1886	13	7½		
1835	59008½	40973	15	8	17000	3	5½	1841	6	3½	2300	0	0	2107	9	1½	2308	16	2½		
to 13th July, 1836 inclusive.	19076	18229	4	5	9396	19	9	1395	13	6	3500	0	0	1317	17	9½	1259	11	5		
From 14th July, 1836, to end of yr.	44364¼	27755	10	0½	9076	3	10½	1084	1	6½	None	None	None	None	1023	4	8½				
1837	31549	52253	7	4	18313	6	8	2637	3	3	22475	6	11	3888	0	1½	1266	5	4½		
1838	21475¼	14324	2	7	10910	9	1	2114	11	9	11000	0	0	1949	1	10	2160	16	0		
		820992	13	6																	

\* The Agent for the sale of Clergy Reserves, did not enter upon the duties of his office until 1st April, 1828.

N.B.—The different sums of Principal appearing in the 6th column, as having been paid into the Military Chest, were so paid under authority of a Despatch from Lord Goderich, of 29 April, 1831, and this Department has no knowledge of the investment or application of such sums in England.

Hon. P. Robinson, retired from Office 13th July, 1836.

{ Add these sums }  
{ together for 1836. }

Hon. R. B. Sullivan, commenced 14th July, 1836.

CROWN LANDS OFFICE,  
Toronto, 21st March, 1839.

R. B. SULLIVAN.

## REPORT OF SELECT COMMITTEE ON EXPENDITURE OF ROAD AND BRIDGE MONEY.

*To the Honourable the Commons House of Assembly.*

The Committee appointed to examine and report upon the sums of money paid by the Receiver General to the Treasurers of the several Districts, and by them paid to Commissioners in their respective Districts, for the improvement of Roads and Bridges, in conformity with the Acts of the Legislature of this Province for that purpose, from the year 1830 to 1837, inclusive—

BEG LEAVE MOST RESPECTFULLY TO REPORT :

Your Committee, after a laborious and minute examination of the subject matter referred to them, find unaccounted for—

In 1830 .....	£ 3,136 11 10
1831 .....	3,857 16 4
1833 and 4 .....	22,118 11 8
1837 .....	22,743 11 5½
<b>Total .....</b>	<b>£51,861 11 3½</b>

Your Committee would remark, that, although the above sum has been paid by the Government to the Treasurers of the respective Districts for the purposes intended, to be accounted for in accordance with express provisions of the several Acts of the Legislature, directing the raising and applying monies for the benefit of Roads and Bridges, such an account has not been rendered as the law directs. Your Committee, however, have a personal knowledge of monies unaccounted for, having been applied for the purposes intended, though they are not prepared to say that all the above sum of £51,861 11s. 3¼d. has been so applied; some of them have reason to believe otherwise—but that the provisions of the Legislature, requiring returns from the parties to whom the monies were entrusted, may be carried into effect with as little further delay as possible, so that the real defaulters may be discovered, and the unexpended monies returned to the Receiver General for the public uses of the Province. Your Committee would suggest, that your Honourable House should, by an Address to His Excellency the Lieutenant Governor, request His Excellency to cause circular letters to be sent to the Treasurers of the several Districts for returns, accompanied by vouchers, signed by the parties to whom the several sums of money were paid, and likewise circular letters to each and every Township Clerk in the Province, requiring that they do ascertain the several sums of money laid out and expended in their respective Townships, reputed Townships, or places, during the period mentioned in this Report, from 1830 to 1837, both inclusive; and that such returns be made in time to the Executive Government, to be laid before the Legislature at its next session. Your Committee herewith append a list of Defaulters and the several sums of money unexpended.

T. MCKAY,  
CHAIRMAN.

Committee Room, House of Assembly,  
22nd April, 1839.

APPENDIX TO REPORT ON ROAD ACCOUNTS.

STATEMENT OF MONIES granted for the use of Roads and Bridges, by the Act 3rd Wm. IV. chap. 60, (1832-3,) and continued by the Act 4th Wm. IV. chap. 47, of the expenditure of which no Returns have been received according to Law.

Sums Granted.			For what Purposes.	Names of Commissioners.	Unaccounted for.		
£	s.	d.			£	s.	d.
<b>EASTERN DISTRICT.</b>							
<i>(County of Glengarry.)</i>							
130	0	0	On the post-road from Dundas-street to the rear of Lochiel .....	Hugh McGillis, and John McGillivray .....	130	0	0
25	0	0	On the road from lot 19, in the 5th concession of Lochiel, to Rigaud .....	John McLennon .....	25	0	0
25	0	0	On the road from do. do. do. to the River La Grasse .....	Alexander Chisholm .....	25	0	0
75	0	0	On the road from Dundas-street, east of the Indian Reservation, to the front of Charlottenburg .....	Donald Catanach, and Angus Catanach .....	75	0	0
68	0	0	Road from Martintown to Kenyon .....	Angus McDonell .....	68	0	0
50	0	0	Nine-mile road, from Dundas-street to the south branch, including a Bridge over the River aux Raisins .....	Alexander Fraser, and Alexander McMartin .....	50	0	0
80	6	8	Nine-mile road, from Archibald Cameron's, Dundas-street, to the rear of Kenyon .....	} .....	80	6	8
50	0	0	Nine-mile road, from John Ban McLennon's, to the rear of Kenyon .....		50	0	0
50	0	0	Road through the Indian Reservation, north of the River aux Raisins .....		50	0	0
15	0	0	Road north of Dundas-street to Kenyon, between lots 24 and 25 .....		15	0	0
15	0	0	Nine-mile road, from the south branch to Alexander McGruer's .....		15	0	0

## STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.		For what Purposes.	Names of Commissioners.	Unaccounted for.		
£	s. d.			£	s.	d.
25	0 0	Nine-mile road, from Charles Westley's to Dundas-street.....		25	0 0	
25	0 0	Nine-mile road, from Dundas-street, Lancaster, to the 3rd concession of Lochiel.....		25	0 0	
20	0 0	Road between lots 18 and 19, from the front of 3rd concession of Cornwall to Dundas-street.....	Nadab Eastman, John Milroy, and William McLaughlin.....	20	0 0	
31	13 4	Road from Henry Empey's to John Roy's, on the St. Lawrence.....	Alexander McLean, Esq. John Roy, and Henry Empey.....	31	13 4	
30	0 0	To open a convenient road from the west part of the Township of Roxborough to the St. Lawrence.....	Alexander McLean, Esq. John Roy McDonell, Angus McDonell, Sen'r.	30	0 0	
40	0 0	Road from the Indian Lands, between the 1st and 2nd concessions of Cornwall.....	Guy C. Wood, Esq. John C. Chesley, and Martin McMartin.....	40	0 0	
80	0 0	Road from the front, near the Church, in Osnabruck, to the rear of Finch.....	John Crysler, Esq. Joseph Bockus, Esq. Michael Empey.....	80	0 0	
40	0 0	Road in Osnabruck, called Pleasant Valley.....	Jeremiah Vandusen, William Hollister, and John Rambough.....	34	5 4	
40	0 0	Road from Thomas Maxwell's to the 5th concession of Osnabruck.....	Thomas Maxwell, Jacob W. Empey, and John Waldroff,.....	40	0 0	
60	0 0	Road from John Dixon, Junior's, leading into Finch, in rear of 3rd concession.....	Robert Dixon, Alexander McMillan, Hector McLean.....	60	0 0	
36	13 4	Road from Fraser's Mill, in Cornwall, to the Finch road.....	Simon Fraser, Esq. Angus McDonell, Sen'r. James Roy McDonell.....	36	13 4	
20	0 0	Concession road, between Osnabruck and Finch.....	D. McIntyre, A. McMillan, Hector McLean.....	20	0 0	
<i>County of Dundas.</i>						
30	0 0	On the Nine-mile road, between lots 4 and 5, in the 2nd concession of Williamsburg.....	John Piller, John Weaver.....	30	0 0	
55	0 0	Nine-mile road, between lots 18 and 19, in Williamsburg.....	George Cook, George Fetterley.....	55	0 0	
35	0 0	Nine-mile road, between lots 25 and 26, in Williamsburg.....	Henry Barkeley, Sen'r. Christian Reddick.....	35	0 0	
160	0 0	Nine-mile road, between lots 30 and 31, through Williamsburgh and Winchester.....	John Dix, H. Weager, 2nd, and John Dillabough, Winchester.....	160	0 0	
16	13 4	To build a bridge on lot 4, in the 5th concession of Williamsburg.....	Bernard Whitaker, John T. Merkeley.....	16	13 4	
20	0 0	Nine-mile road, in Winchester, between the 5th and 6th concessions, between lot No. 37 and the Commons A.....	Jacob L. Merkeley, William Loucks.....	20	0 0	
10	0 0	Nine-mile road, between Williamsburg and Matilda.....	Gilbert Van Allan, Julius Grout.....	10	0 0	
25	0 0	Nine-mile road, between lots 6 and 7, in Matilda.....	John Flagg, and David Robinson.....	25	0 0	
52	10 0	Nine-mile road, between lots 12 and 13, in Matilda.....	Peter Bowen, and John A. Shaver.....	52	0 0	
52	0 0	Nine-mile road, between lots 24 and 25.....	George Brouse, and Peter Carman.....	52	0 0	
				<b>£1481 12 0</b>		

## STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.		For what Purposes.	Names of Commissioners.	Unaccounted for.	
£	s. d.			£	s. d.
<b>OTTAWA DISTRICT.</b>					
200	0 0	Road from Point Fortune to the eastern boundary of Longueuil—(no Account from W. Kirby for £100) .....	Charles A. Law, Daniel Wyman, and William Kirby .....	100	0 0
200	0 0	From the eastern boundary of Alfred to the Petite Nation River .....	Charles Waters, William Wait, and John O'Brien .....	200	0 0
200	0 0	Road from the county of Glengarry to the Ottawa, commencing in the rear of West Hawkesbury, and thence to the Scotch Church on Vanclack's Hill .....	Peter Van Clack, Waters Wells, Hugh McLachlan .....	200	0 0
50	0 0	Road from George Moade's through East Hawkesbury ..	Barney Van Clack, Simeon S. Eastman, John Cameron .....	50	0 0
25	0 0	Road from Griffin's to Caledonia .....	Joseph Griffin, D. McAlpin, John McMaster .....	25	0 0
25	0 0	Road from Chesser's Mills to New Inverness .....	Alex. McDonell, (Sheriff), John Chesser, J. Paxton .....	25	0 0
50	0 0	Road through Osgoode towards Bytown .....	C. Macnab, P. McLaurin, Archd. McDonell .....	50	0 0
50	0 0	From Chesser's Mills to Longueil (Chesser's Road) .....	Chas. P. Treadwell, Elijah Kellogg, Chauncey Johnson .....	50	0 0
				£	700 0 0
<b>BATHURST DISTRICT.</b>					
50	0 0	Road from Perth to Hughes' Swamp, on the Richmond Road .....	James Boulton, Josias Taylor, Alexander Fraser .....	50	0 0
40	0 0	Road from Franktown to Carleton Place .....	William Wallace, Robert Johnston, and Donald Robinson .....	40	0 0
45	0 0	Road from Carleton Place to the village of Lanark .....	Wm. Kirkpatrick, John Smith, and David Moffatt .....	45	0 0
25	0 0	Road from H. Montgomery's to Avery's, in Bathurst ...	James Young, Wm. McNaughton, Benjamin Boulton .....	25	0 0
40	0 0	Road from Ferguson's Falls to Bellamy's Mills, in Ramsay	Andrew Dickson Samuel Bellamy, Alexander McVicar .....	40	0 0
70	0 0	Road from Balderson's Inn to the village of Lanark ...	Jas. Maxwell, Sen. Matthew Leach, John Balderson .....	70	0 0
10	0 0	Township Line between Bathurst and Dalhousie .....	D. McKellar, Robert Crawford, Matthew Miller .....	10	0 0
30	0 0	Road from Carleton Place, between the 10th and 11th concessions of Beckwith, to the east side of the Township .....	James Cram, Duncan Robertson, Duncan Cram .....	30	0 0
15	0 0	On the 5th concession of Bathurst, from lot 14 to the town line of Drummond .....	John Clark, Daniel Fisher, Alexander Ferguson .....	15	0 0
50	0 0	Road from Pakenham Mills to Carleton Place .....	Andrew Dickson, Andrew Drynan, and James Bennie .....	50	0 0
25	0 0	Road from the town line of Horton to the town line of Ross .....	C. J. Bell, Thomas O'Neil .....	25	0 0

## STATEMENT of Monies granted for the use of Roads and Bridges—STATEMENT.

Sums Granted.		For what Purposes.	Names of Commissioners.	Unaccounted for.	
£	s. d.			£	s. d.
25	0 0	Road leading through the Township of Macnab.....	Archd. Macnab, James Morris .....	25	0 0
25	0 0	Road from the village of Lanark, through Lanark, to the town line of Darling .....	Robert Boyle, Alexander McInnis, and James Hall .....	25	0 0
30	0 0	Road commencing at lot 18, 12th concession of Goulbours, on road to Bytown.....	William Roe, James Parke, John McGuire .....	30	0 0
15	0 0	Bridge across the Constance, and improving the road to said bridge in Torbolton .....	David Baird, Junr., John Grierson, and John Buckham .....	25	0 0
25	0 0	Bridge over the River Carp, at lot No. 17, in the 3rd concession of Huntley .....	H. Donnington, Thomas Jury, and James Larratt .....	25	0 0
10	0 0	From James Shouldier's Tavern, in Nepean .....	Robert Vincent, Robert Malkinson, Bernard Hughes .....	10	0 0
				£	540 0 0
<b>JOHNSTOWN DISTRICT.</b>					
(County of Grenville.)					
50	0 0	From the St. Lawrence to the Rideau, between Dundas and Grenville .....	Hugh McCargar, John McIntyre, Peter Smith.....	50	0 0
25	0 0	From the Saint Lawrence, near Thomas O'Neil's, in Edwardsburgh, to the rear of the said Township ...	Roswell Cook, James Froom .....	25	0 0
100	0 0	Road from Johnstown to Kemptville .....	Lyman Clothier, John Selick, Hiram Adams .....	100	0 0
100	0 0	From Timothy Hodge's, Senior, in Augusta, to the Rideau, called the White Road .....	Henry Burritt, Esquire, John Bass, Senr., John Martin .....	100	0 0
100	0 0	Road from Merrickville, through Wolford, till it intersects the Bellamy Road, near the south branch of the Rideau.....	Elisha Coller, Edmund Burritt, Alexander McCue.....	100	0 0
50	0 0	From Kemptville, through Oxford, to Abel Adams' ....	Abel Adams, Truman Hurd, Esquire, Israel Banks, Senr.	50	0 0
25	0 0	Road from John Froom's, to the River Rideau.....	John Froom, Milo McCargar .....	25	0 0
50	0 0	From Merrickville towards Smith's Falls, within the county of Grenville .....	Thomas McCrae, James Maitland .....	50	0 0
100	0 0	From John Lawrence's, in Edwardsburgh, to A. Cuning's, in Augusta, by J. Heck's mills .....	Jacob Heck, Abraham Cummings, Henry Lane, .....	100	0 0
75	0 0	Road established and partly opened, from Kemptville, till it intersects the road leading to Johnstown, and George Adam's, in Edwardsburgh.....	Wm. H. Bottum, Esquire, Thomas McCargar, Andrew Carson .....	75	0 0
25	0 0	From Eastman's, in North Gower, to Richmond, between the 2nd and 3rd Concessions of North Gower .....	Gilbert Thompson, David McCuen, Andrew Christie.....	25	0 0
75	0 0	From Maitland's Rapids, to Beckwith, through Montague .....	James Maitland, John Kilborn, Esquire ...	75	0 0

STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.	For what Purposes.	Names of Commissioners.	Unaccounted for.
			£ s. d.
75 0 0	From H. Brownule's, in Marlboro', to Martin's, in North Gower .....	Zeba Eastman, Richard Martin, Rd. Olmstead, Sen., Esq..	75 0 0
	<i>County of Leeds.</i>		
50 0 0	On the front road from Jones' Mills, in Yonge, to F. Brandy's, Elizabethtown.....	John Weatherhead, Esqr. Isaac Cole.....	50 0 0
40 0 0	From Thomas Barber's, in Burgess, to the narrows of the Rideau Lake.....	Thomas Barber, James Condie, Thomas Thompson.....	40 0 0
35 0 0	From Alexander M'Tavish's, on the Town Line of } Elmsley, to Matherhead's Mills, and—	W. L. Weatherhead, Duncan McTavish, John Kilborn .....	35 0 0
35 0 0	From said Mills to Smiths' Falls .....		
50 0 0	From the Town of Brockville, to Abraham Dayton's....	A. Dayton, Elnathan Hubble, Daniel Jones, Esquire. ..	50 0 0
40 0 0	From Russell Fields, in Elizabethtown, to Robert Clark's, in do.....	Robert Clark, Ebenezer Smith, John Henderson .....	40 0 0
30 0 0	From Joshua Bates', in Yonge, to Beverly, in Bastard....	Joshua Bates, Otis Smith, Seneca Washburn .....	30 0 0
150 0 0	Bridge over Mud Creek, on Lot 17, 7th Concession, of Elizabethtown.....	N. Horton, H. Maude, W. Atkins, Thomas Hill .....	150 0 0
100 0 0	Bridge over the outlet of South Lake, Township of Leeds, between Marble Rock, and the Kingston road.....	John Macdonell, Esquire, John Emory, and James Howard .....	100 0 0
			£ 1380 0 0
	<b>MIDLAND DISTRICT.</b>		
	<i>County of Frontenac.</i>		
30 0 0	Road leading from Barriefield, to intersect the Montreal road, near Franklin's Inn .....	John Marks, Adam Laidlaw, and John Bailie .....	30 0 0
25 0 0	Road round the south end of Loughborough Lake .....	Donald Bethune, John Simkins, Lawrence Raile .....	25 0 0
80 0 0	Road from the 2nd concession of Portland, between lots 6 and 7, to Waterloo .....	Jacob Shibley, James Gordon, and Henry Shibley.....	80 0 0
	<i>Lennox &amp; Addington.</i>		
25 0 0	Road leading from the York road, in Ernest-town, to Peters' Mills, in Camden.....	Milton Fisk, Sidney Warner, Nathaniel Hincks .....	25 0 0
100 0 0	Township of Camden .....	Samuel Clarke, Jacob Rambough, Jacob Huffman, C. Perry, J. Pomeroy, S. Madden, and Samuel Scott .....	100 0 0

## STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sum Granted.		For what Purposes.	Names of Commissioners.	Unaccounted for.	
£	s. d.			£	s. d.
<i>County of Hastings.</i>					
135	0 0	Repairing bridge over the River Moira, at the Town of Belleville.....	John Turnbull, William Zwick, and Robert Smith .....	135	0 0
100	0 0	To aid in erecting a bridge across the Salmon River ....	William Portt, Richard Lazier, and John Reynolds .....	100	0 0
40	0 0	Forty foot road, between lots 12 and 13, in the Township of Sidney, &c. ....	Thomas Ketcheson, Henry Bonesteel, and George McMullen .....	40	0 0
60	0 0	Opening and making the road laid out by the Court of Quarter Sessions, commencing, &c. ....	Ruliff Purdy, Henry Hagerman, James Farley .....	60	0 0
<i>County of Prince Edward.</i>					
25	0 0	Road from Bellus', in Ameliasburg, to James Parsons', in Hillier .....	Edmond Marsh, James Pearson .....	25	0 0
20	0 0	Road from Demorestville to John Gosling's .....	Israel Tripp, and Peter Stickle .....	20	0 0
15	0 0	Road from Picton to William Johnson's .....	Henry Spafford, William Johnson .....	15	0 0
40	0 0	From Hallowell bridge, to the top of the hill, Lake of the Mountain, in Marysburg.....	Thomas Eyre, Hugh McDonell, Esquire.	40	0 0
15	0 0	Cross-road from Pruyn's, in Marysburgh, both to the stone mills .....	Alex. McIntosh, Samuel Molyneaux .....	15	0 0
				£	710 0 0
<b>NEWCASTLE DISTRICT.</b>					
50	0 0	Road from the River Trent, in Murray, to Kellogg's tavern .....	Sheldon Hawley, William Robinson .....	50	0 0
20	0 0	On the Trent, from Sheldon Hawley's to the Sidney town line .....	Same Commissioners ....	20	0 0
50	0 0	From John Simpson's, (Cramahé,) to the Percy settlement,	Joshua Webster, Richard Steaven .....	50	0 0
25	0 0	From the Percy settlement to the Asphodel bridge .....	Joseph Stone, Joseph Sparrow, David Cumming.....	25	0 0
50	0 0	In the Townships of Percy and Seymour.....	James Platt, Nathan Stone, Joshua Webster .....	50	0 0
50	0 0	Road surveyed by Mr. Rubidge, from rear of Cobourg to the Rice Lake.....	William Falkner, John McCarty .....	50	0 0
60	0 0	From Peterborough to the western boundary of Monaghan,	Thomas V. Tupper, John Hall, Esquires .....	60	0 0
100	0 0	Communication road from Peterborough to Mud Lake ...	Thomas V. Tupper, John Hutchinson, Esquires	100	0 0
50	0 0	To open a road on the concession, between the 5th and 6th, till it intersects the boundary road now open between Hope and Clarke, Cavan and Manvers .....	John D. Smith, Esquire, Richard Bullock, Esquire, William S. Marsh.....	50	0 0
37	10 0	To open a road between the 4th and 5th concessions of Manvers, commencing on the boundary road between Hope and Clarke, Cavan and Manvers .....	George Hughes, Alexander Brown, John Houston, Esquires..	37	10 0
				£	492 10 0

## STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.			For what Purposes.	Names of Commissioners.	Unaccounted for.		
£	s.	d.			£	s.	d.
<b>HOME DISTRICT.</b>							
40	0	0	On the allowance for road between lots 20 and 24, east side Yonge-street, in the Township of York.....	John Kennedy, Joshua Lamoreux, Duncan Weir .....	40	0	0
50	0	0	On the main road through East Gwillimbury .....	David Sprague, Henry Rose, Jun., John Lepard, Sen. ....	50	0	0
50	0	0	On the main road through North Gwillimbury .....	Same Commissioners ....	50	0	0
50	0	0	For further opening road thro' Chinguacousy & Caledon, George Bell—Caledon, W. Johnston, Chinguacousy.	Archd. McNaught, W. Johnston, Chinguacousy.	50	0	0
150	0	0	Road from Windsor Bay, in Whitby, through Reach and Brock, to Lake Simcoe .....	J. Farquharson, J. Way, Thomas McMullen .....	150	0	0
50	0	0	Bridge over the Etobicoke, on the side line, between lots 5 and 6, and cutting down hills.....	James McKay, Edward W. Thompson, G. Burgess .....	50	0	0
92	10	0	On Dundas-street, from Colonel Givins' to the limit of the county .....	John McFarlane, John McGill, Amos Wilcox, Staneous Daniels.....	92	10	0
25	0	0	Between the 5th and 6th concessions of Toronto, east of the centre road, through Etobicoke, to Dundas-street, George Millar, Daniel Custead .....	George Millar, Daniel Custead .....	25	0	0
25	0	0	Road through between the 6th concession and the Gore of Toronto.....	Thomas Burrell, James Read.....	25	0	0
50	0	0	Road leading from Brock to Stoufferville, by Uxbridge mills .....	A. Stouffer, Senr. John B. Plant, C. B. Sheldon.....	50	0	0
30	0	0	Improving the road in Scarboro', between lots 34 and 35, William Davenish, William Fitzpatrick .....	William Davenish, William Fitzpatrick .....	30	0	0
50	0	0	Between Toronto and Trafalgar, Esquesing and Chinguacousy .....	Samuel Marlatt, Charles Cameron, and Alexander Proudfoot, Esq.	50	0	0
20	0	0	Road from Danforth, Scarboro, to the 8th concession of Markham, between lots 18 and 19 in the intervening concessious .....	Peter Secor, Richard Houck, Robert Armstrong.....	20	0	0
92	10	0	Stage road from the Township of York to the further limit of Whitby .....	Francis Leys, Jabez Hall, William Wellar.....	92	10	0
<i>County of Simcoe.</i>							
20	0	0	Between the 7th and 8th concessions of Tecumseth, along lots 21 and 22 .....	William Mears, John Thomson .....	20	0	0
15	0	0	Between the 7th and 8th concession of Tecumseth, from lots 7 to 12 .....	William Hammill, F. Stevens.....	15	0	0
10	0	0	From line between Tecumseth and W. Gwillimbury, from Sutherland's to Doan's .....	John Doan, William Mears .....	10	0	0
25	0	0	On the same line, to finish the causeway to Essa .....	John Berry, George Dinwoody .....	25	0	0
30	0	0	Penetanguishine Road, from Mr. Robinson's, W. Gwillimbury, to Innisfil .....	John Caton, Christopher Burns, and James Tindall.....	30	0	0
20	0	0	Road on the Beach round the head of Kemperfeldt Bay..	D. Walker, Alexander Edgar .....	20	0	0

## STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.		For what Purposes.	Names of Commissioners.	Unaccounted for.	
£	s. D.			£	s. D.
30	0 0	In Thorah, on lot 23, on what is called the Lake Road, to Talbot River .....	W. Turner, Esq. S. Farnsworth .....	30	0 0
20	0 0	Main Road through Mono and Mulmer, to join the main road between Caledon and Albion, leading to York.	F. McLaughlin, John Walker .....	20	0 0
15	0 0	Town line between Mono and Adjala, from No. 1 northward .....	George McManus, George Snell .....	15	0 0
15	0 0	In the 5th concession of Adjala, from lot 23 to lot 27 ...	Michael Healy, H. Ferguson .....	15	0 0
10	0 0	Town line between Tossorontio and Adjala, from the 7th concession west, to the town line of Mono.....	James Forbes, Robert Keenan .....	10	0 0
10	0 0	Town line between Garrafraxa, and Amaranth, from Lots 1 to 4.....	Robert Keys, Usha Goldsmith .....	10	0 0
30	0 0	In Thorah, from Mr. Turner's, between the 1st and 2nd Concessions, to the leading road through Eldon to Ops.....	Ewan Cameron, Duncan Cameron .....	30	0 0
				£	964 10 0
<b>GORE DISTRICT.</b>					
<i>County of Wentworth.</i>					
90	0 0	From William Vanderlip's, to Fairchild's Creek, in the Indian Lands .....	S. Andruss, J. Westbrooke, E. Bunnell, E. Vanderlip .....	90	0 0
50	0 0	From Albion Mills, in Barton, past the late William Davis' farm, to Lake Ontario, in Saltfleet.....	Elijah Secord, D. K. Servos, Lewis Beasley.....	50	0 0
50	0 0	Main Road, from Stony Creek, to the 50 mile Creek, in Saltfleet.....	Samuel Green, J. Galbraith, J. Pettit, Ebenezer Place, and Samuel Nash.....	50	0 0
50	0 0	Road from William Case's, to William Lottridge's, near the Beach .....	Michael Aikman, Thomas Lottridge.....	50	0 0
25	0 0	Road from Terryberry's Tavern, in Barton, to Glandford .....	Stephen Blackstone, David Kerns, Jun'r.....	25	0 0
25	0 0	Road from Hamilton, to Dundas, called Beasley's Hollow	Peter Hess, Caleb Forsyth.....	25	0 0
25	0 0	Road up the Mountain, by Ananias Smith's in Saltfleet..	William Carpenter, Robert Pettit, Silas Smith .....	25	0 0
30	0 0	From Stony Creek, up the Mountain to Binbrook, to rear of the 4th concession of Binbrook.....	John Rathbin, John Zeager, and William Green .....	30	0 0
10	0 0	Road from the 8th concession of Saltfleet, past Casper Teneyck's, &c. ....	Thomas Camden, sen. Casper K. B. Teneyck's,	10	0 0
<i>Eastern Division of Halton.</i>					
25	0 0	Town line between Toronto, and Trafalgar, Esquesing, and Chinguacoucy .....	Alexander Proudfoot, S. Marlatt, Charles Cameron .....	25	0 0
50	0 0	From Post's Inn, in Trafalgar, to Oakville.....	M. Thomas, Jacob Randal, William Butts .....	50	0 0

STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.		For what Purposes.	Names of Commissioners.	Unaccounted for.			
£	s. d.			£	s. d.		
12	10	0	Road from Dundas Street, between the 4th and 5th concessions of Trafalgar (new survey) to Esquesing...	A. Fitzpatrick, William Beatty, John Biggar.....	12	10	0
50	0	0	Road from Ephraim Hopkin's, Dundas Street, to Oakville	Robert Smith, Hiram McCraney, John Street.....	50	0	0
50	0	0	Road from Hagar's, through Trafalgar, Esquesing and Erin.....	Joseph Bowes, George Brown, John Burns.....	50	0	0
25	0	0	Town line between Nelson, and Trafalgar, Nassagaweya, and Esquesing.....	W. H. Proctor, F. McNaughton, William Campbell.....	25	0	0
25	0	0	Lake Road from Oakville, to Burlington Beach.....	W. J. Kerr, A. Gage, Meyrick Thomas.....	25	0	0
25	0	0	From Daniel O'Reilly's, to the line between Nelson and Trafalgar, and to Lake Ontario.....	J. Triller, J. Lucas, Ramsay Crooks.....	25	0	0
150	0	0	On Dundas Street, from the village of Dundas, to the west of the Indian Land.....	Peter Bamberger, Hiram Capron, Nathan Howell.....	150	0	0
280	0	0	On the Waterloo Road, from the east line of Beverley, through Beverley and Dumfries, by Galt, to the town line of Waterloo.....	George Clemens, Jacob C. Snyder, Absalom Shade.....	280	0	0
65	0	0	On the road between lots 6 and 7, from the 2nd concession of West Flamborough, to Robert Patterson's, thence through the corner of Beverley, &c. ....	James Crooks, John Lindermann, W. Reynolds.....	23	15	8
20	0	0	Road up the Mountain from Dundas to Flamboro', west	Peter Bamberger.....	20	0	0
45	0	0	Road between the 2nd and 3rd concessions of Beverley..	H. Mulholland, David Connell, William Coleman.....	45	0	0
65	0	0	In the Township of Dumfries.....	T. S. Howell, H. Capron, Absalom Shade.....	65	0	0
18	15	0	From Waterloo Town line to the Falls of the Grand River, on the East side of the Grand River, &c. ..	Zephaniah Sexton, A. Smith, Thomas Robinson.....	8	0	0
36	5	0	Road through the centre of East Flamboro', to the rear of said Township.....	Alexander Brown, John Eaton, Edward Evans.....	36	5	0
20	0	0	Road from Dundas, past Harcar Lyons, up the Mountain to John Davis', on Dundas Street, in E. Flamboro'.	Manuel Overfield, Harcar Lyons.....	20	0	0
50	0	0	In the Township of Waterloo.....	Henry Warner, Isaac Shortz, J. S. Schomaker.....	50	0	0
12	10	0	In the German or centre block.....	Christian Erb, John Hamaker.....	12	10	0
12	10	0	Township of Woolwich, west side of Grand River....	David Muselman, George Eby, Jun'r.....	12	10	0
<b>NIAGARA DISTRICT.</b>					<b>£1,342</b>		
<i>First Riding of Lincoln.</i>							
40	0	0	Road from the thirty mile Creek, Clinton, to the Welland, on the Canboro' line.....	Smith Griffin, Robert Waddle, John Beam.....	40	0	0

## STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.		For what Purposes.	Names of Commissioners.	Unaccounted for.	
£	s. D.			£	s. D.
12	10 0	Road from Cyrus Sumner's, to Lake Ontario .....	C. Sumner, Timothy Hixon, John Kilborn.....	12	10 0
12	10 0	From Michael Rittenhouse's, to Lake Ontario.....	M. Rittenhouse, Andrew Black, Abraham Gruff.....	12	10 0
12	10 0	From Simmerman's Corner, to the south line.....	Robert S. Kelly, Daniel Smith, David Moyer.....	12	10 0
12	10 0	Lake Road, from Clinton line, to the thirty mile Creek..	Conrad Tofford, Thomas Walker, H. Conklin .....	12	10 0
25	0 0	From Henry Disher's, by Ball's Mills, to the Main road	Henry Disher, John Salmon, Peter Hostrosser.....	25	0 0
<i>Third Riding of Lincoln.</i>					
50	0 0	Repairs to the Bridge.....	Samuel Street, W. Hepburn, Esq. ....	50	0 0
25	0 0	Main Road from the Beaver Dam, by John DeCow's, to Adam Brown's .....	George Brown, Michael Smith.....	25	0 0
25	0 0	From the Quaker Meeting-House, in Pelham, to Reilly's bridge, &c. ....	James Fell, William Beckett, Jun'r. ..	25	0 0
12	10 0	To finish the new bridge across the Welland, at Port Robinson.....	Duncan McFarlane, Edward Beckett .....	12	10 0
<i>Fourth Riding of Lincoln.</i>					
25	0 0	Road by Crook's mills, from Chippewa to the Sugar-loaf settlement .....	David Davis, Henry Fitch .....	25	0 0
50	0 0	Repairs to the bridge at the mouth of the Chippewa.....	Samuel Street, W. Hepburn, Esq. ....	50	0 0
50	0 0	From Chippewa to Fort Erie, (river road).....	Reuben Wait, Samuel McAfee .....	50	0 0
25	0 0	To complete the new bridge over the River Welland, at Port Robinson .....	D. McFarland, Edward Beckett .....	25	0 0
250	0 0	On the best road from Fort Erie, through Dunnville, to the London District line, leading to McNeillidge's mills.....	Colin McNeillidge, E. Doan, Emmanuel Winter, M. Graybiel, J. Baxter, J. Hoover, William Street.....	134	12 3
				£	512 2 3
<b>LONDON DISTRICT.</b>					
50	0 0	From St. Thomas to Port Stanley.....	Benjamin Wilson, James Nevills, John Thompson, Esqs. ..	50	0 0
20	0 0	Hill on the west side of Kettle Creek, Talbot Road, } Southwold, &c.....	Edward Warren, Samuel Smith, and	20	0 0
20	0 0	Road from the five stakes to St. Thomas .....	Richard D. Drake .....	20	0 0
17	10 0	Union road, Southwold, from north branch of Talbot road to S. Burwell's .....	John Waddle, Esq. James Meek .....	17	10 0
25	0 0	Road allowance between Dunwich and Southwold, from the Thames to the Ridge.....	Leslie Patterson, Esq. Thomas McCall, Bray Willy .....	25	0 0
25	0 0	Tyrcornell road, between lots 12 and 13, in Dunwich, from the Back-street to the Thames .....	John Waddle, Esq. James Meek, Samuel Burwell, B. Johnson .....	25	0 0
37	10 0	On Union road, from Samuel Burwell's to John Waddle's		37	10 0

STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.		For what Purposes.	Names of Commissioners.	Unaccounted for.	
£	s. d.			£	s. d.
25	0 0	On the Dundas-street, Township of London .....	J. Scatchard, S. Schenick .....	25	0 0
25	0 0	On the road in the Town of London, passing Blackfriar's Bridge .....	John Kent, Thomas Parker .....	37	10 0
25	0 0	From the Commissioners' road in Westminster, to London, passing O'Neill's Bridge, over the Thames .....	John O'Neill, Albert Odell, Linus Forbes .....	25	0 0
50	0 0	Road from the north branch of the Talbot road, near W. Oury's farm, to the bridge over the Thames, at Car- radoc .....	Benjamin Springer, William Oury, Andrew Martin .....	50	0 0
15	0 0	On the Long Woods, in Carradoc .....	James Craig, James Fisher .....	15	0 0
15	0 0	On allowance for road, between Ekfrid and Mosa, north of the Long Woods .....	Achibald McKellar, T. Ferguson, Alexander McIntyre .....	15	0 0
40	0 0	To pay a balance due on a bridge over the Thames at } Woodhull's mills .....	Marvel White .....	40	0 0
30	0 0	On the road from Woodhull's mills, to M. White's, in } Lobo, on the route laid out by Roswell Mount, Esq. }			
100	0 0	From Whitehead's, in Burford, to Dodge's, in Oxford...	John Weir, John Kerr, Calvin Martin .....	100	0 0
85	0 0	On Dundas-street, from the town plot of Oxford to the town line of London .....	Jacob Kern, Hugh McDermid, S. Vining .....	85	0 0
10	0 0	On the 12th concession of Zorra .....	Alexander Harris, Daniel Mowin .....	10	0 0
15	0 0	Road from James McLeod's to Spalding's mills .....	James McLeod, Thomas Rouch, John Daniels .....	15	0 0
15	0 0	Road from Dundas Street, between lots 6 and 7, to the 6th concession line of Blenheim .....	Michael Showers, Sen'r. Michael Showers, Jun'r...	15	0 0
10	0 0	From Peter Bastedo's, to the road from Dundas Street, to Spalding's Mills .....	Peter Bastedo, Burns, and Martin, (living on said road.)	10	0 0
15	0 0	On the Eastern line of the Township of Burford .....	E. Duncombe, Abner Matthews, and Stephen Douglass .....	15	0 0
15	0 0	From the Furnace, across Otter Creek, at Cromwell's Mills, to Windham .....	Peter Hamilton, Esq. John Hard, William Cromwell .....	15	0 0
10	0 0	From Ingersol's Bridge to the 10th concession of Nissouri	Hugh McDermid, Samuel Canfield, John Cameron .....	10	0 0
25	0 0	In aid of the Brige across Smith's Creek, between the 5th and 6th concession of Blenheim .....	John Jackson, Thomas Rouch, John Daniels .....	25	0 0
10	0 0	Dundas Street, from the Eastern line of London, West, across lot 1 in Burford .....	Michael Showers, Jun'r. Elias Martin .....	10	0 0
10	0 0	From Luke V. Spurr's to the Governor's Road .....	L. V. Spurr, Benjamin Cole .....	10	0 0
10	0 0	Along the East side of lot 7, in the 7th concession of Burford .....	G. W. Whitehead, H. Fowler .....	10	0 0
10	0 0	From George Wright's to Cromwell's, 9th concession of Norwich and Dereham .....	Francis Stone, George Wright .....	10	0 0
150	0 0	Second concession of Woodhouse, from Mr. Neilledge's, to the Walpole line .....	C. McNeilledge, E. Doan, Jacob Hoover, J. Baxter, Michael Graybiel .....	150	0 0

## STATEMENT of Monies granted for the use of Roads and Bridges—STATEMENT.

Sums Granted.		For what Purposes.	Names of Commissioners.	Unaccounted for.	
£	s. d.			£	s. d.
40	0 0	Between lots 6 and 7 in Woodhouse, from the 4th concession, to the Town line, between Woodhouse and Townsend .....	Philip Austen, John Parkes .....	40	0 0
10	0 0	On Talbot Road, in Middleton, from Sovereign's to Cottman's .....	Frederick Sovereign, T. Parley .....	10	0 0
10	0 0	On the Lake Road, in Houghton, from the Walsingham line to the Plains .....	Edward Forster, Thomas Burgar .....	10	0 0
				£	970 0 0
<b>WESTERN DISTRICT.</b>					
200	0 0	For opening one rod wide, and bridging the Middle Road, between Talbot Road and the River Thames, through, &c. ....	George Jacob, Sen'r. George Jacob, Jun'r. Benjamin Lavalée.....	200	0 0
25	0 0	For opening one rod wide, a road to be laid out from lot 24, on the Middle Road, in East Tilbury, to the Thames .....	Same Commissioners .....	25	0 0
100	0 0	On the Communication Road in the Township of Harwich .....	Duncan McGregor, James W. Little, Robert Woods, Esq.....	100	0 0
50	0 0	On the road between Dover and Chatham to Big Bear Creek .....	D. McGregor, Esq. Pierre Lacroix, L. McDougall .....	50	0 0
20	0 0	Road along the River St. Clair, in Sombra, to the Indian Reservation .....	William Jones, Esq. ....	20	0 0
30	0 0	Same road in the Township of Moore .....	Claude Gouin, Esq. and Louis Rendt .....	30	0 0
40	0 0	Road between Chatham and Camden, from the Thames, through Dawn, to the East Branch of Bear Creek ..	George Kirby, Esq. Christopher Arnold, and William Wallone.....	40	0 0
250	0 0	Towards erecting a Draw-bridge across the Thames, from the Town of Chatham, in Harwich, to the Township of Chatham.....	John Dolson, and Duncan McGregor, Esq'rs. L. Arnold, Sen'r. ....	250	0 0
25	0 0	On the Sandwich Talbot Road, from Sandwich to Goodbody's farm .....	George Jacob, Charles Askin, Chrysostome Pajot, Esq. ..	25	0 0
140	0 0	From 292 to 296, inclusive .....	James W. Little, Joseph Smith, Thomas Renwick .....	140	0 0
20	0 0	On Talbot Road, Romney, in the Five-mile Woods .....	Francis Wilkinson, Daniel McKenzie, Charles Hairsign.....	50	0 0
50	0 0	Talbot road, in Mersea, east of Hairsign's.....	Peter Scratch, John Wigle, John Scratch .....	25	0 0
25	0 0	On the concession roads, in the Township of Gosfield ..	John Scratch, John Wigle, Prideaux Girty .....	25	0 0
25	0 0	On the road allowance, between the east and west divisions of Gosfield, from Lake Erie to Talbot road .....	Alexander McCormick, Thomas Wright, Ardu Fox.....	50	0 0
50	0 0	New road, in Colchester, from John Little's to Beaman's, ..	Jarius Brush, Matthew McCormick, James Lockhart .....	25	0 0
25	0 0	Concession roads, in Colchester .....		25	0 0

## STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.			For what Purposes.	Names of Commissioners.	Unaccounted for.			
£	s.	d.			£	s.	d.	
100	0	0	Bridging the Malden road, from Amherstburg to Sandwich, (Talbot road) .....	James Caldwell, William McGee, Charles Berczy .....	100	0	0	
25	0	0	From the east side of Rochester to Lavallée's, along Lake St. Clair .....	Benjamin Lavallée, Charles Campeau, James Askin .....	25	0	0	
10	0	0	Road on the Huron reserve, from B. Drouillard's to the River aux Canards .....	Laurent Bondy, François Monfretton .....	10	0	0	
100	0	0	Repairing bridge across the Thames, from Camden to Howard .....	Christopher Arnold, George Kerby, Esq. ....	100	0	0	
25	0	0	Road in Gosfield, from James Fox's to the Furnace.....	Jonas Fox, Eliakim Field .....	25	0	0	
25	0	0	On the road from Detroit River to the 2nd concession, between Lauzon's and Campeau's farms.....	Antoine Cecile, James D. Langlois .....	25	0	0	
88	0	0	On the new road from Jacob Schaffer's, above Pike's Creek to Peltier's .....	Benjamin Labaleu, Charles Campeau, James Askin .....	88	0	0	
					£	1448	0	0

## Abstract of the preceding Account.

DISTRICTS.		£	s.	d.
Eastern .....		1481	12	0
Ottawa .....		700	0	0
Bathurst .....		540	0	0
Johnstown .....		1340	0	0
Midland .....		710	0	0
Prince Edward.....		0	0	0
Newcastle.....		492	10	0
Home .....		932	10	0
Gore .....		1342	10	8
Niagara .....		512	2	3
London .....		970	0	0
Western .....		1448	0	0
		£	10469	4 11

## 1834.

STATEMENT OF MONIES granted for the use of Roads and Bridges, by the Act 4th Wm. IV. chap. 48, 1834,  
of the expenditure of which no Returns have been received according to law.

Sums Granted.			For what Purposes.	Names of Commissioners.	Unaccounted for.		
£	s.	d.			£	s.	d.
<b>EASTERN DISTRICT.</b> (County of Glengarry.)							
80	0	0	On the Post-road, from Dundas-street, to the rear of Lochiel .....	Alexander Fraser .....	80	0	0
48	6	8	From Williamstown to Dundas-street.....	Alexander McMartin .....	48	6	8
100	0	0	From Lancaster to Dundas-street .....	John McGillivray .....	100	0	0
25	0	0	From Finnan McDonell's to the front of Charlottenburg ..	Hugh McGillis .....	25	0	0
100	0	0	From Dalhousie's mills to the boundary line.....	John McLellan .....	100	0	0
40	0	0	Nine-mile road, from the south branch, including the bridge across the River Raisins, to Dundas-street.....	Alexander Chisholm, Archibald McDonell.....	40	0	0

## STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.			For what Purposes.	Names of Commissioners.	Unaccounted for.
£	s.	d.			£ s. d.
50	0	0	Bridge across the River De Lisle, between the 8th and 9th concessions of Lancaster .....	Angus McDonell.....	50 0 0
30	0	0	Bridge across the River Beaudette, between the 8th and 9th concessions of Charlottenburg .....	Donald Catanach .....	30 0 0
50	0	0	Road from Archibald Cameron's, Dundas-street, to the rear of Kenyon.....	Angus Catanach .....	50 0 0
50	0	0	On the road dividing the Townships of Kenyon and Lochiel, along the commons .....	John McDonell.....	50 0 0
30	0	0	From Hays' corner, Lochiel, between lots 13 and 14, to the Hawkesbury line.....	Finnan McDonell .....	30 0 0
20	0	0	From the school-house, in Breadalbane settlement, between lots 7 and 8, to the Hawkesbury line.....	* Alexander McNab, John Cameron.....	20 0 0
15	0	0	Nine-mile road, between lots 24 and 25, in the 7th and 8th concessions of Charlottenburg.....	* John Roy Cameron....	15 0 0
30	0	0	From Martintown to the front of Charlottenburg .....	Allan McDermid.....	30 0 0
20	0	0	Road through the Indian reservation, from Martintown to the rear .....	Alex'r. McDonell, (Inch.)	20 0 0
25	0	0	From Martin-town to the rear of Kenyon .....	John Millar, Angus McGillis, Donald McMillan, Norman McLeod, Donald McDonell, Donald Millan, and Thomas Duncan.....	25 0 0
					£ 713 6 8
<i>County of Stormont.</i>					
50	0	0	On the road now in use from Daniel Campbell, Junior's, in the Township of Cornwall, to the Indian Lands ..	Daniel Campbell, D. Ferguson, James Copeland .....	50 0 0
40	0	0	From the Indian lands between 1st and 2nd concessions of Cornwall,.....	Guy C. Wood, John Chesley, and Martin McMartin .....	40 0 0
50	0	0	To open and repair the roads in the west part of Roxborough .....	Dr. William Johnstone, James Roy McDonell, and John F. Poapst .....	50 0 0
30	0	0	Road from H. Empey's to John Roy's, on the Saint Lawrence .....	Alexander McLean, John Roy, and Sewell Cutler.....	30 0 0
75	0	0	From the front near the church, in Osnabruck, to the rear of Finch .....	John Crysler, Joseph Bockus, Michael Empey.....	75 0 0
40	0	0	Roads in the concessions on the western part of Osnabruck ..	P. W. Empey, John N. Ault, James Grant .....	40 0 0
40	0	0	On the roads in that part of Osnabruck, called Pleasant Valley .....	Jeremiah Vandusen, J. Rambough, Joseph Gallinger.....	40 0 0
25	0	0	For a bridge on the road from the St. Lawrence between lots 18 and 19, to the 4th concession of Osnabruck..	George Morgan, Jacob Baker, Francis Maxwell.....	25 0 0
50	0	0	On the back concessions of Osnabruck, as the Commissioners shall think advisable .....	Roger Wood, William Wyatt, Tenys Shaver.....	50 0 0
50	0	0	From John Dixon, Junior's, leading to Finch, to the rear of the 3rd concession .....	Robert Dixon, Alexander McMillan, Hector McLean .....	50 0 0

\* Accounts were sent by these persons.

STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.		For what Purposes.	Names of Commissioners.	Unaccounted for.	
£	s. d.			£	s. d.
40	0 0	Between the Townships of Roxboro' and Finch, from the 1st to the rear of the 3rd concession .....	John McMillan, Ewan McMillan, Alexander McMillan .....	40	0 0
38	6 8	On the roads in Finch, as the Commissioners shall think proper .....	Duncan McMillan, John Link, Jun'r. Hector McLean, Hugh McMillan.....	38	6 8
40	0 0	Between the 3rd and 4th concessions of Finch .....	Donald Grant, Duncan Cameron, Angus Cameron.....	40	0 0
<i>Township of Williamsburg.</i>					
35	0 0	On the Nine-mile Road, between lots 6 and 7, to the 2nd concession, and thence between lots 4 and 5, to the 3rd concession .....	Peter Baker, Charles Weageant.....	35	0 0
60	0 0	On the Nine-mile Road, commencing between lots 18 and 19 .....	George Cooke, John Lapointe, John Berkeley.....	60	0 0
25	0 0	On the bridge across Markle's Creek .....	W. L. Castleman, .....	25	0 0
35	0 0	Nine-mile road between lots 25 and 26 .....	John Loucks .....	35	0 0
157	0 0	Nine-mile Road between lots 18 and 19, to the centre of the 5th concession .....	John Cook, Henry Weager, 2nd, John Dillabough .....	157	0 0
20	0 0	Nine-mile Road between lots 30 and 31, from the centre of the 5th to the 7th concession.....	Abraham Wess, Peter McIntosh.....	20	0 0
40	0 0	Nine-mile Road, commencing in the centre of the 5th concession, between lot 37 and Commons A. running through the 5th and 6th concessions.....	Bernard Whitaker, J. F. Merkeley .....	40	0 0
4	13 4	Cross Road, commencing at the late J. Weager's, to the Nine-mile Road, between lot 37 and Commons A...	John V. Bedstead, Henry Van Allen .....	4	13 4
15	0 0	Nine-mile Road, commencing at Mr. Nash's, on the St. Lawrence, west of Commons A.....	Jacob Bedstead, Henry Van Allen, John V. Bedstead .....	15	0 0
<i>Township of Matilda.</i>					
35	0 0	On the Nine-Mile road, between lots 6 and 7, in Matilda	George Eighleek, David Robinson, James Flagg .....	35	0 0
50	0 0	Nine-mile road between lots 12 and 13, running back to the 6th concession .....	Peter Bowen, John A. Shaver.....	50	0 0
35	0 0	To build a bridge over the Creek at Peter Carman's, on the Front Road .....	Peter Carman, James Coons, George Brouse .....	35	0 0
50	0 0	Nine-mile Road between lots 24 and 25, running back to the 7th concession .....	George Brouse, Peter Carman, Nicholas Shaver .....	50	0 0
40	0 0	Road between Mountain and South Gower, commencing at Petite Nation River, and back between said Townships to the 11th concession .....	John Middaugh, Hugh McCargar, David Brown.....	40	0 0
<b>OTTAWA DISTRICT.</b>				<b>£ 1883 6 8</b>	
100	0 0	Road from Glengarry to the Ottawa, commencing in rear of W. Hawkesbury, and thence to the Scotch Church on Van Clack's Hill .....	Peter Van Clack, Waters Wells, H. McLachlin .....	100	0 0

## STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.			For what Purposes.	Names of Commissioners.	Unaccounted for.		
£	s.	D.			£	s.	D.
25	0	0	On the road from George Moades, through east Hawkesbury .....	Barney Van Clack, Simeon S. Eastman, Peter Beers .....	25	0	0
100	0	0	From Point Fortune to the eastern boundary of Longueil.	Charles A. Low, Daniel Wiman, W. Kirby.....	100	0	0
25	0	0	Road from Wm. Kirby's to the rear of East Hawkesbury	William Kirby, John Cameron, George Waddle .....	25	0	0
50	0	0	Road leading from Cornwall through Plantagenet .....	William Paxton, James Molloy, D. McDonald .....	50	0	0
50	0	0	From Donald McDonell's to Chesser's Mills, on the east side of the Nation River .....	James Molloy, John Paxton, James Chesser, Esq'rs....	50	0	0
200	0	0	Road from New Inverness to Longueil .....	William Wait, John W. Marston, Charles Flynn .....	200	0	0
350	0	0	From King Street to the navigable waters of the Ottawa.	John O'Brian, Charles Waters, D. McDonald, of Longueil,	350	0	0
100	0	0	On the road leading through the Townships of Osgoode and Gloucester to the Hog's Back .....	Colin McNab, Archibald McNab, Peter McLaurin.....	100	0	0
					£ 1000	0	0
<b>BATHURST DISTRICT.</b>							
150	0	0	To erect a Bridge on the south branch of the Tay, in the Town of Perth, on the continuation of Gore Street..	John Haggart, Henry Graham, and John McKay, Esq'rs.....	150	0	0
75	0	0	To construct an opening or swing for the passage of vessels through the New Bridge across the Tay, adjoining the property of C. Cutler .....	W. R. F. Burford, H. Glass, Alexander Fraser .....	75	0	0
40	0	0	Bridge across the Mississippi at Ferguson's Falls, in the Township of Drummond .....	Robert Blair, Alexander Ferguson, Robert Healy .....	40	0	0
40	0	0	For a bridge across the Mississippi at Freer's Falls .....	John Boyd, Thomas Codd, and James Innes.....	21	18	5
145	0	0	To repair the principal roads in the Township of Drummond .....	Alexander Hay, James Meiklewham, Samuel Clark, Alexander Ferguson, Thomas Codd, John McTavish, John King, James Flintoff, and Adam Robson .....	126	17	6
145	0	0	To repair the principal roads in the Township of Beckwith .....	Finlay McEwan, Peter Cram, Peter McGregor, Peter McArthur, Richard Findlay, James Jackson, James Ferguson, Alexander McKenzie, and Donald Robertson.....	96	19	7½

STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.			For what Purposes.	Names of Commissioners.	Unaccounted for.		
£	s.	d.			£	s.	d.
145	0	0	Principal roads in Ramsay .....	Dugald Ferguson, Duncan Bain, John Bowes, James Aikenhead, Donald Sutherland, Thomas Mansell, Thomas Bowes, John Gilmore, Matthew McFarland.....			
145	0	0	Principal roads in the Township of Lanark.....	George Tennant, George McLaughlin, John Boyd, David Bower, Anthony Ryan, William James, James Hall, Robert Muirhead, and William McGee .....	10	9	3
125	0	0	Principal roads in Dalhousie.....	Alexander Mattheie, A. Wallace, James Hood, James Parke, Duncan Stewart, W. Hammond, John Donald, William Lambie, Samuel Walker, Owen Hughes .....	55	5	4
50	0	0	Principal roads in the Township of McNab.....	Archibald McNab, Andrew Buchanan, and Alexander McDonald ....	67	18	4½
30	0	0	Principal roads in Horton .....	Christopher J. Bell, Henry Airth .....	50	0	0
30	0	0	To repair the principal roads in South Sherbrooke.....	John Hughes, Thomas Millican, Patrick Kennedy, John Millican, Edward Comer .....	30	0	0
50	0	0	In the Township of Torbolton .....	David Baird, James McLaren, Grierson, Esq'r....	30	0	0
100	0	0	From McQuade's to Beman's .....	F. Davidson, James Beman, Hugh Bell .....	15	17	8½
30	0	0	On the 9th line.....	James Wilson, William Simpson, Isaac Pratt.....	100	0	0
20	0	0	On the side line, between lots 15 and 16.....	Joseph Farman, Robert Edy, Patrick McPherson.....	30	0	0
10	0	0	From the town line to the creek.....	Edward Mills, David Harrison, James Brownloe .....	20	0	0
20	0	0	On the 7th line.....	William Haylay, Jun'r. Simon Kerrison, C. Cathcart .....	10	0	0
20	0	0	On the road to Huntley.....	William Walker, James Wilson, and John Lewis .....	20	0	0
10	0	0	Town line between Goulburn and Beckwith.....	Donald Livingston, James Lemon, Thomas Wrath .....	20	0	0
25	0	0	In the Township of Huntley, from lot No. 1, in the 5th concession, to Taylor's tavern.....	John Kemp, George Telford, and Martin Marion .....	10	0	0
			Balance unaccounted for on roads in Drummond, £108 15s. 10½d.				
			Account from Adam Robson, Commissioner, for .....				
					£ 1005	6	2½
						18	1 7½
					£ 987	4	0

## STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.			For what Purposes.	Names of Commissioners.	Unaccounted for.		
£	s.	d.			£	s.	d.
<b>JOHNSTOWN DISTRICT.</b>							
50	0	0	Road between Dundas and Grenville, from the St. Lawrence to the Rideau .....	Hugh McCargar, John McIntyre, Peter Smith .....	50	0 0	
25	0	0	From the St. Lawrence, near Thomas O'Neill's, in Edwardsburg, to the rear of the Township .....	Roswell Cook, James Froom .....	25	0 0	
50	0	0	Road from Johnstown to Kemptville .....	Lyman Clothier, John Sellick, Hiram Adams .....	50	0 0	
100	0	0	From Timothy Hodge, the elder's, in Augusta, to the Rideau, called the White Road .....	Henry Burritt, Esq'r. John Bass, Sen'r. John Martin .....	100	0 0	
50	0	0	From Merrickville, through Wolford, to the Bellamy road .....	Elisha Collar, Edward Burritt, and Alexander McCue .....	50	0 0	
50	0	0	Road from Kemptville, through Oxford, to Abel Adams' .....	Abel Adams, Truman Hurd, Israel Banks, Sen'r. ....	50	0 0	
25	0	0	From John Froom's to the Rideau .....	John Froom, Milo McCargar .....	25	0 0	
50	0	0	From Merrickville towards Smith's Falls .....	Thomas McCrae, James Maitland .....	50	0 0	
100	0	0	From David Spencer's, in Edwardsburg, to Abraham Cummings', in Augusta, by J. Week's mills .....	Jacob Week, Abraham Cummings, John Lane .....	100	0 0	
25	0	0	From Eastman's, in North Gower, to Richmond, between the 2nd and 3rd concessions of North Gower .....	Gilbert Thomson, David McEwen, Andrew Christie .....	25	0 0	
75	0	0	Road partly opened from Kemptville, to the road leading towards Johnstown and George Adams', in Edwardsburg .....	William H. Bottum, Esq'r. Thomas McCargar, Andrew Carson .....	75	0 0	
75	0	0	Road leading from Maitland's Rapids, to Beckwith, through Montague .....	James Maitland, John Kilborn .....	75	0 0	
25	0	0	From Henry Brownlee's, in Marlborough, to Richard Martin's .....	Ziba Eastman, Richard Martin, and R. Olmstead, Sen'r. Esq'rs.	25	0 0	
50	0	0	From James Humphrey's, 1st concession Edwardsburg, to Gideon Adams' South Gower .....	Lewis Grant, Esq'r. Elijah Froom .....	5	0 1½	
100	0	0	From Thomas Hicks', in North Gower, to Edwards' mills, in Marlborough .....	Benjamin Eastman, Thomas Hicks, Edward Mills .....	100	0 0	
100	0	0	Repairing bridges in the township of Wolford .....	John Kilborn, T. Beech, Terence Smyth, Esq'rs. ...	100	0 0	
125	0	0	To open a road from Jacob Weeks', (2nd) in Augusta, to south branch of the Rideau .....	Mahlon Beech, Tyrus Hurd, and Jacob Week .....	125	0 0	
<i>County of Leeds.</i>							
165	0	0	Road from the town line of Brockville to John Craft's, in Elizabethtown .....	Elnathan Hubble, Abraham Dayton, Daniel Jones, Esq'rs. ....	165	0 0	
40	0	0	From John Craft's, in Elizabethtown, to Reuben Mott's .....	Enos Beech, Reuben Mott, Edward Howard .....	40	0 0	

STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.		For what Purposes.	Names of Commissioners.	Unaccounted for.				
£	s.	D.		£	s.	D.		
30	0	0	Road from Wilson's Corners to Oliver's Ferry, Elizabeth-town .....	Ephraim Koyle, Elisha and Solomon Landon.....	30	0	0	
100	0	0	From Farmer's-ville, in Yonge, to the Long Falls and Chaffy's mills, (Crosby).....	Arvin Stoddart, Joshua Bates, Charles Davidson .....	100	0	0	
70	0	0	On the road from Beverley to the Isthmus, in North Crosby	Levi Soper, Esq'r. James Phillips, W. Robinson.....	70	0	0	
25	0	0	Road north from Russell Field's to Robert Clark's, Elizabeth-town .....	John Henderson, Robert Clark, Ebenezer Smith .....	25	0	0	
75	0	0	Front road from Jones' mills, in Yonge, to the line between the Johnstown and Midland Districts.....	Thomas P. Kenyon, George McKelvy, John McDonell.....	75	0	0	
25	0	0	Road from the Marble Rock to Kingston.....	John McDonell, John Emery, James B. Howard.....	25	0	0	
35	0	0	From Alexander McTavish's, town line of Elmsley, to Smith's Falls.....	W. L. Weatherhead, Duncan McTavish, William Simpson .....	35	0	0	
					£ 1595		0	1½
<b>MIDLAND DISTRICT.</b>								
<i>Lennox &amp; Addington.</i>								
125	0	0	In the Township of Camden, east .....	Samuel Clark, James Rambough, Jacob Huffman, Calvin Perry, John Pomery, H. Madden, Samuel Scott .....	125	0	0	
<i>County of Hastings.</i>								
50	0	0	To build a bridge across the River Moira, in the 6th concession of Thurlow.....	Wm. Ketcheson, Jun'r., Gideon Turner, James McTaggart .....	50	0	0	
75	0	0	On the main road, through Huntingdon to Madoc .....	D. Mackenzie, John Allan, Cyrus Riggs.....	75	0	0	
10	0	0	Cross-ways on the road through lots 4 and 5, in the 5th concession of Madoc .....	James O'Harn, Cyrus Riggs, and John Allan .....	10	0	0	
50	0	0	To aid in the erection of a bridge across Salmon River...	John Portt, Donald Murchison, Richard Lazier .....	50	0	0	
25	0	0	Main road from Thomson's mills, in Thurlow, to Belleville,	Wm. Thomson, S. Ashley, Jonas Garrison .....	25	0	0	
75	0	0	Improving the forty-foot road, between lots 12 and 13, in Sidney, &c. ....	Thomas Ketcheson, Henry Bonesteel, George McMullen .....	75	0	0	
55	0	0	Opening and making a road laid out by order of the Quarter Sessions, &c. ....	Ruffin Purdy, Henry Hagerman, James Farley .....	3	11	3	
<i>County of Frontenac.</i>								
60	0	0	On the Perth road, leading from the Montreal road to Brewer's mills.....	James Matthewson, Allan McLean, Robert Drummond.....	60	0	0	

## STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.			For what Purposes.	Names of Commissioners.	Unaccounted for.
£	s.	D.			£ s. D.
15	0	0	Road from Barriefield to the Montreal road, at Franklin's inn .....	John Marks, Adam Laidlaw, John Baillie .....	15 0 0
100	0	0	Road from Waterloo to Loughborough .....	Horace Yeomans, H. Wood, W. Lattimore .....	100 0 0
275	0	0	From Kingston, by Waterloo, to the Ernest-town line...	A. McMikle, B. Olcott, L. Van Alstine, Anthony McGuin, H. Smith, J. Powley .....	Unexpended. 4 17 11
					£ 593 9 2
<b>PRINCE EDWARD DISTRICT.</b>					
120	0	0	In the Township of Hillier .....	James T. Lane, Stephen F. Miles, E. Corry, Edward Marsh, P. Valteau .....	20 0 0
<b>NEWCASTLE DISTRICT.</b> <i>County of Northumberland.</i>					
50	0	0	From Colborne to the Asphodel bridge .....	John Keeler, Esq'r. John Steele, Donald Campbell .....	50 0 0
50	0	0	From Dummer to Keeler's mill, in Asphodel .....	Adam Starke, Walter Scott, Thomas Walker, Esq'rs..	50 0 0
50	0	0	Front road by the Trent, from Gilchrist's mills, in Otanabee, to Cook's mills, in Asphodel .....	John Gilchrist, A. Starke, Thomas Walker, Esq'rs..	50 0 0
50	0	0	Line between the 6th and 7th concessions of Asphodel..	Thomas Walker, Esq. W. Scott .....	50 0 0
50	0	0	Between Otanabee and Douro, to Peterborough.....	Charles Rubige, and Alex'r. McDonell, Esq'rs.	50 0 0
50	0	0	In the Township of Haldimand .....	Eliakim Rarnham, Esq. Thomas Stewart .....	2 0 0
75	0	0	Road from Peterborough to the boundary line of Cavan.	(Charges paid Treasurer.) Gustus Dundas, Thomas Leadbeater, John Hall, Esq'rs.....	75 0 0
50	0	0	From the 9th concession of Monaghan to the boundary line of Emily and Smith .....	Gustus Dundas, J. Thompson, Richard Sillicoe .....	50 0 0
25	0	0	Communication road between Peterborough and Mud Lake .....	Robert Madge, John Hall, Esq.....	25 0 0
100	0	0	Bridge across the Buckhorn Rapids .....	Robert Madge, William Green, John Hall .....	100 0 0
50	0	0	Road leading from the bridge across the Trent, in Asphodel, to Percy.....	Joseph Keeler, John Street, Esq. Donald Campbell .....	50 0 0
<i>County of Durham.</i>					
50	0	0	To open roads in Mariposa .....	Robert Jemison.....	50 0 0
50	0	0	To open or repair roads in the Township of Eldon.....	John Logie .....	14 19 0
50	0	0	To open or repair roads in the Township of Fenelon....	Richard Athill.....	50 0 0
125	0	0	Roads or bridges in the Township of Verulam .....	Thomas Need.....	125 0 0
50	0	0	To clear out the timber in the river running into Scugog Lake, and from Scugog Lake to Purdy's mills, in Ops,	Robert Jemison, John Logie, Alexander McAndrew, John Brown.....	50 0 0

STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.			For what Purposes.	Names of Commissioners.	Unaccounted for.
£	s.	d.			£ s. d.
50	0	0	To repair the middle road through Cavan.....	John Knowlson, William Benson, H. Hughes .....	50 0 0
25	0	0	To open a road through the centre of Darlington, &c....	William Warren, George Smart.....	25 0 0
75	0	0	To open a road from the boundary of Emily and Smith, north to Pigeon Lake .....	Richard Sillicoe, John McCall, John Thompson .....	75 0 0
50	0	0	On the boundary road, between Manvers and Cavan ....	Amberson Murphy, Valentine Mitchell, Thomas Foster .....	23 5 0
15	0	0	To open a road from J. Britton's, in Hope, to the boundary of Cavan.....	Jeremiah Button, Robert McCammy .....	15 0 0
10	0	0	Middle road, through Hope to Cavan .....	Samuel Colwell, John Biddell .....	10 0 0
15	0	0	To open a road. between the 7th and 8th concessions of Hope, to the boundary of Clark and Hope .....	William Trick, James Corbet .....	15 0 0
50	0	0	To open a road between the 6th and 7th concessions of Manvers, &c.....	James McGill, James Galloway, Thomas Foster .....	50 0 0
					£ 1124 5 0
<b>HOME DISTRICT.</b>					
100	0	0	Road through East Gwillimbury to North Gwillimbury..	David Sprague, Henry Rose, Jun'r., John Lepard .....	100 0 0
40	0	0	Cross road in East Gwillimbury, between lots 10 and 11, in the 8th concession .....	Titus Wilson, H. Shuttleworth .....	40 0 0
70	0	0	Town line between the Gore of Toronto and Vaughan ..	William Campbell, Albert Finch.....	70 0 0
25	0	0	Side line between lots 5 and 6, in the Gore of Toronto and Chinguacousy .....	W. Campbell, Esquire, John McVean.....	25 0 0
40	0	0	Lake road, west from the River Credit, to Merigold's corner .....	Frederick S. Jarvis, A. Oliphant, Moses Polley .....	40 0 0
50	0	0	On the 7th concession of Vaughan, between lots 10 and 25	John McBride, Donald Cameron, Arthur McNeil, .....	50 0 0
50	0	0	From the 8th concession of Markham to the Highland Creek .....	A. Barker, S. Pherrill, Peter Resor, Esquire....	5 13 8
50	0	0	To improve the Credit hill .....	John McGill, Joseph Spragge, John Carey.....	50 0 0
50	0	0	To improve Barber's Hill, on Dundas-street.....	J. McGill, Joseph Spragge, Jacob Cook .....	50 0 0
50	0	0	Road from Hurontario-street to Lake Ontario, near the Credit .....	F. S. Jarvis, Jos. Cook, Moses Polley .....	50 0 0
500	0	0	To improve the hill at the River Rouge.....	F. Leys, Charles Fothergill, William Wellar.....	150 0 0
100	0	0	Opening the centre road through Chinguacousy and Caledon.....	John Lindsay, W. Clark, (Caledon) W. Johnson, Chinguacousy.	25 0 0
100	0	0	Road through Whitby, Reach and Brock, to Lake Simcoe,	John Farquharson, Jacob Why, Thomas McMullen .....	100 0 0

## STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.		For what Purposes.	Names of Commissioners.	Unaccounted for.	
£	s.	d.		£ s. d.	
20	0	0	Hills at the Black Creek, on road leading to Farr's mills, <i>County of Simcoe.</i>	John Burkholder, John Chew, Charles Wadsworth .....	20 0 0
150	0	0	Simcoe road, from the Narrows to Coldwater .....	John Thompson, T. G. Anderson, Andrew Borland .....	150 0 0
50	0	0	Main road, from Mono and Mulmer to Dundas-street ...	F. McLaughlin, Robert Keenan .....	50 0 0
15	0	0	Town line between Essa and Tecumseth, (swamp at the 11th concession) .....	George Dinwoodie, Charles Chapman .....	15 0 0
15	0	0	Line between the 9th and 10th concessions of Tecumseth, at No. 24, for causeway and bridge .....	William Mears, Richard Callaghan .....	15 0 0
50	0	0	Road from town line of Tecumseth, westward, to the 5th concession of Adjala .....	Robert Keenan, Paul McCabe .....	9 19 4½
50	0	0	Main road in Thorah, commencing at lot 23, 1st conces- sion, Thorah, to Calder's mills .....	William Turner, John E. White .....	50 0 0
25	0	0	From lot No. 2, in the 1st concession of Thorah .....	Ditto, Ditto .....	25 0 0
25	0	0	Town line between King and West Gwillimbury, from Cawthra's Mill's to the west line of Tecumseth ....	Francis Clark, William Walker, Jun'r. ..	14 16 10½
40	0	0	From Evans' tavern, on the Penetanguishine road, to Innisfil .....	James Tindal, George Thorp .....	40 0 0
				£ 1145 9 11	
<b>GORE DISTRICT.</b>					
<i>Eastern Division of the County of Halton.</i>					
25	0	0	Town line between Toronto, Trafalgar, Esquesing, and Chinguacousy .....	Samuel Marlatt, James McNabb, Thomas Fyfe .....	25 0 0
50	0	0	From Post's inn, in Trafalgar, to Oakville .....	M. Thomas, Ezekiel Post, W. Butts .....	50 0 0
62	10	0	Road from Dundas-street, between lots 20 and 21, (old survey,) and between the 4th and 5th concessions (new survey) of Trafalgar, to the Scotch block .....	Anthony Fitzpatrick, William Benty, John Biggar .....	62 10 0
37	10	0	From Laurence Hager's, Dundas-street, through Trafal- gar, &c. ....	Joseph Bowes, George Brown, John Burns .....	37 10 0
25	0	0	Town lines between Nelson and Trafalgar, Nassagaweya and Esquesing, North of Dundas-street .....	William H. Proctor, F. McNaughton, William Campbell .....	25 0 0
62	10	0	On the lake road from John Sovreen's, through Wellington Square, to the north-west line, near Geo. Chisholm's, W. J. Kerr, Andrew Gage, and George Chisholm, Jun'r. ..	John Triller, John Lucas, Ramsay Cooks .....	62 10 0
25	0	0	From Dundas-street, west side twelve-mile Creek, to the lake shore .....	John Triller, John Lucas, Ramsay Cooks .....	25 0 0
12	10	0	From John Cleaver's on Dundas-street, past Widow McGregor's, &c. ....	George Dico, John McGregor .....	12 10 0
12	10	0	On Dundas-street, at the Twelve-mile Creek .....	William Crooks, Walter O'Reilly .....	12 10 0

STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.		For what Purposes.	Names of Commissioners.	Unaccounted for.	
£	s. D.			£ s. D.	
112	10	0	On Dundas-street, from Dundas to the west of the Indian Lands .....	Peter Bomberger, H. Capron, Nathan Howell .....	112 10 0
150	0	0	On the Waterloo road, from the east line of Beverley, to the town line of Waterloo .....	George Clemens, Jacob C. Snyder, Absalom Shade .....	150 0 0
125	0	0	In the township of Dumfries.....	H. W. S. Mans, D. Shontz, &c. ....	125 0 0
35	0	0	From Waterloo town line to the Grand River falls, in Woolwich, east side Grand River.....	Zephaniah Sexton, Alpheus Smith, D. Gilkinson .....	4 10 0
45	0	0	Road through the centre of East Flamboro', to the road from West Flamboro' to Guelph .....	Alexander Brown, John Eaton, Edward Evans .....	45 0 0
70	0	0	Township of Waterloo .....	Jacob Bechlet, * John Erb.....	23 6 7
20	0	0	In the German or centre block in Wilmot.....	Christian Erb, J. Hamaker .....	20 0 0
15	0	0	Bridge across Big Creek, near lot 36.....	Richard Decker, Samuel Cornell.....	15 0 0
<i>County of Wentworth.</i>					
50	0	0	From Ephraim Hopkins', up the mountain to Binbrooke, to the rear of the 4th concession .....	— Van Waggoner, Thomas Wilson, W. Grier .....	50 0 0
50	0	0	On the allowance east side of John Leys' to the eastern boundary of Saltfleet .....	— Morgan, John Lee, Samuel Tapley .....	50 0 0
50	0	0	On the side-line from the Dundas road, from H. Beasley's &c. ....	Henry Beasley, Peter Hess, James Mills.....	50 0 0
30	0	0	Road from Hamilton to Dundas, called Beasley's Hollow, .....	— Ashbaugh, W. B. Van Every.....	30 0 0
37	10	0	From Binkley's, up the mountain, called Tiffany's Road, .....	George Tiffany, John Binkley, — Philman .....	37 10 0
85	0	0	Grand River road, from Ancaster to Brantford.....	John Westbrook, W. Richardson, S. Andrus, W. Chep .....	85 0 0
50	0	0	Stage road between the Grand River and Burford line...	James Muirhead, Florentine Mighells, Nathan Gage .....	50 0 0
42	10	0	Road from John Aikman's to Daniel Crossthwaite's ....	Michael Aikman, William B. Sheldon, William Case .....	42 10 0
				£ 1202 16 7	
* Account sent since for £11 13s. 4d.					
<b>NIAGARA DISTRICT.</b>					
12	10	0	Between Clinton and Louth, from the Lake to the Niagara road .....	Andrew Black, Isaac Werson .....	12 10 0
15	0	0	Lake road from town-line of Clinton to Thirty-mile Creek .....	Thomas Walker, Adam Concle, Isaac Tuford .....	15 0 0

## STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Summ Granted.			For what Purposes.	Names of Commissioners.	Unaccounted for.		
£	s.	d.			£	s.	d.
25	0	0	Line between lots 14 and 15, from Talman's, on Lake Ontario, to the main road .....	C. Sumner, Timothy Hixon .....	25	0	0
30	0	0	Main road, from Thirty-mile Creek, in Clinton, to the Welland.....	John Beam, Robert Waddle .....	30	0	0
25	0	0	Road from Simmerman's, corner on the Fly road, to the town-line of Clinton.....	Robert Skelly Daniel Smith, David Mayer .....	25	0	0
15	0	0	From Beamsville to the Fly road .....	Timothy Hixon, Robert S. Kelly .....	15	0	0
25	0	0	From the Pelham line, through Gainsborough, to the Canborough line.....	Eber Rice, S. Birdsall, W. Dilts .....	25	0	0
12	10	0	From Snyder's mills to the Welland river .....	William Taylor, Peter Snyder.....	12	10	0
25	0	0	From John Wright's, at St. Catharines, to the Lake road, &c.....	John Wright, James Detrick .....	25	0	0
25	0	0	From St. David's to the Ten-mile Creek.....	D. Secord, Frederick Goring.....	25	0	0
25	0	0	Bridge across the Sixteen-mile Creek, near Runchey's farm .....	Jabez Johnson, Adam Beamer, Frederick Schram..... (Repaid Treasurer.)	10	8	9
12	10	0	Lake road from Niagara to the Ten-mile Creek .....	John Connolly, John Servos .....	12	10	0
			Hills and road from St. Catharines, per Canal, to John Vanderburgh's .....	Oliver Phelps, John Vanderburgh .....	12	10	0
<i>Third Riding of Lincoln.</i>							
12	10	0	From David Disher's, by Michael Slough's, to the Canborough road.....	Moses Brady, Samuell Beckett .....	12	10	0
25	0	0	Line between Grantham and Thorold, to the south line ..	George Keefer, Esquire, Stanhope Ball .....	25	0	0
25	0	0	From the village of St. John's, west, to Moses Brady's, &c. ....	Henry Snure, W. Disher, Jun'r. ....	25	0	0
25	0	0	From Nicholas Smith's, by Beckett's, to the Quaker meeting-house.....	James Smith George Oill.....	25	0	0
<i>Fourth Riding of Lincoln.</i>							
25	0	0	From Chippewa, along the River, to Fort Erie.....	William Forsyth, Reuben Waite.....	25	0	0
50	0	0	From Fort Erie, (Garrison road,) to the Haldimand line, by Neif's .....	Emanuel Winter, M. Graybiel, &c. ....	50	0	0
50	0	0	From Chippewa, on the Sugar-loaf road, to the stone bridge .....	D. Davis, H. Fitch, Richard Yeocum.....	25	0	0
50	0	0	From the Niagara River, by Black Creek, to the Sugar-loaf road .....	Martin Beam, Moses Byurd, &c. ....	50	0	0
50	0	0	From Andrew Miller's, on the Niagara, to the Sugar-loaf road .....	Alexander Miller, John Law, &c. ....	25	0	0
25	0	0	From Port Robinson to Cook's mills .....	Isaac Neville, Richard Yeocum.....	25	0	0
37	10	0	From Chippewa village, along the Welland, to the Canborough line .....	Matthias Missener, Daniel Robins, &c. ....	37	10	0

STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.			For what Purposes.	Names of Commissioners.	Unaccounted for.
£	s.	d.			£ s. d.
37	10	0	From Kinnaird's Bay to Marshville .....	M. Graybiel, John Askin, Edward Lee .....	37 10 0
<i>County of Haldimand.</i>					
100	0	0	From Canborough to the town-line, in Haldimand, by Cayuga .....	William Fitch, Marcus Blair, John Decow, &c. ....	100 0 0
100	0	0	From Canborough to Farr's, on the Grand River .....	Matthew Smith, Samuel Birdsall, Barton Farr, &c. ....	100 0 0
50	0	0	On the road and bridges from Farr's to Cayuga .....	Gestavus Denison, Oliver Burnham, Chris. Lymburner, &c. ..	50 0 0
50	0	0	On the new road from Hamilton and Port Dover .....	Elijah Doane, Thomas Choate, Colin McNeilledge .....	50 0 0
					£ 888 8 1½
<b>LONDON DISTRICT.</b>					
<i>County of Middlesex.</i>					
<i>On the Proof Line, in the Township of London, £110, as follows:</i>					
35	0	0	From Blackfriar's Bridge, to the rear of the 3rd conces- sion of said Proof Line .....	Rev. B. Cronyn, John Kent, Nicholas Gaffery .....	35 0 0
25	0	0	From the rear of the 3rd concession to the bridge, in the 7th concession .....	Thomas W. Howard, John Geary, William Haskett .....	25 0 0
25	0	0	From said bridge to the rear of the 10th concession .....	C. Goulding, John Ferguson, John Robson .....	25 0 0
25	0	0	From the rear of the 10th concession to the rear of the Township .....	David McConnell, John Willis, William McMahan .....	25 0 0
25	0	0	From Westminster Bridge to the Commissioners' road, (Wortley road) .....	John B. Askin, Henry Schenick, Joseph Odell .....	25 0 0
25	0	0	From the Town of London to Putnam's inn .....	Joshua Putnam, Lenus Forbes, William Burgess .....	25 0 0
50	0	0	From Captain White's, in Lobo, to the line between Adelaide and Warwick .....	Thomas Radcliffe, Andrew McKenzie, John White .....	50 0 0
50	0	0	Road from the north branch of the Talbot road, near William Oury's .....	Benjamin Springer, William Oury, T. Hunt .....	50 0 0
50	0	0	On the Long-wood road in Carradoc .....	Richard Noble Starr, .....	50 0 0
50	0	0	On the same road in Ekfrid .....	James Craig .....	50 0 0
50	0	0	On the same road in Mosa, as Commissioners may direct	Thomas Lantry, S. Gardiner, George Gibb .....	50 0 0
20	0	0	On the road allowance, between Ekfrid and Mosa .....	Archibald Keller, John Ferguson, Alexander McIntyre .....	20 0 0
25	0	0	From the Long-wood road, to meet the road in Zone .....	Duncan McKellar, John Miles Farland, James McFarlane .....	25 0 0
50	0	0	Road from St. Thomas to Port Stanley .....	James Nevills, B. Wilson, James Thomson .....	50 0 0

STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.			For what Purposes.	Names of Commissioners.	Unaccounted for.		
£	s.	D.			£	s.	D.
50	0	0	Road from the five stakes to St. Thomas .....	Samuel Smith, S. Eccles, Garratt Smith .....	50	0	0
50	0	0	To aid for a bridge across Kettle Creek, on Talbot road.	E. Ermatinger, J. C. Cryster, R. D. Drake .....	50	0	0
17	10	0	{ On the union road in Southwold .....	John Waddle, James Meek, .....	17	10	0
37	10	0					
12	10	0	Road between lots 20 and 21, in Malahide, between Tal- bot road, &c. ....	John Wooley, Henry Sager .....	12	10	0
12	10	0	Side-line between lots 5 and 6, north of Talbot road, in Malahide, to the 9th concession .....	Charles Gustavus, — Tozer, William Adams, .....	12	10	0
75	0	0	Road from Port Burwell to Port Stanley, and bridge over Cat-fish Creek .....	Gilbert Wrong, Abraham Backhouse, Walter Chase, Nathan Lyon .....	75	0	0
<i>County of Oxford.</i>							
100	0	0	Main stage road, from Whitehead's to Dodge's, in Oxford,	George W. Whitehead, J. Weir, C. Martin .....	19	0	0
50	0	0	Dundas-st., from Lewis Charles' to Town Plot in Oxford.	L. Charles, J. Phelan, S. Martin .....	50	0	0
50	0	0	Road from Whitehead's to the Quaker meeting-house....	G. W. Whitehead, David Wilson, George Wright .....	50	0	0
37	10	0	Bridge over the Cauning River, at Blenheim, &c. ....	Erastus H. Spalding, Thomas Love .....	37	10	0
30	0	0	In the Township of Blandford.....	Edward Buller, Esq., Capt. Drewe .....	30	0	0
45	0	0	On the eastern town-line of Burford.....	C. Duncombe, Abner Matthews, Adam Yeigh .....	45	0	0
20	0	0	Township line between Zorra and Nissouri.....	Hugh McDermid .....	20	0	0
12	15	0	From Whitehead's to Dundas-street .....	George W. Whitehead, L. Lawrence, &c. ....	12	15	0
20	0	0	From James McLeod's to Spalding's mills .....	E. H. Spalding, James McLeod, John Daniels.....	20	0	0
15	0	0	From Spurr's to Dundas-street.....	Luke V. Spurr, Peter Martin.....	15	0	0
15	0	0	Road along the east side of Lot 7, in the 7th concession of Burford .....	Horatio Fowler, George W. Whitehead...	15	0	0
10	0	0	From Bastedo's to Spalding's mills.....	Peter Bastedo, Denton Burns .....	10	0	0
<i>County of Norfolk.</i>							
90	0	0	Second concession of Woodhouse, from McNeilledge's mills, to the Walpole line .....	Colin McNeilledge, Elijah Doan .....	90	0	0
20	0	0	Third concession of Woodhouse.....	Robert Waddell, Alexander McQueen ...	20	0	0
20	0	0	{ Fourth concession of Woodhouse.....	Philip Austen .....	20	0	0
25	0	0					
50	0	0	Bostwick road, from Philip Wilson's to Cottman's.....	Philip Wilson, John Maybee .....	50	0	0
15	0	0	Road from Malcolm's mills to Sovreen's, in Middleton, &c.	Frederick Sovreen, Tisdale Parley .....	15	0	0
10	0	0	Do. do. do. ....	Oliver Edmonds.....	10	0	0

STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Suma Granted.			For what Purposes.	Names of Commissioners.	Unaccounted for.				
£	s.	d.			£	s.	d.		
20	0	0	On the 9th concession of Townsend, from lot 10 to Messicar's Mills .....	Aaron Slaught, Abraham Messicar .....	20	0	0		
10	0	0	{ On the 12th concession of Townsend .....	Isaac Merritt .....	10	0	0		
10	0	0						On the 13th concession of Townsend .....	Stephen Nichol .....
10	0	0						On the 14th concession of Townsend .....	John Nichol .....
21	0	0	On the Lake Road in front of Woodhouse .....	Adrian Feaure, John Law .....	21	0	0		
50	0	0	On the New Road from Hamilton to Port Dover.....	Colin McNeilledge, Elijah Doan .....	50	0	0		
					£ 1435	5	0		
<b>WESTERN DISTRICT.</b>									
<i>County of Kent.</i>									
125	0	0	Between the Townships of Dover and Chatham to Big Bear Creek; and — For 2 bridges across Little Bear Creek .....	D. McGregor, George Kirby, P. P. Lacroix, Laughlin McDougall .....	125	0	0		
180	0	0	Bridging and repairing roads in the Township of Moore, along the St. Clair .....	Lewis Rendt, W. Jones, C. Gouen, and Capt. A. McDonell .....	180	0	0		
40	0	0	Bridging and repairing roads in Sombra and the Indian Reserve, adjoining .....	Same Commissioners .....	40	0	0		
60	0	0	Road from Bear Creek, in Zone, to Mosa in the London District .....	J. McFarland, Thomas Malcolm .....	60	0	0		
95	0	0	Town line, between Howard and Harwich, from the Thames to Lake Erie .....	Christopher Arnold, Robert Wood, &c. ....	95	10	0		
10	0	0	Bridge across the Duck Pond, in the Township of Raleigh	Lawton Case, Daniel Dolsen .....	10	0	0		
75	0	0	Communication Road in the Township of Harwich .....	D. McGregor, J. W. Little, Robert Wood .....	75	0	0		
25	0	0	Between Klinansmith's and Joseph Smith's, in Raleigh..	James W. Little, James Price, J. De Clute .....	25	0	0		
30	0	0	On the Talbot Road, through the Township of Romney.	J. W. Little, Thomas Renwick, J. H. Price .....	30	0	0		
40	0	0	From the River St. Clair, between the 13th and 14th concessions, to lot 14 in Sombra.....	Claude Guoin, Paul Sturdevant, &c. ....	40	0	0		
50	0	0	Middle Road between Talbot Road and the Thames ....	George Jacobs, Joseph Woods, B. Lavallee .....	50	0	0		
25	0	0	On Sandwich Talbot Road, from Sandwiche to Goodbody's, and— From 270 to 296, inclusive.....	Charles Askin, Chrysostom Pajot .....	25	0	0		
200	0	0						John L. Williams .....	200
50	0	0	On the road east of Hairsign's .....	Charles Hairsign, F. Wilkinsons Daniel McKinzie .....	50	0	0		
25	0	0	On the road from Jonas Fox's to the Furnace.....	Jonas Fox, Eliakim Field .....	25	0	0		
50	0	0	Concession roads in Gosfield .....	Peter Scratch, John Weighley .....	50	0	0		
50	0	0	Between the E. and W. divisions of Gosfield, from Lake Erie to Talbot Road .....	Windle Weighley, Prideaux Girty .....	50	0	0		

## STATEMENT of Monies granted for the use of Roads and Bridges—CONTINUED.

Sums Granted.		For what Purposes.	Names of Commissioners.	Unaccounted for.	
£	s. d.			£	s. d.
50	0 0	The Concession Roads in Colchester .....	Jarvis Brush, Matthew McCormick ....	50	0 0
100	0 0	On Malden Road, from Sandwich Talbot Road to Amherstburg .....	Charles Berezy, James Caldwell, W. McGee .....	100	0 0
50	0 0	On the 4th concession line in Malden, to the Colchester line .....	Matthew Elliott, W. Ambridge, Charles Fortier .....	50	0 0
25	0 0	On the east side of Rochester to Lavalee's (Front Road)	Benjamin Lavalee, Charles Campeau .....	25	0 0
25	0 0	From Detroit River to the 2nd concession, between Lauzon and Campeau's farms .....	Antoine Cecil, Charles Lawson .....	25	0 0
85	0 0	From Jacob Schaffer's, above Pike's Creek, to Andrew Peltier's .....	J. Wood, B. Lavalee, C. Campeau .....	85	0 0
10	0 0	Turnpiking the road on the east side of the Canard River	Laurent Bondy, F. Monfreton .....	10	0 0
50	0 0	On the road along the Huron Church line, from the 3rd concession of Sandwich to the Colchester line .....	John Wilkinson, John Scott .....	50	0 0
15	0 0	Road east of the River Aux Puces, from Lake St. Clair to Talbot Road .....	J. Woods, Jacob Schoffer, B. Lavalee .....	15	0 0
25	0 0	Road from Goodbody's to No. 296 .....	J. Woods, Charles Askin, C. Pajot .....	25	0 0
75	0 0	On the New Road from Alexander Duff's, in Colchester, and bridge over Snyder's Creek .....	John Parke, Thos. Wright, Alexander McCormick ..	75	0 0
12	10 0	Road on the east side of Belle River to Talbot Road, & {	John Ray, and	12	10 0
12	10 0	Road on the west side of do. W. do. .... {	Antoine Gayeau .....	12	10 0
				£ 1665	0 0

1834.

## General Abstract of the preceding Account.

DISTRICTS.	£	s.	d.
Eastern .....	1833	6	8
Ottawa .....	1000	0	0
Bathurst .....	987	4	7
Johnstown .....	1595	0	1½
Midland .....	593	9	2
Prince Edward .....	20	0	0
Newcastle .....	1124	3	0
Home .....	1145	9	11
Gore .....	1202	16	7
Niagara .....	888	8	1½
London .....	1435	5	0
Western .....	1665	0	0
Unaccounted for, according to Statute for 1834 .....	£13540	5	2
Do. do. do. 1833 .....	10469	4	11
Unaccounted for, for both years .....	£24009	10	1
Deduct amount of accounts sent down on the 14th February, 1837.—See Schedule in Appendix to Journal, 1836-7 .....	£1175	7	11½
Amount of other accounts received since .....	396	6	1
	1571	14	0½
Total for 1833 and 1834 .....	£22437	16	0½
Mr. Markland, Treasurer of the Midland District, acknowledges the receipt of £2 15s. from Mr. Jacob Ham, being a balance unexpended by him .....	2	15	0
Leaving the Amount unaccounted for, for both years .....	£22435	1	0½

STATEMENT OF MONIES granted for Roads and Bridges, by the Act 7th Wm. IV. chap. 107, 1834—showing the sums granted—the sums received and not received—and the sums accounted for and unaccounted for.

7th Wm. IV. chap. 107.—(1837)	Eastern.	Ottawa.	Bathurst.	Johnstown.	Midland.	Prince Edward.	Newcastle.	Home.	Core.	Niagara.	London.	Western.
Sums granted .....	£4000 0	0 2600 0	0 4300 0	0 4700 0	0 3500 0	0 1900 0	0 3000 0	0 5600 0	0 4700 0	0 3000 0	0 5300 0	0 4000 0
Sums received by Treasurers, from the Receiver-General, £2000 0	0 1300 0	0 1963 14	0 2350 0	0 2750 0	0 2750 0	0 650 0	0 2500 0	0 2800 0	0 2475 0	0 1550 0	0 2650 0	0 2000 0
Sums not received from the Receiver-General.....	£2000 0	0 1900 0	0 2336 6	0 2350 0	0 2750 0	0 650 0	0 2500 0	0 2800 0	0 2225 0	0 1500 0	0 2650 0	0 2000 0
Sums returned as expended....	£ 0 0	0 602 19 2	0 0 0	0 62 10 0	0 325 0 0	0 337 10 0	0 613 9 9	0 90 12 8	0 0 0	0 158 0 11½	0 0 0	0 0 0
Sums unaccounted for of the amount received from the Receiver-General .....	£2000 0	0 697 0	10 1963 14	0 2287 10	0 2425 0	0 312 10	0 1886 10	3 2709 7	4 2475 0	0 1341 19	0 2650 0	0 2000 0
The above is a statement of the sums granted to each District, by the Act 7th Wm. IV. chap. 107, making in the whole the sum of .....												
Of which there has been paid to the several Treasurers, by the Receiver-General .....												
Leaving unpaid, by the Receiver-General, the sum of.....												
Sums paid to the Treasurers of the several Districts, brought down.....												
Of which accounts have been received from the—Ottawa District, for .....												
Johnstown do. for .....												
Midland do. for .....												
Prince Edward District, for .....												
Newcastle do. for .....												
Home do. for .....												
Niagara do. for .....												
Leaving to be accounted for of the amounts received, the sum of.....												
£22748 11 5½												